

Arson Ep. 5

Episode 5: The Arrest

The serial arsonist is finally named and confirmed through DNA lab work. The task force has to make an arrest, but media leaks once again throw a wrench into the timeline.

Kara:

Kary Tontarsky from the DNA lab has confirmed that without a doubt, the DNA from Thomas Sweatt matches the DNA taken from the Marine Corps pants in Arlington, the incendiary device fabric from 30th St. in DC, and Blair Rd. in Maryland, and the hair from Anacostia Ave.

The next 48 hours are crucial because it's finally time to arrest the serial Arsonist.

ATF's Scott Fulkerson.

Scott Fulkerson:

So time of the arrest. So we recognized that we've had some issues with leaking of information in the task force in the past. We probably had about 24 hours before our knowledge of who the serial arsonist is, to when, if we tell it anybody else outside the task force, to that information being leaked, unfortunately. So when I got that information, my first phone call was to Tom Daley. And he was sleeping because he worked overnight surveillance on the taskforce the night before, and Tom picks up the phone and he's very groggy, just got back from working overnight. I'm like, "Tom, Thomas Sweat, he's the arsonist. I'll meet you at the task force. I'm leaving this search warrant right now". He's like, "What are you talking about?", shock disbelief.

Only he's half asleep, more than half asleep, he's asleep. Like "Tommy get up, I'll see you at the task force, we knew that Thomas Sweatt was the serial arsonist". He's like "All right. Okay. All right". So we both hang up and I recognize the fact that he didn't even hear what I said. So I call back and his wife answered. I said, "Please, can you wake up Tom. Get him some coffee, get him on the road and get them to the task force, because we knew who the serial arsonist is". And she's like, "Yeah, I'll do it, Scott. Yep"... "Are you sure?" I'm like, "Yes, please get him going, we need him at the task force". So at that time we have that Nextel all text page.

So I sent that out with no information, like to actually contact Tijuana Patty, the next person I sent information to, I said, "Tijuana I sent out a text, we know who it is, but don't tell him what the meeting's about and say, all hands mandatory, get to the task force, all hands on deck". She ends an all text out, on the next hour it tells everybody report to that office at, whatever it was, 11 o'clock in the morning. So we all roll the taskforce. Everyone's in the briefing room, everyone's concerned or like what's going on? Is it like, I mean, is someone okay? Is internal affairs coming, I mean, what's the big secret. There's speculation, but what's the big secret? And at that point I presented to everybody like I would normally do in a briefing.

I said, "Guess what? Thomas Sweatt is our guy". Once again, shock, disbelief. To the point of almost an argument as to whether or not we actually have the right person.

Kara: This is Arson, I'm Kara McGuirk-Allison.

ATF's Tom Daley was a bit groggy when he got the call.

Tom Daley:

My middle daughter was her first Holy communion on Sunday. And so we had a big party here and the family came down from Philly and whatnot and I put them on the train. And then I think I grabbed an hour or two asleep and then went in at 11 o'clock at night and went on surveillance. And we

knew after meeting with NCIS that we had Sweatt on the radar. Scott liked him, Scott liked Sweatt. And then when I say like, he liked him as a suspect, I did not. I didn't think because our three witnesses from Anacostia Avenue did not pick them out. And so I was a little leery about it, but we stayed on him and Scott said, "You just stay on him on surveillance." And I came home the next day, the next morning and about nine o'clock at night, or nine o'clock that morning, I had just gotten to bed.

He called my wife and said, "I need to talk to Tom right away. And she knew something either ... she thought something really bad had happened. And so she has those instincts after, that's long. And she came in the room, woke me up. She said, "it's Fulkerson." I was really asleep. I was asleep, but awake and focusing, was telling me, he just said, "Tom, we got him." I said, "What are you talking about?" He goes, " I just called ...Kary Tontarsky just called me. The DNA is a match on every one of the fires and it's this guy Sweatt." And I was just talking gibberish, because I was sound asleep but awake and just incoherent.

And, and he just said to me, "Let me talk to your wife." And I just instinctively handed her the phone. And he told my wife, " Get him up, get him some coffee and get them to the task force right away." And so, I'm still bowed out of it. Now I'm starting to come too and she's ... my wife is telling me, Claudia, my wife's telling me what's going on? What's happening? And she goes, "Who is this guy?" And I had the file on Sweatt for surveillance. And I just showed it to her. This is him. And she goes, "That guy?"

