

1 the current offense shortly after being released from incarceration, as defined in RCW
2 9.94A.535(3)(t).

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COUNT II

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN TODD SWALWELL of the crime of **Arson in the Second Degree**, a crime of the same or similar character and based on the same conduct as another crime charged herein, which crimes were part of a common scheme or plan and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

That the defendant KEVIN TODD SWALWELL in King County, Washington, on or about August 12, 2009, did knowingly and maliciously cause a fire and explosion which damaged a building located at 7708 Greenwood Avenue North, Seattle, in said county and state;

Contrary to RCW 9A.48.030, and against the peace and dignity of the State of Washington.

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant KEVIN TODD SWALWELL has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, under the authority of RCW 9.94A.535(2)(c).

COUNT III

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN TODD SWALWELL of the crime of **Arson in the Second Degree**, a crime of the same or similar character and based on the same conduct as another crime charged herein, which crimes were part of a common scheme or plan and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

That the defendant KEVIN TODD SWALWELL in King County, Washington, on or about August 13, 2009, did knowingly and maliciously cause a fire and explosion which damaged a building located at 1111 North 98th Street, Seattle (O-Rings West) in said county and state;

Contrary to RCW 9A.48.030, and against the peace and dignity of the State of Washington.

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant KEVIN TODD SWALWELL has committed multiple current offenses and the defendant's high offender score

1 results in some of the current offenses going unpunished, under the authority of RCW
2 9.94A.535(2)(c).

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COUNT IV

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN TODD SWALWELL of the crime of **Arson in the First Degree**, a crime of the same or similar character and based on the same conduct as another crime charged herein, which crimes were part of a common scheme or plan and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

That the defendant KEVIN TODD SWALWELL in King County, Washington, on or about August 13, 2009, did knowingly and maliciously cause a fire or explosion at a building located at 108 84th Avenue Northwest, Seattle, which fire or explosion was manifestly dangerous to any human life, including firemen, damaged a dwelling, and was in a building in which there was at that time a human being who was not a participant in the crime;

Contrary to RCW 9A.48.020(1)(), and against the peace and dignity of the State of Washington.

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant KEVIN TODD SWALWELL has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, under the authority of RCW 9.94A.535(2)(c).

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant KEVIN TODD SWALWELL further do charge that the injuries of the victim of the current offense substantially exceeded the level of bodily harm necessary to satisfy the elements of the crime, under the authority of RCW 9.94A.535(3)(y)

COUNT V

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN TODD SWALWELL of the crime of **Burglary in the Second Degree**, a crime of the same or similar character and based on the same conduct as another crime charged herein, which crimes were part of a common scheme or plan and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

That the defendant KEVIN TODD SWALWELL in King County, Washington, on or about October 23, 2009, did enter and remain unlawfully in a building located at 208 North 85th

1 Street, Seattle (Green Bean Coffee House), in said county and state, with intent to commit a
2 crime against a person or property therein;

3 Contrary to RCW 9A.52.030, and against the peace and dignity of the State of
4 Washington.

5 And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the
6 authority of the State of Washington further do accuse the defendant KEVIN TODD
7 SWALWELL has committed multiple current offenses and the defendant's high offender score
8 results in some of the current offenses going unpunished, under the authority of RCW
9 9.94A.535(2)(c).

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COUNT VI

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN
TODD SWALWELL of the crime of **Arson in the First Degree**, a crime of the same or similar
character and based on the same conduct as another crime charged herein, which crimes were
part of a common scheme or plan and which crimes were so closely connected in respect to time,
place and occasion that it would be difficult to separate proof of one charge from proof of the
other, committed as follows:

That the defendant KEVIN TODD SWALWELL in King County, Washington, on or
about October 23, 2009, did knowingly and maliciously cause a fire or explosion at a building
located at 208 North 85th Street, Seattle (Green Bean Coffee House) which was manifestly
dangerous to any human life, including firemen;

Contrary to RCW 9A.48.020(1)(a), and against the peace and dignity of the State of
Washington.

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the
authority of the State of Washington further do accuse the defendant KEVIN TODD
SWALWELL has committed multiple current offenses and the defendant's high offender score
results in some of the current offenses going unpunished, under the authority of RCW
9.94A.535(2)(c).

