



PRESS RELEASE

FOR IMMEDIATE RELEASE
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PHOENIX RESIDENT ARRESTED FOR THE UNLAWFUL POSSESSION OF A PIPE BOMB USED TO HARASS HIS EX-GIRLFRIEND

PHOENIX, ARIZONA -- The United States Attorney's Office for the District of Arizona announced that on April 23, 2003, a federal complaint was authorized for the arrest of Brian Nicholas, D.O.B. November 11, 1972, of Phoenix, Arizona, for the Unlawful Possession of an Unregistered Pipe Bomb in violation of 26 U.S.C. § 5861(d).

The complaint sets forth the following charge:

On or about April 22, 2003, in the District of Arizona, defendant BRIAN NICHOLAS possessed a destructive device, a firearm as defined in Title 26, United States Code, Sections 5845(a)(8) and (f)(1)(A), that is, one (1) pipe bomb consisting of a one (1) metal pipe sealed at both ends with metal end caps, explosive materials and pyrotechnic fuse, which firearm was not registered to him in the National Firearms Registration and Transfer Record as required by Title 26, United States Code, Section 5841.

An affidavit, submitted by an ATF special agent in support of the complaint, alleges the following facts. On April 22, 2003, the special agent, along with several Phoenix police detectives

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responded to the scene of an explosion on East Cambridge Street in Phoenix, Arizona. Numerous persons on the scene advised that they had heard a loud explosion at approximately 3:45 a.m. One witness reported looking out of a window and seeing a large amount of gray smoke rising from a driveway in the area. Upon arrival, the special agent observed a small crater and burn marks consistent with an explosion on the concrete driveway of the residence. The law enforcement officers conducted a "post blast" search of the area and found several pieces of metal pipe nipple with burned residue on the metal and a small section of metal pipe end cap. The explosion flattened a tire and caused body damage to a vehicle parked in a driveway. Further, it appeared that a piece of the bomb was propelled through a glass window and into a neighboring child's bedroom of a home located over 60 yards away from the explosion site.

During the search of the scene, the law enforcement officers interviewed an occupant of the residence near where the explosion occurred. The occupant stated that she currently has a "protection order" against her former boyfriend, Brian Nicholas. The special agent subsequently reviewed a copy of a current Injunction Against Harassment which prohibits Nicholas from harassing his ex-girlfriend, personally contacting her or being within 300 feet of her residence. The ex-girlfriend stated Nicholas exploded a small pipe bomb out in the desert several months ago and around this past New Years Eve he threatened to blow up her mother's house.

A conviction for the Unlawful Possession of an Unregistered Destructive Device carries a maximum penalty of ten (10) years, a \$250,00.00 fine or both. Nicholas is currently in federal custody and was present for an initial appearance before Magistrate Judge Virginia A. Mathis on April 23, 2003. Preliminary and detention hearings have been set for Nicholas before Magistrate

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Judge David K. Duncan on Tuesday, April 29, 2003, at 9:00 a.m., in the Federal Courthouse in Phoenix, Arizona.

A complaint is simply a method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the complaint was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Phoenix Police Department.

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