So I got up and got showered and we went to the task force. And then up by that time, it's a Cecil B. DeMille's Production and people are just ... and then you know this is your guy and you have to get him arrested and you got to get them under surveillance and you got to get a warrant and you got to meet with the prosecutors in all three States. And you're trying to keep this away from the media so that he doesn't ...

You're trying to sort of try and keep this away from the media so that he doesn't know. So it was about 24 hours of... I didn't come home for about a day or so. I mean, we were just round the clock, typing and meeting with prosecutors and having him under surveillance, so he didn't... we didn't want this guy to kill somebody in the meantime and we wanted to get a warrant and you're trying to figure out what the hell you're doing. So it was a wonderful time, but somewhat chaotic.

Scott Fulkerson:

So now our surveillance team went from, "Let's follow this guy around" to "You can't lose this guy", because he could go set a fire and that's on us. That's a big responsibility. But we had to buy time. We already started doing the charging documents. All we had to do is enter name here. It's the probable cause, was already developed as a running probable cause log. Enter name, address, locations and DNA positive hit. So then we had to go and get charging documents from both the District of Columbia and in Maryland because we had fires affected in both locations. And we weren't sure where the arrest was going to take place.

Kara: Theresa Stoop and Scott were working a weapons case together up in Baltimore when the call came in.

Theresa Stoop:

So all of a sudden I see him (Scott), I'm outside. I see him. He's looked at me, I thought, "Oh no, did we get another one?" Because I'm stepping out on this phone call. He comes out. He goes, "It's Thomas Sweatt. We got the DNA." And that was thanks to Chief Manger in Montgomery County. Because, again, they had quite a backlog and Kary Totarsky had a lot of work to do. And I called Chief, and I said, "Look, as part of the taskforce, Chief, I need this processed because this could be the guy." And it happened. And we got the notice. I will never forget it. And it was, like I said, such a relief. But that my first thing is get everybody in that office.

So we needed to get those warrants. And that was going to take a little bit of time. 24 hours may have been pushing it. 48 hours, we absolutely needed it. So I got every single core member of investigator on the task force, and made a personal appeal, and said, "Nobody is to leave here, and brief any one in your command. I will take the heat for this. I will call every commander directly myself, and deliver the message. That's the part of this job I'm going to take. You are to say nothing, but execute what you have to for us to get Thomas Sweatt into custody safely." And that's what happened. The morning of that take down, getting up to that 48 hours was an incredible frenzy of activity, of jurisdictions, and where to take it down, and what was going to happen. He lived in DC. The agents had to get warrants in both locations. We didn't know what was going to happen.

Kara:

Bob Lockett was the chief deputy fire marshal for the city of Alexandria Virginia.

Bob Lockett:

I was sitting in a church parking lot. He didn't go to work. We thought he was going to work. He did all this crazy driving, and we lost him. I had an agent from West Virginia with us, and we were using Nextel telephones. I don't know if you remember Nextel.

It's called the eye. We lost the eye on Sweatt. He was the only person that had it. I burned up two cell phone batteries that day. I used to keep extra batteries with me. I've burned two cell phone batteries up that day, just talking to him so much. He told us, finally we got everybody on track. We're setting up around. He went to a Kentucky Fried Chicken. He had a manager's meeting. We're there. Theresa goes into the command post. She gets a phone call. You've heard this story?

<<Kara>>:

No, tell me.

Bob Lockett:

She gets a phone call. It's the State Fire Marshall, for the state of Maryland.

<<Kara>>:

Okay.

Bob Lockett:

Congratulations Theresa. Okay, Tom. Thank you. What are you congratulating me for? Well, they just announced on the radio, that you've arrested the DC serial arsonist. She said, okay, that hadn't happened. She walks into the command post, tells Daley. Daley's running the command post. So, I'm sitting in this church parking lot, and we're getting set up. I'm talking to Daley. Daley calls me on the phone, and he said, you got an eye on this guy? Yeah. He's in this store. He said, well, Theresa's here. Do not let him leave that parking lot. Okay.

Kara:

Their worst fears came true. Just hours after telling the task force and department heads that Sweatt was their guy, the media was already announcing the imminent arrest, potentially tipping off Sweatt and causing him to flee.