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the
authority of the State of Washington further do allege the crime involves the following
aggravating factor and accuse the defendant KEVIN TODD SWALWELL of committing said
offense and that the offense involved a destructive and foreseeable impact on persons other than
the victim, under the authority of RCW 9.94A.535(3)(r).

COUNT VII

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN
TODD SWALWELL of the crime of **Arson in the Second Degree**, a crime of the same or

1 similar character and based on the same conduct as another crime charged herein, which crimes
2 were part of a common scheme or plan and which crimes were so closely connected in respect to
3 time, place and occasion that it would be difficult to separate proof of one charge from proof of
4 the other, committed as follows:

5 That the defendant KEVIN TODD SWALWELL in King County, Washington, on or
6 about November 5, 2009, did knowingly and maliciously cause a fire and explosion which
7 damaged a building located at 338 Northwest 85th Street, Seattle, in said county and state;

8 Contrary to RCW 9A.48.030, and against the peace and dignity of the State of
9 Washington.

10 And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the
11 authority of the State of Washington further do accuse the defendant KEVIN TODD
12 SWALWELL has committed multiple current offenses and the defendant's high offender score
13 results in some of the current offenses going unpunished, under the authority of RCW
14 9.94A.535(2)(c).

15 COUNT VIII

16 And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN
17 TODD SWALWELL of the crime of **Arson in the Second Degree**, a crime of the same or
18 similar character and based on the same conduct as another crime charged herein, which crimes
19 were part of a common scheme or plan and which crimes were so closely connected in respect to
20 time, place and occasion that it would be difficult to separate proof of one charge from proof of
21 the other, committed as follows:

22 That the defendant KEVIN TODD SWALWELL in King County, Washington, on or
23 about November 5, 2009, did knowingly and maliciously cause a fire and explosion which
24 damaged a building located at 8401 Greenwood Avenue North, Seattle (Rosewood Guitar), in
25 said county and state;

26 Contrary to RCW 9A.48.030, and against the peace and dignity of the State of
27 Washington.

28 And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the
29 authority of the State of Washington further do accuse the defendant KEVIN TODD
30 SWALWELL has committed multiple current offenses and the defendant's high offender score
31 results in some of the current offenses going unpunished, under the authority of RCW
32 9.94A.535(2)(c).

33 COUNT IX

34 And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN
35 TODD SWALWELL of the crime of **Arson in the Second Degree**, a crime of the same or

1 similar character and based on the same conduct as another crime charged herein, which crimes
2 were part of a common scheme or plan and which crimes were so closely connected in respect to
3 time, place and occasion that it would be difficult to separate proof of one charge from proof of
4 the other, committed as follows:

5 That the defendant KEVIN TODD SWALWELL in King County, Washington, on or
6 about November 8, 2009, did knowingly and maliciously cause a fire and explosion which
7 damaged a building located at 7704 Greenwood Avenue North, Seattle (Moonphoto), in said
8 county and state;

9 Contrary to RCW 9A.48.030, and against the peace and dignity of the State of
10 Washington.

11 And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the
12 authority of the State of Washington further do accuse the defendant KEVIN TODD
13 SWALWELL has committed multiple current offenses and the defendant's high offender score
14 results in some of the current offenses going unpunished, under the authority of RCW
15 9.94A.535(2)(c).

16 COUNT X

17 And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN
18 TODD SWALWELL of the crime of **Arson in the Second Degree**, a crime of the same or
19 similar character and based on the same conduct as another crime charged herein, which crimes
20 were part of a common scheme or plan and which crimes were so closely connected in respect to
21 time, place and occasion that it would be difficult to separate proof of one charge from proof of
22 the other, committed as follows:

23 That the defendant KEVIN TODD SWALWELL in King County, Washington, on or
about November 9, 2009, did knowingly and maliciously cause a fire and explosion which
damaged a building located at 8516 Greenwood Avenue North, Seattle (Olive You), in said
county and state;

Contrary to RCW 9A.48.030, and against the peace and dignity of the State of
Washington.

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the
authority of the State of Washington further do accuse the defendant KEVIN TODD
SWALWELL has committed multiple current offenses and the defendant's high offender score
results in some of the current offenses going unpunished, under the authority of RCW
9.94A.535(2)(c).

