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6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

7 THE STATE OF WASHINGTON,)
8)
9) Plaintiff,)
10)
11) v.) No. 14-1-00461-0 SEA
12)
13) MUSAB MOHAMED MUSMARI,) INFORMATION
14)
15) Defendant.)
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I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse MUSAB MOHAMED MUSMARI of the following crime[s]: **Arson In The First Degree**, committed as follows:

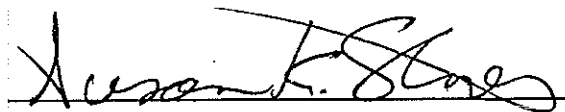
Count 1 Arson In The First Degree

That the defendant MUSAB MOHAMED MUSMARI in King County, Washington, on or about January 1, 2014, did knowingly and maliciously cause a fire or explosion located at 1509 Broadway, which fire or explosion (a) was manifestly dangerous to any human life, including firemen, and/or (b) damaged a dwelling, and/or (c) 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)(a), (b), and (c), and against the peace and dignity of the State of Washington.

DANIEL T. SATTERBERG
Prosecuting Attorney

By:



Susan K. Storey, WSBA #16447
Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse

1
2 CAUSE NO. 14-1-00461-0 SEA

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

6 The State incorporates by reference the Certification for Determination of Probable
7 Cause prepared by Detective Kerry Lee Hays of the Seattle Police Department for case number
8 14-000032.

9 Defendant Masmari is charged in this case with Arson in the First Degree, for having set
10 a gasoline fire inside Neighbours Nightclub, shortly after midnight on January 1, 2014. At the
11 time, the building was occupied by approximately 750 people, there to celebrate the coming of
12 the New Year.

13 Though Masmari was born in California, USA, he has stated that he moved to Libya
14 when he was three months old. He said that he returned briefly to the United States about seven
15 years ago, then returned to stay in 2009. Masmari holds a Libyan passport, as well as a United
16 States passport.

17 According to the discovery, less than 24 hours after a witness first told Masmari about the
18 media coverage on the charged arson, and observed that the suspect picture look like Masmari,
19 Masmari contacted a travel agent to purchase a one-way airline ticket to Turkey. He was
20 arrested while on his way to the airport to catch that plane. He appears to have taken everything
21 with him that he cares about.

22 At a pre-charging bail hearing, the court set Masmari's bail at \$1,000,000.00 and ordered
23 him to turn over his passports.

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2 Defendant is both a significant flight risk and a danger to others. For the stated reasons,
3 the Prosecutor respectfully asks the Court to continue Masmari's bail in this case at **\$1,000,000**
4 **(one million dollars)**. The State further requests that the defendant:

- 5 1. Be required to remain within King County;
6 2. Have no law violations; and
7 3. Have no contact, directly or indirectly, with Neighbours Nightclub, Therapy Lounge,
8 their employees or patrons.

9 This memorandum has been prepared solely to acquaint the court with facts relevant to
10 setting bail and issuing an order prohibiting contact.

11 Signed and dated by me this ____ day of February, 2014.

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15 Susan K. Storey, WSBA #16447
16 Senior Deputy Prosecuting Attorney

LODI
FEB 05 2014

Cause No.

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

I, Detective Kerry Hays, Seattle Police Department Bomb and Arson Squad, have reviewed and am familiar with the investigation conducted in Seattle Police Department Incident number 14-000032. There is probable cause to believe that defendant Musab Mohamed Masmari, also known as Mosab Mohamed M. AlMesmari, also known as Musab M. Musmari, DOB May 31, 1983, committed the crime of Arson in the first degree. This belief is predicated on the following facts and circumstances:

I have been a Seattle Police Officer for 28 years, the last 21 years as a Detective, the first four years as a Juvenile Detective, five years as a Fraud/Explosives Detective, and the last 12 as an Arson/Explosives Detective.

Neighbors Nightclub, 1509 Broadway, Seattle, WA, advertises itself as "Seattle's largest and longest running gay club." Therapy Lounge, owned by a relative of the Neighbours' owner, is adjacent to Neighbours. Late on the evening of December 31, 2013, both businesses were open and very busy, full of patrons who were there to celebrate the beginning of the New Year, 2014. Neighbours conducted security checks that evening at their public entrance door, going through any items that patrons wanted to carrying into the club. Therapy Lounge apparently did not conduct similar security checks. There is an interior door between the two businesses which, on New Year's Eve, was closed to patrons, indicated by a belt or rope strung across the doorway.

On January 1, 2014, at about 15 minutes into the New Year, a fire was set in the east stairway of Neighbours Nightclub. This stairway goes from Neighbours' main floor to Neighbours' balcony. Both floors were open to and occupied by New Years' revelers. Neighbours patrons and a bartender who was working on the balcony saw the fire, located an extinguisher, and put out the fire. Neighbours was occupied by approximately 750 patrons at the time of the fire. After the fire was extinguished, a one gallon plastic gas container was noticed by witnesses, sitting upright at the top of the stairs, above where the fire had started. The gas can was partially behind a potted plant. The gas container was about 2/3 full of a substance SFD Fire Investigators recognized as gasoline. Fire Investigators took liquid samples from the gas can and put the samples and can into evidence.