Theresa Stoop:

Tom Daley said, "He's on the move." And so I thought he was going to work. And then his next breath was, "He's on Marlboro Pike." So I knew he wasn't going to work. And that's when he said, "Oh," he said, "Okay, no felony, no chases, no felony car stops. Let him go. Let's see where he goes." So they followed him to the other Kentucky Fried Chicken.

I said, "Just wait in the parking lot until he comes out and don't let him get in the car. And I am, you are, next, easy. Walk up next to him, introduce

yourselves and take him into custody. The night before, when the jurisdiction, "We don't want him in Maryland. We want him in DC. We want him ... "

I just looked up and I said to God, I said, "Just make this easy for me." And it was as clear as could be, because it was all about safety.

Focused on public safety to solve the crime, focused on apprehension safety, executing a plan properly.

<<Kara>>:

And he came quietly. Right? I'm assuming. It was Bob who arrested him, I think, right.

Theresa Stoop:

He did. He came very ... Because he was probably shocked at that point because he didn't know.

<<Kara>>:

Right.

Theresa Stoop:

I think he might've had an idea with the DNA. I'm going to go there.

<<Kara>>:

Yeah. I was going to say.

Theresa Stoop:

Going to say that he may have had a clue, but he didn't know it was going to happen coming out of that meeting. And he wasn't in any position to leave and to put somebody else in harm's way, very important thing.

Kara:

Bob Lockett becomes the point person because he's got eyes on Sweatt. And things have to move faster than originally planned because of the media leak. They thought they would arrest him at the KFC where he worked, but instead, Sweatt continued into Maryland for a corporate meeting.

Bob Lockett:

I said, Daley does Fulkerson know? He said, Bob, he said, arrest the guy. Do not let him leave the parking lot. I said, okay. At that very moment, I've got Daley on the phone. I get hit on the direct connect, and one of the guys who's in the back, suspect's in his car, he's leaving. I'm in a church parking lot. I drove a black Ford Explorer, unmarked. I hit the lights and siren. I speed across the parking lot, out onto the highway. His front wheels have just left the driveway and are on the highway, and I cut him off. I jumped out of the car. He's behind the wheel. He's got his window down. I said, I'm a Federal Agent. You're under arrest. Do not move. Do you understand me? He said, what's this about? I said, as soon as I can get you arrested and handcuffed, I'll explain everything to you. Do you understand? He said, yes sir.

I opened the car door and had one hand, and by that time we were surrounded. I pulled him out, cuffed him, patted him down, and then they took him away. They took him. They took him to, you want to know what? I don't remember the location that they took him to. It was a pre-arranged location.

<<Kara>>:

Yeah.

So, you made the arrest.

Bob Lockett:

I was the person that handcuffed him.

<<PSA break>>

Kara:

Things were moving at lightning speed, but everything had to be done by the book. Every T crossed and I dotted. Because after 22 months of looking for the arsonist, they couldn't risk botching the arrest. The attorneys who worked with the task force made sure the team had everything they needed.

Theresa Stoop:

Mythili Raman and Jim Trusty were pivotal in this whole thing. We had an acting U.S. attorney in Maryland, the U.S. attorney prior to that, Tom DiMaggio worked arson cases. He would have been, and he was an amazing champion of the work. I had a wonderful relationship with him. But having Jim Trusty, what a talent. And Mythili.

They were the same, roll their sleeves up and go to work. And we would sit in there and talk through scenarios.

The night before, when I was in my garage at 11:00 o'clock at night, trying to get ... They were so worried about this jurisdiction and that the agents going to the judges' homes to get these warrants signed in both jurisdictions. You guys, it was after hours and-out of the Greenbelt office. People were starting to get anxious about who would deliver the message and where was this going to occur? And of course, we had the homicide in DC. My concern was safety, not having him destroy evidence, and getting a confession. It never wavered from the first day to the last. And I had so many conversations that night with Mythili and Jim, but it was my responsibility to make sure this happens safely and to make sure that no one got hurt.

Kara: US Attorney Jim Trusty.

Jim Trusty:

Yeah, I've got to protect my own skin. I'm like, that's great if you catch the guy, but if you do it with a bunch of suspect, ways, unconstitutional ways or just bad tactics, I'm the one that's going to have to eat it when we go to court.