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COUNT XI

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN TODD SWALWELL of the crime of **Arson in the Second Degree**, a crime of the same or similar character and based on the same conduct as another crime charged herein, which crimes were part of a common scheme or plan and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

That the defendant KEVIN TODD SWALWELL in King County, Washington, on or about November 9, 2009, did knowingly and maliciously cause a fire and explosion which damaged a building located at 8102 Greenwood Avenue North, Seattle (QuickStop), in said county and state;

Contrary to RCW 9A.48.030, and against the peace and dignity of the State of Washington.

And I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington further do accuse the defendant KEVIN TODD SWALWELL has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, under the authority of RCW 9.94A.535(2)(c).

COUNT XII

And I, Daniel T. Satterberg, Prosecuting Attorney aforesaid further do accuse KEVIN TODD SWALWELL of the crime of **Arson in the First Degree**, a crime of the same or similar character and based on the same conduct as another crime charged herein, which crimes were part of a common scheme or plan and which crimes were so closely connected in respect to time, place and occasion that it would be difficult to separate proof of one charge from proof of the other, committed as follows:

That the defendant KEVIN TODD SWALWELL in King County, Washington, on or about November 12, 2009, did knowingly and maliciously cause a fire or explosion at a building located at 16748 Aurora Avenue North, Shoreline (NW Discount), which was manifestly dangerous to any human life, including firemen;

Contrary to RCW 9A.48.020(1)(a), and against the peace and dignity of the State of Washington.

CAUSE NO. _____



SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

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| GENERAL OFFENSE # 09-391869 |
| UNIT FILE NUMBER |

That John Lewitt is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 09-391869;

There is probable cause to believe that Kevin Todd Swalwell (dob:02/13/1963) committed the crime(s) of Arson and Burlary within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

Over the last few months, there have been a number of intentionally set fires in the Greenwood neighborhood of Seattle, each of which has caused some amount of damage to a building or other structure, and at least one injury. Kevin Swalwell was arrested in connection with these arsons based on forensic evidence, witness statements, and his presence at the scene of at least four of the fires. After being advised of his rights pursuant to Miranda and waiving them, he gave three lengthy statements regarding these fires. Swalwell initially denied involvement or blamed someone else, but ultimately he took responsibility for all of the fires described below.

SPD 09-212863: On June 19, 2009, at approximately 10:00 p.m., a fire was intentionally set at the OK Corral, a business located at 8733 Greenwood Avenue North, Seattle, King County, Washington. A person entered the basement of the building and used a hand-held flame to ignite available combustibles stored on wooden shelving units. The estimated damage was \$500. The defendant admitted to being solely responsible for setting this fire, and explained that he started it by lighting cardboard boxes at the rear of the building in the basement. This explanation of how and where the fire began is consistent with the conclusions of the fire investigators.

SPD 09-283835: On August 12, 2009, at approximately 1:33p.m., a fire was intentionally set at a house located at 7708 Greenwood Avenue North, King County, Washington. This a dilapidated vacant house with commercial space used only for storage of old computers and accessories. Fire investigators determined this fire was started by an individual using a hand-held flame to ignite wadded-up newspaper that was stuffed under the back porch. The damage was estimated at \$100. The defendant admitted to being solely responsible for starting this fire, saying he used newspapers he set on fire.

SPD 09-284718: On August 13, 2009, at approximately 3:21 a.m., a fire was intentionally set at O-Rings West, a business located at 1111 North 98th Street, Seattle, King County, Washington. Fire investigators determined the fire had been set by using a hand-held flame to ignite a piece of cardboard that had been pushed through the mail slot onto a desk in the office area of the business. The damage to the building was estimated at \$15,000. The defendant admitted to being solely responsible for starting this fire, and described starting it by lighting cardboard on fire, and pushing the lit cardboard through the business's mail slot.

SPD 09-285310: On August 13, 2009, at approximately 4:31 p.m., a fire was intentionally set at an occupied house located at 108 Northwest 84th Street, Seattle, King County, Washington. The occupant, a man in his sixties named Carlos Salmeron, escaped the burning building, but



**CERTIFICATION FOR DETERMINATION
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suffered significant burn wounds over much of his body. Fire investigators determined the fire was started by a hand-held flame used to ignite plastic trash/recycle containers and their contents, which were stored in a fenced area at the rear of the structure underneath the main level overhang. The fire extended to the siding and into the interior of the home. The damage was estimated at \$170,000. A container of lighter fluid was located the next day in a nearby garbage can by a neighbor taking out her trash. The Police were called and the Lighter fluid container was collected for evidence and processed for prints, and a palm print developed. This palm print was later matched to the known prints of the defendant, Kevin Swalwell. Swalwell admitted to starting this fire by entering the fenced area at the back of the house, spraying lighter fluid on a corner area of the house, and igniting it. Swalwell said he tried to wipe his prints off of the lighter fluid container. He then advised that he disposed of the lighter fluid container in a nearby garbage bin at a white house located on a side street. All of this information is consistent with the evidence developed in the fire investigation.