I obtained and reviewed Neighbours surveillance videos from the night of December 31, 2013, to January 1, 2014. I observed the following in the Neighbours surveillance videos:

A male, who witnesses subsequently identified as the defendant, Musab Mohamed Masmari, is initially seen on video in the Therapy Lounge at approximately 11:37 pm (time on the video, which is approximately 7 minutes off). He is seen wearing a jacket and carrying a bag that is consistent with the size and shape of a one gallon plastic gas can. Masmari remains on camera for about 5 minutes, not interacting with anyone. He is then off camera for about 2 minutes, and comes back into camera view, briefly, as he walks across the Therapy Lounge floor toward the interior door that passes into Neighbours Nightclub.

Approximately 12 minutes later, Masmari is seen on video inside Neighbours as he ascends the east stairway to the Neighbours' balcony. Masmari is then seen moving into and out of camera view on the balcony. He is seen on the video carrying a bag that is consistent in size and shape with a 1 gallon plastic gas can. He does not interact with anyone except for a brief contact with the bartender. The last time Masmari is seen on the balcony video surveillance, he is carrying his jacket and a bag that is consistent in size and shape with the gas can that was later recovered by the fire department. He descended the stairs to the main floor. Fire is seen in that same stairway about two minutes later. Less than a minute after a flash of light from the fire is first seen on the video surveillance recording, Masmari is seen on the surveillance video as he moves rapidly across the Therapy Lounge floor. His direction of travel is from the area of the doorway between Neighbours and the Therapy Lounge, and toward the Therapy Lounge exterior door.

Still photographs of Masmari, taken from the Neighbours' surveillance video, were released to the public. Local news media outlets published images from the surveillance video, as well as articles about the New Year's Eve arson at Neighbours. Several individuals called the police department to state that they recognized the person in the images as Masmari. I obtained a copy of Masmari's most recent King County Jail Booking photos and compared it to the images from the Neighbours surveillance video. These appear to match in appearance and physical description. The Washington State Department of Licensing lists Masmari's address as [REDACTED], Seattle, although we have learned he was evicted from there about three months ago. The [REDACTED] address is approximately 8/10 of a mile from Neighbours Nightclub.

From May to August, 2013, Masmari's actions initiated numerous police contacts. Most of the incidents occurred on Capitol Hill, near Masmari's residence. Police found him asleep in a running of vehicle and smelling heavily of alcohol. He lunged at and spit on the officer who roused him. Responding to a report of a man in a tree cutting branches, officers found Masmari in the tree, shirtless and sweating profusely. He said he was doing this to save everyone. Another person called police when Masmari was shouting obscenities. The victim thought Masmari was under the influence of intoxicants and has mental issues. Masmari was reported to have swerved his car toward one victim, and thrown a piece of paper at another. He reportedly walked toward one witness with half a pool cue, got into an argument with that person, spit in his face, then punched the victim in the head. The manager of Masmari's apartment building reported that Masmari was painting a rail and refused to stop. Masmari is reported to have harassed other neighborhood occupants and visitors, on one occasion swinging a golf club and staring at a victim. On another occasion he reportedly made lewd comments to a female outside a business establishment. Masmari has one conviction for Assault, and dispositions have not yet been received for an Anti Harassment Protection order violation (2 cts) and Property Destruction charge at Seattle Municipal Court.

A witness whose identity and contact information are fully known to law enforcement discussed the Neighbours arson with Masmari, and revealed those conversations to investigators. When the witness asked Masmari about the news media and released images from the surveillance video, Masmari first said that he didn't know what the witness was talking about. He then said that the witness was the second person to ask him about the arson, and said that he didn't want to make trouble for himself. He indicated concern about the media coverage.

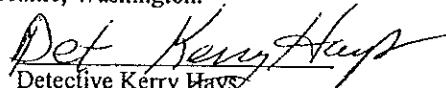
The next day, Masmari called a travel agent to book a one way airline ticket to Turkey, to leave from SeaTac in two days.

Masmari and the same witness spoke again the day after Masmari called the travel agent, and again discussed the Neighbours arson. Masmari told the witness that he does not want to go to jail, and claimed that he is not a criminal. During the conversation the witness spoke to Masmari about why Masmari set the fire, why he used the quantity of gas he used, and what he did with the gas can. Masmari would not state the reason he set the fire. Masmari observed that, if police had any proof, they would have arrested him by now. Masmari asked the witness what might happen if he tried to leave the country. The witness tried at length to convince Masmari that it would be interpreted badly if he tried to leave the country right now.

The next day, as Masmari was on his way to the airport, in time to catch the flight to Turkey, police detained and arrested him. Masmari's luggage was found in the trunk of the car in which he was traveling. It was searched pursuant to warrant. The luggage was very full. It contained clothing, books, and keepsakes, such as photographs, certificates, notebooks and personal files. Police searched Masmari's residence, finding very little personal property left behind. It appeared as if Masmari did not intend to return to the residence.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to the best of my knowledge and belief.

Signed and dated by me this 5th day of February 5, 2014, at Seattle, Washington.


Detective Kerry Hays
2/5/2014