And in some of these high profile cases, the pressure is so serious on the investigators to hurry up and make an arrest, people were dying, people were at risk, that they'll hit that probable cause threshold and they'll throw it on the prosecutor like, "It's your baby now." Well, a prosecutor's got to prove it beyond a reasonable doubt. So we always have a higher standard than the cops or the fire marshals or the agents when it comes to, when should we put cuffs on somebody? Because if you hit PC, that may be a justifiable arrest, but that doesn't mean you've got to make a case. And again, going back to seeing how many false tips came in that clouded or could cloud the water with the sniper case and then with this one, we wanted it to be a much tighter case than just, "Hurry up and put cuffs on somebody."

Kara: So remember, the team had made plans to arrest Sweatt in DC, not knowing he would be heading into Maryland. What you need to know is wherever Sweatt is arrested, that's where he will be tried.

Jim Trusty:

Well, my agents were not freaking about moving into Maryland, because at the time the law basically said you have the initial appearance in the district of your arrest. And now in a lot of circumstances, that would mean, okay, you go to D.C. for instance... Like if he was at the KFC on Bladensburg, if you arrested him there, your initial appearance was going to be in D.C., and politically that meant they were going to be in a position to win the arm wrestling. Because they have the body they're going to be like, "No, no, no, we got our own charges, we're going first." So Maryland would have been in the back seat if that had happened. And there was definitely probable cause, there was definitely a legitimate arrest coming.

My recollection of it was that my Maryland agents were like, "We think he's leaving D.C. and going into Maryland and we'd like to wait until he gets into Maryland because he should be appearing in Maryland." And just being totally candid about that. I was like, "God bless, he should be in Maryland. We can work with D.C, but we want his initial appearance here." Now in the interim, what's happened over the years, because it's so nonsensical between a Maryland and D.C. or a D.C. and Alexandria. Now if you can present the prisoner in the originating district at note, without any delay compared to when they'd appear in the district of arrest, you don't have to go to court to have any sort of hearing. So in other words it used to be if you had a case in Maryland and you got arrested in DC, you appeared in DC, even if there was no case there. And they said, do you want to be extradited? Are you going to fight it? It was a cumbersome process. Eventually they said, this is ridiculous for Eastern states and districts that are close together and they basically changed the rule where if you could still appear same day, they don't have to stop in DC. They can just drive you to Maryland. So, this has been kind of practically fixed, but at the time it was very clear that wherever the cuffs go on is where he goes to court and that was going to be a momentous swing. And so when they said he's driving into Maryland, we think he's heading into PG. I was like, that'll work and that's how it played out.

Kara: Theresa was surprised that Sweatt was driving out of DC. They knew from surveillance that he was a very routined person, and heading to Maryland was unusual.

Theresa Stoop :

Wow. That's not what I expected. "He's on Marlboro Pike." So now he's in the Maryland jurisdiction. And I said, "Well, I don't want any felony car stops. I do not want it. Let's follow him, see where he goes." So we have the radio, we can hear it. And I get a call from Maryland State Fire Marshal, Bill Barnard. He said, "Theresa, it's on the radio." I'm like, "You've got to be kidding me." So I said, "He's on the move." He goes to a meeting at a Kentucky Fried Chicken. And the agents are like, "Do we pick them up? Did we go in and get him?" I said, "No. Sit in the parking lot. Wait for him to come to you. Do not let him get to the car. Simply walk up. I am, you are, let's go." And that's what happened.

<<Kara>>:

But it's not over at the arrest.

Theresa Stoop:

No. The arrest is the beginning of the case.

Kara:

Thomas Sweatt is taken into custody. Scott Fulkerson and Frank Molino are prepping to interview him in hopes of getting Sweatt to confess to being the DC Serial Arsonist. Theresa Stoop.

Theresa Stoop :

Without him setting fire to the apartment that he lived in to preserve evidence, to be able to have the investigators get the confession I knew they were going to get. And all I wanted to do was get to those investigators that were going to do that interview. And I'll never forget it. I walked into the taskforce location. The agents were Scott Fulkerson and the other agents were in the back preparing. And I opened that door so fast that I had big eyes looking at me. And I said, "What's the percentage today that you're getting a confession? What is the percentage?" And they're all looking at me. I said, "100%. You are 100% getting that confession today, because you know this person more than he does, and he's ready to give it up. He needs that stress over." And in a way they're like, "Okay, yes. 100%" But I think there was some doubt, maybe in their minds, that it might happen, because of the homicides.