SPD 09-372791: On October 23, 2009, at approximately 4:04 a.m., a fire was intentionally set at the Green Bean Coffee House, a business located at 208 North 85th Street, Seattle, King County, Washington. Fire investigators determined the fire was started by igniting combustible materials on the floor against the north wall in the office area of the business. The fire quickly grew large and eventually engulfed the Green Bean Coffee House and three other neighboring businesses located in the same building, completely destroying them. The fire also did significant damage to the neighboring Taproot Theater, and caused the evacuation of other nearby businesses and apartments. The Seattle Fire Department classified this as a three-alarm fire that required many engine and ladder companies to extinguish the blaze. The damage was estimated at \$2,000,000. During the investigation of the fire, it was determined that a safe and a filing cabinet to which it had been attached were missing from the scene of the fire. Swalwell admitted to starting this fire. He explained that he entered the Green Bean business by breaking a window at the rear and climbing in, entering the office, and stealing the safe and attached filing cabinet after removing the drawers from the cabinet. He stated that the safe and attached filing cabinet was placed into a large, green, wheeled recycling bin, covered with cardboard, and wheeled from the scene. Swalwell then started the fire in the office by igniting cardboard and paper inside. This explanation of how and where he started the fire is consistent with the findings of the fire investigators. Further, Swalwell directed police detectives to the area where he had abandoned the safe. The detectives responded to that location and recovered the safe, which had been pried open, along with a green recycling bin and wet cardboard. A long metal pipe apparently used to break open the safe was likewise recovered.

SPD 09-387843: On November 5, 2009, at approximately 3:42 a.m., a fire was intentionally set at a CPA firm located at 338 Northwest 85th Street, Seattle, King County, Washington. Fire investigators determined the fire was started by an individual using an open flame to ignite paper products that had been placed underneath the rear exterior porch. The damage was estimated at \$5,000. Swalwell admitted to being solely responsible for setting this fire, and explained that he started it by lighting cardboard and paper on or under the porch at the rear of the building. This explanation of how and where the fire began is consistent with the conclusions of the fire investigators.



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

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| INCIDENT NUMBER 09-391869 |
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SPD 09-387811: On November 5, 2009, at approximately 4:10 a.m., a fire was intentionally set at Rosewood Guitar, a business located at 8401 Greenwood Avenue North, Seattle, King County, Washington. This fire was set only thirty minutes after and a few blocks away from the CPA firm fire. Fire investigators determined an individual started the fire by using a hand-held flame to ignite miscellaneous cloth material stuffed underneath a wooden gate separating the victim building from the building three feet to the north. The damage was estimated at \$20,000. Swalwell admitted to being solely responsible for setting this fire. He explained that he started it by collecting a bag of clothing that he had obtained from a nearby free clothing bin outside a thrift store, pushing the bag partly under a plywood door at the back of the building, putting paper underneath the bag, and igniting the paper. This explanation of how and where the fire began is consistent with the conclusions of the fire investigators.

SPD 09-391734: On November 8, 2009, at approximately 10:53 p.m., a fire was intentionally set at Moonphoto, a business located at 7704 Greenwood Avenue North, Seattle, King County, Washington. Fire investigators determined an individual started this fire using a hand-held flame in two locations to ignite cardboard and newspaper both at the base of the rear entry door and about ten feet to the south at the base of the plastic siding. The damage was estimated at \$1,000. At the time of the fire, a K-9 officer contacted the defendant near the scene and asked his name. The defendant provided a false name to the officer at that time. The defendant has now admitted to being solely responsible for setting this fire, using cardboard and newspaper. He also admitted to providing the officer with the false name of Brett Swalwell, which he claimed was a cousin's name. This explanation of how and where the fire began is consistent with the conclusions of the fire investigators.

