

IN THE MAGISTRATE COURT OF FAYETTE COUNTY, WEST VIRGINIA

State of West Virginia
v.

Case No. 23-MJOF-00068

Misdemeanor/ Felony

David A Bass
Defendant (full name)
P.O. Box 168
Address
Kimberly WV 25118
City, State & Zip Code

XXX-XX-6027 10 / 15 / 1983
Social Security Number Date of Birth
N/A
Driver's License / Identification Number
Phone Number(s)

CRIMINAL COMPLAINT

[Mag. Ct. Criminal Procedure Rule 3,4; 18 U.S.C. § 921(a)(33)]

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 04 / 11 / 2023, in Fayette County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable)* 61-2-1

the defendant did (*state statutory language of the offense*)
Murder by poison, lying in wait, imprisonment, starving, or by any willful, deliberate and premeditated killing, or in the commission of, or attempt to commit, arson, kidnapping, sexual assault, robbery, burglary, breaking and entering, escape from lawful custody as defined in article four, chapter sixty-a of this code is murder in the 1st degree.

I further state that this complaint is based upon the following facts: Check if continued on attached sheet.
See attached

(If this complaint involves misdemeanor assault/battery [West Virginia Code § 61-2-9] or misdemeanor domestic assault/battery [West Virginia Code § 61-2-28], check all that apply. The defendant:

- is/was the victim's spouse. is/was living with the victim as a spouse, parent, or guardian.
- is/was a parent or guardian of the victim. is a person who is like a spouse, parent, or guardian of the victim.
- has a child in common with the victim. has none of the above connections to the victim.

Complainant (who appears before Magistrate):
Sgt William K Willis
Complainant (full name)
PO Box 509
Address
Fayetteville WV, 25840
City, State & Zip Code
(304)574-4216
Phone Number(s)
Fayette County Sheriff's Department
Office or Title, if any
4/14/23 [Signature]
Date Complainant Signature

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

<u>Finding</u>	<u>Issuance</u>
<input type="checkbox"/> No probable cause found	<input type="checkbox"/> Summons issued
<input checked="" type="checkbox"/> Probable cause found	<input type="checkbox"/> Warrant issued
	<input checked="" type="checkbox"/> Warrantless arrest

4-15-23 [Signature]
Date Magistrate Signature


Case No. 23-M10M-00068

IN THE MAGISTRATE COURT OF FAYETTE COUNTY, WEST VIRGINIA

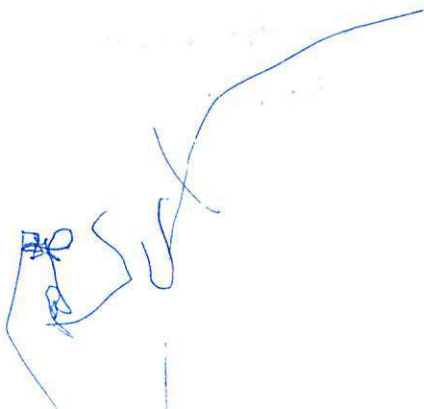
CRIMINAL COMPLAINT (CONTINUATION PAGE)

61-3-6 Willfully, unlawfully and maliciously setting fire on lands

If any person willfully, unlawfully and maliciously sets fire to any woods, fence, grass, straw or other thing capable of spreading fire on lands, he or she shall be guilty of a felony and, upon conviction, shall be sentenced to the penitentiary for a definite term of imprisonment which is not less than one year nor more than five years or fined not to exceed \$5,000, or both. He or she shall, moreover, be liable to any person injured thereby, or in consequence thereof, for double the amount of damages sustained by such person.


4.15.23

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23-0102-00068



Fayette County Sheriff's Department

Sheriff M.A. Fridley Chief Deputy R.K. Perdue II
100 N Court St Suite 5. Fayetteville. WV. 25840.
Ph: 304-574-4216. Fax: 304-574-4345. Non-Emergency 304-574-3590

Criminal Complaint Continued

On Tuesday, April 11, 2023 at approximately 6:00pm notification was received through the Fayette County 911 Center of a reported brush fire in the area of Tucker Hollow located off of Foster Ave, Kimberly, Fayette County, West Virginia.