Kara:

Jim Trusty says in an arson case you typically want to get a confession because there usually isn't enough evidence to prosecute. But once a federal prisoner is arrested...

Jim Trusty:

You're taking him to the courthouse. Sometimes there's a pit stop where they process him at ATF or wherever and I think that may have well happened here, because you're also trying to get a statement. And because at that point he can give a Miranda waiver and give you a custodial arrest, a voluntary statement that can be used against him in a prosecution. And arson cases in particular, it's really rare that there's a smoking gun piece of forensics or an eyewitness. It tends to be circumstantial.

So you really want your agents to try to get this guy to talk. And along those lines in arson there are definitely different kind of personalities at work in terms of the pyromania and kind of sexual attraction to it and the pride of ownership of these fires. There's a really weird kind of combination of psychiatric aspects, but that makes it where they may well talk. And in this case once Sweatt got arrested he went from talking to proffering and closing hundreds of cases, so it kind of never stopped.

<<Kara>>:

Tell me what proffer is.

Jim Trusty :

So a proffer typically, and this was an unusual case. A proffer typically is something where a defendant who's already been charged, comes in to the US attorney's office and lays out truthful information about, in most cases it's about not just themselves, but the other guys that are part of their conspiracy or that did other sorts of criminal activity.

<<Kara>>:

Right.

Jim Trusty:

The benefit they get is they get what's called use immunity, which is basically also known as queen for a day, which basically means we won't use your truthful words against you. So as long as you're telling the truth, you're protected, you're immunized and you can speak freely. Then the prosecutor in most situations, sizes that up and decides, do we want to use

him as a cooperator? Do we want to give him credit at sentencing? Or is he lying or is it just not that helpful?

And what was unusual here is that Sweat was only proffering about himself. So it was a very different kind of scenario. And I really can't think of any other one that I had that played out that exact way. His attorney was the chief public defender in Greenbelt, John Chamble. And John's a tiger. He's a great lawyer, great guy, not afraid to try a case. And I've tried plenty with him, but he knew early on that the leverage was over the top that this guy was going to get a life sentence and there was just no crawling out. There's DNA, there's confession. It's just going to be slam dunk, multiple jurisdictions. So he frittered on the edge in terms of trying to get something for this guy, but this was really kind of a bit of a humanitarian moment. It wasn't like he was going to suddenly get out of jail.

But he agreed to do this conversation. And I don't remember the exact sequence, whether it was, I thought we did some of this before he pled, but I can't remember if it was...

<<Kara>>:

That's what I was going to ask you too. So the proffer is different than the plea.

Jim Trusty:

Yes.

The plea was the formal proceeding in front of the judge where all the prosecutors came in and he acknowledged his guilt to a variety of charges on several different charging documents actually, or at least a couple of charging documents. And eventually, the sentencing was almost anti-climatic because we had stacked up these charges called 18 USC 9 24 C, which is use of a destructive device in connection or in furtherance of a crime of violence. So that's using Molotov cocktails or whatever we want to call them, the devices here.

They would qualify as a device and they were used in furtherance of arson. And what happens is the mandatory minimum sentences accumulate very quickly there. So it's a five year mandatory for the first offense. It's 25 for the next one, it's consecutive, and then it's life. So when you get to three or more of these, you know that the judge has almost no discretion. They have to enroll a life sentence. And then we also had murders from DC and standalone arson counts. And so his overall numbers at sentencing were

life plus 1600 months, or some 1600 in change, which is kind of nonsensical in terms of what he's really going to do, but again, we had federal statutes that applied to serial arson and when there's death resulting from it and when there are multiple uses of devices, then the stakes get astronomical. And so his attorney knew early on, look, the best we can do is ask for which prison we're going to.

And John, I'll speak for him a little bit because he probably can't. I think that he knew in his heart of hearts that if you're going to go away for life, why not give some peace to some people? Why not close out some stuff? And that his client was an easy sell for that and that he was willing to do that.

Now, the proffer, in a typical proffer, you'd have one or two prosecutors, couple of agents, defense attorney and a defendant. So we would use the small conference room in Greenbelt and the six of us would sit there and you'd roll through it. And usually the prosecutors kick it off with an introductory speech about how this works and what immunity means and how you have to tell the truth and all that.

And I did that actually in this case, but this one we had closed circuit wiring to other rooms because there were so many investigators that wanted to be there.

<<Kara>>:

There was overflow.