SPD 09-391869: On November 9, 2009, at approximately 3:50 a.m., a fire was intentionally set at Olive You, a business located at 8516 Greenwood Avenue North, Seattle, King County, Washington. Fire investigators determined an individual used a hand-held flame to ignite paper and cardboard placed against the exterior siding of the structure and possibly atop of a cardboard box containing used cooking oil/grease from the adjacent restaurant. The damage was estimated at \$20,000. Video footage from cameras on the adjacent business, Chase Bank, shows the defendant in the vicinity of the fire, smoking a cigarette, only minutes before the fire became visible on the video. Swalwell admitted to being solely responsible for setting this fire. He described obtaining paper and cardboard from a dumpster in the area, stuffing it into an opening in a power meter at the rear of the business, and igniting the materials with his cigarette lighter. This explanation of how and where the fire began is consistent with the conclusions of the fire investigators. Further, Swalwell viewed photos from Chase Bank's video, identified himself in those photos, and in fact admitted that he was wearing the same clothes at the time of arrest that are seen in the video.

SPD 09-391960: On November 9, 2009, at approximately 7:43 a.m., a fire was intentionally set at the QuickStop, a business located at 8102 Greenwood Avenue North, Seattle, King County, Washington. This location is only four blocks south of Olive You. Fire investigators determined that an individual started this fire by using a hand-held flame to ignite cardboard debris that was placed against the exterior of the structure. A wire mesh cover was pulled away from the east side of the building and cardboard was inserted into the vent and also ignited. The damage was estimated at \$500.00. Swalwell admitted to being solely responsible for setting this fire, explaining that there was cardboard behind the building, and that he brought copies of the



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Stranger, a local weekly paper, and ignited the cardboard and papers. This explanation of how and where the fire began is consistent with the conclusions of the fire investigators.

KCSO 09-281988: On November 12, 2009, at approximately 11:52 p.m., a fire was intentionally set at a vacant retail store located at 16748 Aurora Avenue North, Shoreline, King County, Washington. Fire investigators determined that an individual used a hand-held flame to ignite combustible materials inside a covered shed attached to the rear of the building. The damage estimate is pending but will probably exceed \$700,000. This fire engulfed and destroyed the building, and took 80 firefighters from several different departments to fully extinguish. The defendant admitted to being solely responsible for setting this fire. He said that he collected cardboard boxes from a green dumpster behind an adjacent building, and ignited the boxes inside an attached shed at the rear of the building. This explanation of how and where the fire began is consistent with the conclusions of the fire investigators

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 17th day of NOVEMBER, 2009, at Seattle, Washington.

John M. Hewitt #5278

1 This structure was located adjacent to the rear of the vacant retail store. (D) SWALWELL
2 then ignited the cardboard utilizing an open flame ignition source in the form of a cigarette
3 lighter. The fire extended from the cabinet to the adjacent wooden structure and then to the
4 vacant retail store leading to total involvement of the business in fire and eventual collapse
5 of the roof and sections of the first floor. Fire extension was difficult to control due to the fact
6 that the water supply to the hydrants on the east side of Aurora Ave had been shut down for
7 maintenance.

8
9 (D) SWALWELL was taken into custody while waiting for a bus approximately one mile
10 south of the fire incident. (D) SWALWELL is a person of interest in a string of arson fires
11 being investigated by Seattle P.D. Members of Seattle P.D. positively identified (D)
12 SWALWELL in the vicinity of the fire from security video secured from the Hollywood Casino
13 which is located immediately to the south of the fire building.

14
15 During the course of this investigation I interviewed reporting party Alana Henry (206) 931-
16 7565 via telephone. Ms. Henry related in essence that she and her friend had pulled into the
17 Hollywood Casino parking lot to the south and noticed a small flame through the bushes
18 while looking in a north direction. Ms. Henry continued that she investigated the source of
19 the light and saw that there was a small fire at the rear of the subject structure located
20 approximately in the middle. She then called 911. Ms. Henry also related that she did not
21 see anyone in the vicinity of the fire at that time but when we spoke via telephone on
22 Monday 11/16/2009, she stated that she thought that one of the people standing outside the
23 casino matched the description of (D) SWALWELL, Kevin Todd whom she had seen on
24 television over the weekend.