On Tuesday, April 11, 2023 Members of the Armstrong Creek Volunteer Fire Department and Forest Fire Rangers with the WV State Division of Forestry was dispatched, and discovered the fire was rather large, and had accumulated several acres, and was not able to be immediately extinguished.

On Thursday, April 13, 2023 at approximately 6:15pm notification was received from firefighters with the WV Division of Forestry that one of their firefighters Cody Mullens had been killed while fighting the same fire that was reported on Tuesday, April 11, 2023.

Members of the Armstrong Creek Volunteer Fire Department and the Fayette County High Angle Rope Rescue team was dispatched, and an investigation by the WV State Fire Marshalls Office and the Office of the WV State Medical Examiners concluded that a tree had fell on Cody Mullens while conducting fire ground operation, and resulted in his death. It was also determined that the failed tree was the direct result of the forest fire.

On Friday, April 14, 2023 Investigators John Bird, and Don Kelley with the WV Division of Forestry conducted an investigation to determine the origin and cause of this fire. Based off the fire scene examination conducted by Investigators John Bird and Don Kelley it was determined that the fire had been the result of arson. Investigators John Bird and Don Kelley also made the determination the fire had at the minimum of 4 distinct and uncommunicated areas of origin.

On Friday, April 14, 2023, WV Assistant State Fire Marshal, and I conducted an interview with Larry Koon. Larry Koon lives at 456 Adkins Road, Kimberly, Fayette County, West Virginia. Larry Koon stated that on Monday, April 10, 2023 that he had witnessed David Bass in the area Tucker Hollow Road, and had set a couch on fire, however the fire was out. Larry Koon further stated on Tuesday, April 11, 2023 he seen smoke coming from Tucker Hollow Road, and went to investigate. Larry Koon stated that he observed David Bass standing on the access road for Tucker Hollow Road, and that the entire hillside was on fire. Larry Koon further stated he left and had a neighbor call 911.

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On Friday, April 14, 2023 I conducted an interview with Fire Chief Shannon Estep with the Armstrong Creek Volunteer Fire Department. Chief Estep stated that on Tuesday, April 11, 2023 he was the first to arrive on scene of the reported brush fire. Chief Estep stated that David Bass was on Tucker Hollow Road. Chief Estep stated that David Bass never indicated that he was responsible for setting the brush fire.

On Friday, April 14, 2023 I conducted an interview with Captain Manuel Davis of the Armstrong Creek Volunteer Fire Department and was the second to arrive on scene behind Fire Chief Shannon Estep. Captain Manuel also stated that when they arrived on scene the only individual present was David Bass.

On Friday, April 14, 2023 I made contact with David Bass walking on U.S. Route 61, Mount Carbon, Fayette County, West Virginia. David Bass was asked if he would ride with me to the Valley Detachment of the Fayette County Sheriff's Department. David Bass agreed and sat in the back seat of my patrol vehicle. David Bass was not handcuffed and at no time was he placed under arrest.

On Friday, April 14, 2023 at approximately 7:17pm WV Division of Forestry John Bird and I activated my digital recorder and read David Bass a Fayette County Sheriff's department Miranda Rights Form. David Bass waived his right to have an attorney present, and agreed to provide a statement. David Bass stated that he had set the couch on fire using a hand held lighter, and that he had set a log on fire on the opposite side of the roadway near the creek. David Bass further stated that the second fire was in the area of a blue bucket, that he had left on top of a log. David Bass further described how the fire jumped two three different areas previously identified as points of origin by Investigators John Bird, and Don Kelley with the WV Division of Forestry. Prior to the interview no information was discussed or provided to David Bass as it related to the areas of origin previously identified by investigators; specially the couch, the blue bucket, or the other areas or origin. David Bass further stated he knew the property in question did not belong to him.

Based off the preliminary facts of the investigation, David Bass set 4 separate and distinct fires along the access road of Tucker Hollow Road. The fire was not able to be contained which resulted in a fire that had encompassed several hundred acres of wildland. During the fire investigation and prior to the interview with David Bass several areas of origin were identified, and as a result the fire was ruled arson. David Bass admitted to setting at least two separate fires, and as a result WV Division of Forestry Firefighter Cody Mullens was gravely injured by a falling tree while conducting fire ground operations. I am requesting arrest warrants for four counts of Arson of wildland fires, and one count of felony murder.


Sgt. W.K. Willis
Fayette County Sheriff's Department


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