Jim Trusty:

It was insane.

<<Kara>>:

Wow.

Jim Trusty :

It was like we could have used the capital one center and everybody wanted a piece of this. Now, the rapport was really Scott, but the trust from Sweat was he was obsessed with Scott. He had made comments to Scott about liking his shoes and we started talking about how Scott needed to wear a uniform. And we were basically ready to pimp Scott out to close cases and get confessions. He was a good sport about it, but to this day we still talk about some of those stories.

Kara: While Scott and Frank begin to interview Sweatt, Bob Lockett was still with Sweatt's car.

Bob Lockett :

They sent a flatbed out. They put the car up on the flatbed, then I followed the flatbed from that KFC to the lab. They pulled it in to a garage, and I continued, even though it was in the garage, I continued to sit on that car until we got a search warrant. Then once we got the search warrant, we went through the car. That's when we found his leather case with the hole cut in it, where he kept his camera, that he would wear over his shoulder.

<<Kara>>:

I didn't know about that.

Bob Lockett:

He would surreptitiously video people.

<<Kara>>:

Really? So, it was like a bag that you would put over your shoulder, with a video camera inside?

Bob Lockett:

He had a hole in it, and then he would turn it on and walk down the street. There was somebody that he found sexy, and then he would take these tapes, and he would have them, and then he would go home and play the tapes and masturbate to the tapes.

<<Kara>>

Did you find devices in the trunk of the car, too?

Bob Lockett:

No.

<<Kara>>:

Nothing was in the car?

Bob Lockett:

No. He had two devices in the trunk of his car, until Scott and Frankie interviewed him.

<<Kara>>:

Right.

Bob Lockett:

He had said he had made a New Year's resolution. He wasn't going to set any more fires. He had made it until April, but he was really starting to get the urge to do it again. So, he had made two devices and was carrying them in the trunk. When they interviewed him, he went and threw them away. Now, he also told us that he had scrapbook of all his trophies, and he threw that away. I have to tell you, to this day, I don't believe that.

<<Kara>>:

You think it still exists?

Bob Lockett:

I think it still exists, somewhere.

Kara:

A small basic room set up like a mini conference with a video camera recording from one end. Scott and Frank are dressed in suits. They took no

part in the arrest of Thomas Sweatt. But now it's their turn to confront him. Months of meticulous evidence gathering carefully presented to the person they know through DNA is their serial arsonist.

Scott Fulkerson:

For the first, about the first two hours he's denying being involved. He's denying being the serial arsonist to Frank Molino and I, are developing rapport with him. We're providing him bits and pieces of what we have. It's a typical interview strategy, Chief Blackwell comes in, thanks him for being there.

<<Kara>>:

I believe that one of Sweatt's requests for the plea deal was to meet you. And that actually happened. Can you tell me a little bit about that encounter?

Ron Blackwell:

It was a little bit unsettling because I did not expect that I would ever meet him. I was not involved in the takedown. I went over in the afternoon. He was in a conference room. Just he and I alone.

<<Kara>> Whoa

Ron Blackwell: Yeah. I walk in and I go, Thomas? He said, "Yes chief." Oh my, he does know me, thinks he knows me. He said, "Hey, I just wanted to apologize to you." And I said, well, you really made it hard for us. He goes, "Yeah, I know and I'm really sorry."

And then there was that awkward silence that inevitably occurs and he was seated and I was standing and we were just kinda staring at each other. And I said, well, I've got another meeting, so I'm going to move on. And he said, "Well, okay, goodbye." And out the door, I went.

<<Kara>>:

Did he ask to shake your hand?

Ron Blackwell:

No, he was cuffed.

<<Kara>>:

He was cuffed, okay.

Ron Blackwell:

Yeah. But yeah, that was very different. Very different and he was like, "You might imagine you don't know a monster when you're looking at one." And there he sat somewhat meek and passive but he knew what he had done and I knew what he had done and we had our moments, what wasn't long, and it was not a lot of conversation, but yeah, I spent a few minutes with him.

Scott Fulkerson:

We're thanking him for coming in, we're admiring him for what he has done and how it's taken us so long to find him. We're playing into his ego, and at that point, he then confesses to being the serial arsonist.

<<Kara>>:

Do you remember how he said it?