1 (D) SWALWELL, Kevin Todd was taken into custody while waiting for a bus approximately
2 one mile south of the fire incident. (D) SWALWELL is a person of interest in a string of arson
3 fires being investigated by Seattle P.D. Members of Seattle P.D. positively identified (D)
4 SWALWELL in the vicinity of the fire from security video secured from the Hollywood Casino
5 which is located immediately to the south of the fire building.

6
7 I interviewed (D) SWALWELL at the King County Jail on Monday 11/16/2009 and after
8 reading and subsequently waiving his Miranda Warnings during a recorded statement, he
9 stated; "Uh, I took the ride, uh, on a 5 bus, uh, ah, from 85th and Greenwood going
10 towards, uh, downtown Seattle. And I stayed on 5 bus 'cause it turned into a 54,
11 which, uh, goes into West Seattle from, from downtown Seattle. Uh, when I got in a
12 West Seattle I got off the bus and killed a little time until like about 10:00 o'clock bus,
13 uh, the 54, 10:00 o'clock bus going back, uh, towards, uh, Seattle. Uh, so I got on that
14 bus and I stayed on it 'cause it turned into a 5 and eventually a little after 11:00 I
15 arrived on 160th and, uh, Dayton, uh, which is up the hill from Aurora. Uh, so I walked
16 down the hill and went to 7-Eleven and, and got some hot water for instant coffee at
17 the time. Then after that I, I walked up to the Parkers and, and collect cigarette butts
18 that was my reason for going out there, uh, Shoreline was to collect cigarette butts.
19 Uh, after Parkers I went across the street toward the other casinos, and I walked by
20 an empty building, uh, through the back way, uh, I looked at it and then proceeded on
21 to collect cigarette butts first and then I, I walked back to the empty building and
22 there was a dumpster, with cardboard. I got the cardboard out of the dumpster and,
23 and there was a cupboard like thing in the back of the building and I, uh, put it in
24 there and, and, uh, lit it on fire. Uh, it was only a couple of boxes that I had to put it in
25 there, that was, uh, you know, the building was, was old and then it was all wood so.

1 Then I walked back up to the casino for a few minutes and, uh, smoked a cigarette or
2 a cigarette butt and, uh, wanted to catch the 12:20 bus, so I had to leave and started
3 walking. Um, they're on the other side of 99, uh, and at that time the fire trucks were
4 coming to the building. So I, I walked all the way down the 160th, across from Shay's
5 Restaurant to that bus stop. Uh, and then I decided to walk farther on to 155th and,
6 uh, in between 160th and a 155th just, where, uh, the, they got me, they arrested me".
7

8 The subject structure is a 1 story with a basement, vacant retail store approximately 110' x
9 70' and 19000 sq. ft. in size. Another store approximately 3500 sq. ft. in size is adjoining to
10 the south and separated by a fire wall. The structure is situated on an approximate 1.07
11 acre parcel located in an urban neighborhood. The building is constructed of wood frame
12 exterior walls covered by horizontal wood siding, supporting a bow string tar roof and resting
13 on a concrete foundation.
14

15 Under penalty of perjury under the laws of the State of Washington, I certify that the
16 foregoing is true and correct. Signed and dated by me this 17th day of November, 2009, at
17 Kent, Washington.
18

19 
Investigator Gerry Kenny / 00536

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2 CAUSE NO. 09-1-07255-4 SEA

3 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
4 CONDITIONS OF RELEASE

5 The State incorporates by reference the two Certifications for Determination of Probable
6 Cause written by Seattle Police Department Detective John Lewitt for Seattle Police Department
7 incident number 09-391869 and related incident numbers, and by King County Sheriff's Office
8 Fire Investigator Gerry Kenny for KCSO incident number 09-281988.

9 REQUEST FOR BAIL

10 The State requests that bail remain at \$1,000,000 as set at First Appearance. The
11 defendant here engaged in a several months long arson campaign directed primarily at the
12 Greenwood neighborhood of Seattle. His actions seriously injured one man, endangered the
13 safety of countless bystanders and neighbors, and terrorized an entire community, in addition to
14 causing millions of dollars in damage and disrupting small business owners' livelihoods. The
15 defendant has a history of six prior arson convictions, one in 1983 and five in 1995; he was
16 sentenced to 126 months in custody for the 1995 fires. In addition to these arson convictions, the
17 defendant's criminal history includes convictions for Possession of Cocaine (1994, 2006), Theft
18 (1987 x 2, 1990, 2006, 2009 x 2), and a handful of other offenses; he was last released from
19 custody on June 1, 2009. He manifestly presents an ongoing danger to the community if released
20 from custody.