Scott Fulkerson:

He doesn't only remember how he said it, he remembers being graphic, specific details as to every single fire that was presented to him. So for four hours later, in a audio and videotaped documented confession, he provides us with those 45 fires that we mentioned earlier, real specific details on every one of them as we presented to him.

((Roll tape of confession))

<<Kara>>:

So I want you to tell me a little about this day...We're looking at the tape where ... Now is this where he confesses?

Frank Molino:

Yes.

It was planned out. We always knew. We always had a plan. We were always, with Scott, Tom, myself, others. We were always, "Look, what happens if he gets caught tonight? What happens if we get this case tonight? Who's collecting the evidence?" We were always thinking, "Is tonight the night?" But we specifically had, if he gets arrested, certain individuals will do the interviews.

Kara: Frank says there are two things that you want during an interview...

Frank Molino:

You want the truth. Secondly, you want it, the interview, it was obtained legally, constitutionally obtained legally. The two main things you focus on, you don't want the suspect to lie. It doesn't help the case. It doesn't help the case at all. You want the truth and you want to make sure that when you get that statement, whatever information you do get from the individual, it's legal. We're focused on the interview.

<<Kara>>:

You're staying focused on the interview. So I'm looking at ... We just freeze framed this video. So you're both in suits and ties?

Frank Molino:

Correct.

<<Kara>>:

There's a large poster where it looks like a map of something.

Frank Molino:
Correct.

<<Kara>>:

I'm not sure what that is. Then there's lots of file folders and pictures all over the table.

Frank Molino:

Yeah, we had maps of blown up maps of the various areas. They were marked with where all these fires were.

<<Kara>>:

Got it.

Frank Molino:

I think I did also have the homicide jacket. One of those jackets were the Edna Jones jacket I had. Also the photographs. Here are the pants, the Marine pants.

<<Kara>>:

Oh, that's right.

Frank Molino:

They're the Marine pants, and some of the DNA because we actually showed that to them.

<<Kara>>:

What is the jacket from Jones? I don't think I know what that is.

Frank Molino:

Oh, jacket. The case jacket. We call it the case jacket. The Edna Jones.

<<Kara>>:

Oh, the case jacket. Okay.

Frank Molino:

Oh, yeah, yeah. We call it the jacket. I think it was one of these jackets.

<<Kara>>:

Got it. Okay. That's helpful.

Frank Molino:

Then we had ... Basically what we had there was photographs of the scene, not detailed, but of the house, maybe where the door was burned, where the fire occurred. The Marine hat, I believe, we had, and the pants. Well, I know we had the pants and some maps of areas. Our goal was to get a confession from him and the maps and things would freshen his memory, to assist and identify the ones that he was involved in.

<<Kara>> I think there's a picture of the cover.

Frank:

Yep. Correct.

<<Kara>>:

Okay. So you had pictures of these items that you were showing him. Okay. So then what is the actual purpose of having the map and these items? So are you telling him a story? Or are you having him tell you a story?

Frank Molino:

You want him to tell you the story. You don't want to put things into the individual's mind. You want them to tell you the story. Those photographs, when they were ... we had already shown those photographs there. So they weren't just ... we didn't stage anything. So you know none of that's staged. We talked to him first and I guess at the beginning, you'll see where we read his rights to him, advised him what his constitutional rights were. He didn't have to talk to us.

We advised him that, like we would anybody who was arrested, that you can talk to us. Even though you waive your rights that you want to talk to us, any time during that time, you want to say, "Okay, that's it. I no longer want to talk to you," we have to stop-

<<Kara>>:

Got it.

Frank Molino:

Just because you signed and say, "Yes, I'll talk to you," you have the right also to stop at any time during the interview.

<<Kara>>:

Okay. So before this video happened, did his lawyer contact you and say he's going to confess? Or did that just surprise happen during this conversation?

Frank Molino:

No, just-

<<Kara>>:

It surprised happened?

Frank Molino:

Yeah. He never had no, to my knowledge, he didn't have a lawyer. This was afterwards.

<<Kara>>:

Oh, because this was afterwards.

Frank Molino:

Afterwards. The day, this is the day he's arrested.

<<Kara>>:

This is the day he's arrested.

Frank Molino:

He's arrested.

<<Kara>>:

So he didn't have a defender yet.

Frank:

No, no. That afternoon, you know how you go, if somebody makes an arrest, they got to go to a hearing?

<<Kara>>:

No, but yes.

Frank Molino:

Yeah, a preliminary hearing.

<<Kara>>:

Okay.

Frank Molino:

You go to a hearing-

<<Kara>>:

Got it.

Frank Molino:

... whether you get held to file the charges in court.

<<Kara>>:

Yes.

Frank Molino:

So that afternoon, after this interview, we had to get him to the courthouse in Greenbelt.

<<Kara>>:

Got it.

Frank Molino:

So he can be formally-

<<Kara>>:

Formally charged.

Frank Molino:

... charged and they set a bond and all that. So the only other picture of him, the public picture that's got me and Scott, walking him out, that little picture, and I'm the little short one.

<<Kara>>:

Scott has [crosstalk].

Frank Molino:

Because that's serious. That picture was taken as we were leaving. We didn't know the media was downstairs. We're putting him in a suburban at the Greenbelt ATF office, field office, which was part of the Baltimore division.

<<Kara>>:

Got it.

Frank Molino:

So to get him over to court, to the courthouse. Then from there, he went to the Charles County, one of the Sheriff's departments they put him in.

He, like I said, at the beginning, we read him his rights. He waived his rights, agreed to talk to us. Well-mannered. He's soft-spoken, very soft-spoken. Initially we introduce ourselves, tell him why we're there, what we're investigating, why he was arrested. Initially he denied ever being involved, initially. Then we showed him some evidence. At the beginning, we started mentioning about the DNA. At the beginning, like most people, I believe he thought that you're going to get DNA through blood or semen, not other methods of getting DNA.

<<Kara>>:

Right.

Frank Molino:

So but I think when we showed him that picture and then he says, "Okay, they got DNA."

<<Kara>>:

Of the pants.

Frank Molino:
Of the pants.

<<Kara>>:
Right.

Frank Molino:
But he wanted to see more. He wanted to see more. So remember, we didn't really show him more. Then he started confessing about burning. Initially, it was, "Why do I want to burn someone's house down trying to get a house myself?"

And then as he was confessing, we showed him pictures, the map of the areas. We showed him some of the locations. He recognized them, and gave some detail to each case.

<<Kara>>:
Wow. Were you surprised by the level of detail that he was able to share? Or did it seem not extraordinary?

Frank Molino:
Yes, and the only reason being because of the number of fires that been set.

<<Kara>>:
Right.

Frank Molino:
So getting a confession was very important. And I had mentioned earlier, there's two things that we wanted to make sure that we had. One, the truth, and two, a statement from him that was legally obtained. There were two main things.

If you get a statement that's illegally obtained, you're not doing the case no good.

Kara: Theresa Stoop

Theresa Stoop:

It was the safest end to a horrifying two years of all of the fires that he set. And the agents took off to go to the interview room. And the next thing we hear, Scott Fulkerson comes out, and said, "He confessed." Confessed to the homicide. Confessed to, at that point, I think we had 46 fires that we had documented. Never dreaming that it was going to go to the numbers of 340, 350 fires. It was just something.

Kara :Scott Fulkerson

Scott Fulkerson:

Now, again, if we didn't do our homework, there's no luck involved in this. If we don't have those documented, if we don't have them identified, if we don't have the evidence spelled out, the room set up the way it was, chief Blackwell coming in and speaking to him and the Everest rest team, everything is choreographed specifically for this moment. Then we may or may not have had that opportunity to receive his cooperation and him to confessed to ultimately those being in those fires. Now, what that means is, all we would have definitively, were four fire scenes that we could link him to.

Although very significant, well, we at least knew of four of 42 other fires that we wanted to have him have information on, and give us confessions to, but we knew that there's even more than that.

Kara: Next time on Arson

Ed Nordskarg: Well, his fire setting and a lot of his other things he did in life, not related to fire setting, were driven by his sexual urges.

Kara: The dark twisted motives of the arsonist are revealed.

Ed Nordskog: I hate to say it, because I'm so much against the idea that arson is a sexually motivated crime, he's probably the one case that I can think of that's truly a sexually motivated arsonist.

Credits:

Arson is brought to you by the international association of arson investigators in cooperation with the bureau of alcohol tobacco firearms and explosives. Our executive producer is scott stephens, our editor is Tracy Wahl. arson is produced by platform media with help from Emily Vaughn, and Mariah Dennis. Engineering support from Andrew Chadwick. Our theme music is by the last knife fighter
And I'm Kara McGuirk-Allison.