21 Further, the defendant is a significant flight risk. He is homeless, with no fixed
22 residence. He has a history of 20 failures to appear in King County. He was on community
23 supervision at the time of these offenses, and at the time of his arrest was also booked on
24 violations of supervision including failure to comply with court-ordered mental health treatment.
If convicted as charged, the standard range for the defendant's offenses is 108-144 months in
prison, but the State has alleged a number of aggravating factors and intends to seek a sentence
above the standard range of over 30 years incarceration. All of these factors present a likelihood
of flight to avoid prosecution.

Signed this _____ day of November, 2009.

Erin H. Becker, WSBA #28289

ARREST INFORMATION
 DATE & TIME OF VIOLATION: **11/9/2009 3:50 AM**
 CRIMINAL TRAFFIC CITATION ATTACHED? YES NO
 OF ARREST/TIME: **13/2009 12:40 AM**
 ARREST LOCATION: **16000 Aurora AV N Shoreline, WA**
 ACCOMPLICES:

SUSPECT INFORMATION
 NAME (LAST, FIRST, MIDDLE/JR, SR, 1st, 2nd): **SWALWELL, KEVIN TODD**
 DOB: **2/13/1963**
 ALIAS, NICKNAMES:
 ARMED/DANGEROUS: YES NO
 IDENTITY IN DOUBT?: YES NO
 CITIZENSHIP:

PHYSICAL DETAILS
 SEX: **M** HEIGHT: **504** WEIGHT: **135** SKIN TONE: **FAR** RACE: **W** EYE: **HAZ** HAIR: **BRO**
 SCARS, MARKS, TATTOOS, DEFORMITIES:

IDENTIFICATION DETAILS
 CCN: **0797978** PRIOR BA #: **209019538** AFIS #: **00214691** FBI #:
 STATE ID #: **WA12013217** DRIVER'S LICENSE #:
 STATE: **WA** SSN:

RESIDENCE
 LAST KNOWN ADDRESS: **WA**
 RESIDENCE PHONE:
 EMPLOYMENT / SCHOOL:
 EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER):
 BUSINESS PHONE: OCCUPATION:

EMERGENCY CONTACT
 PERSON TO BE CONTACTED IN CASE OF EMERGENCY: RELATIONSHIP: Address: PHONE:

CHARGE INFORMATION
 OFFENSE: DV FUGITIVE **I - Arson** RCW / ORD#: COURT / CAUSE #: CITATION #:
 OFFENSE: DV FUGITIVE RCW / ORD#: COURT / CAUSE #: CITATION #:

WARRANT / OTHER
 WARRANT DATE: WARRANT NUMBER: OFFENSE: AMOUNT OF BAIL: WARRANT TYPE:
 ORIGINATING POLICE AGENCY: ISSUING AGENCY: WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME):

PROPERTY INFORMATION
 LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL:
 LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #):
 LIST ITEMS ENTERED INTO SAFEKEEPING:
 TOTAL CASH OF ARRESTEE: **\$0.00** WAS CASH TAKEN INTO EVIDENCE? YES NO AMOUNT: **\$0.00**
 SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL #:

OFFICER INFORMATION
 ARRESTING OFFICER / SERIAL #: **Blackmer, David 6147** TRANSPORTING OFFICER / SERIAL #: **5244** SUPERVISOR SIGNATURE / SERIAL #:
 SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #): **Mudd, Jeffery** CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL#/PHONE): **lewitt, John 5278 2066848977**

COURT FILE
 SUPERIOR COURT FILING INFO: IN CUSTODY AT LARGE OUT ON BOND
 COURT CAUSE (STAMP OR WRITE):
 COURT/DIST. CT. NO.: DIST. CT. BOND \$: SUP. CT. DATE:

EXTRADITE
 PERSON APPROVING EXTRADITION: SEEKING-LOCAL ONLY WACIC-STATE WIDE: NCIC-WILL EXTRADITE FROM ID & OR ONLY: NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK: NCIC-WILL EXTRADITE FROM FROM ALL 50 STATES:
 E N T R Y: CCN: _____ DOE: _____
 WAC: _____ TOE: _____
 NCIC: _____ OP: _____
 C L E A R A N C E: DOC: _____
 TOC: _____
 OP: _____

STATEMENT OF PROBABLE CAUSE: NON-VUCSA

CONCISELY SET FORTH FACTS SHOWING PROBABLE CAUSE FOR EACH ELEMENT OF THE OFFENSE AND THAT THE SUSPECT COMMITTED THE OFFENSE. IF NOT PROVIDED, THE SUSPECT WILL BE AUTOMATICALLY RELEASED. INDICATE ANY WEAPONS INVOLVED. (DRUG CRIME CERTIFICATE BELOW.)

ON (date) 11/9/2009 AT (time) 3:50 AM, WITHIN THE (city/unincorporated area of county) City of Seattle, COUNTY OF KING, STATE OF WASHINGTON, THE FOLLOWING DID OCCUR:

Suspect was captured on surveillance video at 8516 Greenwood Ave. N. at the time of a fire being set to the rear of the restaurant there that was determined to be arson. Suspect admitted to detectives, after Miranda waiver that he was solely responsible for setting the fire, along with several other arson fires in the Greenwood neighborhood of Seattle.

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. REQUEST 72-HR RUSH FILE? [X] YES [] NO. ANTICIPATED FILING DATE. DATE AND PLACE: 11/13/2009 Seattle. SIGNATURE / AGENCY: jeffery.mudd@seattle.gov / WASPD0000. This printout is from the King County Booking and Referral System (BARS), where the above officer signed and transmitted this eSuperform as permitted by GR 30 and LCrLJ 2.6.

DRUG CRIME INFORMATION

DRUG CRIME CERTIFICATE

Part I: ON (date) THE SUSPECT (suspect's name) [] DELIVERED [] POSSESSED WITH INTENT TO DELIVER/MANUFACTURE [] POSSESSED WHAT THE UNDERSIGNED OFFICER (officer's name) BASED ON TRAINING AND EXPERIENCE, BELIEVES TO BE (approximate quantity and type of controlled substance) APPROXIMATE STREET VALUE OF THE CONTROLLED SUBSTANCE IS (value of drugs)

Part II: FACTS INDICATING THE SUSPECT [] DELIVERED [] POSSESSED WITH INTENT TO DELIVER/MANUFACTURE [] POSSESSED THE CONTROLLED SUBSTANCE:

ON (date) AT (time), WITHIN THE (city/unincorporated area of county) COUNTY OF KING, STATE OF WASHINGTON, THE FOLLOWING DID OCCUR:

MY SOURCE OF INFORMATION ABOUT THIS CRIME (e.g., myself, other person with firsthand knowledge)

OTHER FACTS

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. REQUEST 72-HR RUSH FILE? [] YES [] NO. ANTICIPATED FILING DATE. DATE AND PLACE. SIGNATURE / AGENCY. ZONE DETAILS: SODA ZONE [] YES [] NO. DRUG FREE ZONE? EXACT LOCATION IS REQUIRED. [] YES [] NO. LAB WORK: LAB WORK REQUESTED? (DATE / TYPE)

OBJECT TO RELEASE INFORMATION

LAW ENFORCEMENT OBJECT TO RELEASE? [X] YES [] NO. IF YES, EXPLAIN WHY SAFETY OF INDIVIDUAL OR PUBLIC WILL BE THREATENED IF SUSPECT IS RELEASED ON BAIL OR RECOGNIZANCE (CONSIDER HISTORY OF VIOLENCE, MENTAL ILLNESS, DRUG DEPENDENCY, DRUG DEALING, DOCUMENTED GANG MEMBER, FAILURE TO APPEAR, LACK OF TIES TO COMMUNITY). INCLUDE FARR GUIDELINES. DESCRIBE TYPE OF WEAPON. BE SPECIFIC. Suspect has admitted to setting several fires in the North Seattle Area. Suspect has a history of Arson.

TIES TO COMMUNITY (MARITAL STATUS, TIME IN COUNTY, ETC.) Suspect is homeless

CONVICTION RECORD Arson1995

[] SUBJECT ARMED/DANGEROUS [] SUSPECT IDENTITY IN QUESTION? [] WARRANT(S) FOR FTA [] HISTORY OF FTA'S (LIST)