

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of Colorado

United States of America
v.
LUCY GRACE NELSON,
a/k/a Justin Thomas Nelson
Case No. 1:25-mj-00043-NRN
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, and state that the following is true to the best of my knowledge and belief.
On or about the date(s) of January 29, 2025 in the county of Larimer in the
State and District of Colorado, the defendant(s) violated:

Code Section 18 U.S.C. § 844(i)
Offense Description Malicious Destruction of Property

This criminal complaint is based on these facts:
See Affidavit attached hereto and hereby incorporated by reference.

Continued on the attached sheet.

s/Katrina Alconaba
Complainant's signature
Special Agent Katrina Alconaba, ATF
Printed name and title

Sworn to before me and signed in my presence. submitted, attested to, and acknowledged by reliable electronic means.

Date: 02/26/2025
City and state: Denver, Colorado
N. Reid Neureiter
United States Magistrate Judge
Judge's signature
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

1. I am a Special Agent with the Bureau of Alcohol Tobacco Firearms and Explosives and have been since March 2014. I am currently assigned to the Denver Field Division, Group II Office. My current assignment involves investigation of violations of the federal firearms, explosives, arson, and tobacco laws. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I have received formal basic training as a criminal investigator at the Federal Law Enforcement Training Center (FLETC), located in Glynco Georgia. I graduated from the ATF Special Agent Basic Training (SABT) at FLETC in Georgia. Prior to hiring on with ATF, I was employed with the Guam Customs and Quarantine Agency (CQA) as a Customs Officer for approximately eleven years. During my time as a Customs Officer, I was assigned to ATF as a Task Force Officer for a period of three years.

2. In my current capacity as an ATF Special Agent, I am responsible for conducting investigations into the numerous laws enforced by the ATF. I have participated in various types of investigations and associated activities, including executing search and seizure warrants. I have received training and gained experience in interviewing techniques, arrest procedures, search warrant applications, the execution of searches and seizure warrants, and various other criminal procedures. In addition, I have provided assistance to various agents of the ATF and other law enforcement agencies in their investigations of individuals relating to homicide, arson, explosive violations, narcotics and firearms trafficking, and prohibited persons in possession of firearms, and theft of firearms from Federal Firearms Licensees.

3. The information contained in this affidavit is based on information compiled from personal involvement, witness/victim interviews, fellow law enforcement officers, and by

reading official police reports. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all knowledge about this matter. Based on training and experience and the facts as set forth in this affidavit, your affiant believes there is probable cause to believe that LUCY GRACE NELSON, a/k/a Justin Thomas Nelson, maliciously damaged or attempted to damage by means of firearm or an explosive any personal property used in interstate or foreign commerce and use in any activity affecting interstate or foreign commerce on January 29, February 7, and February 11, 2025.

FACTS AND CIRCUMSTANCES

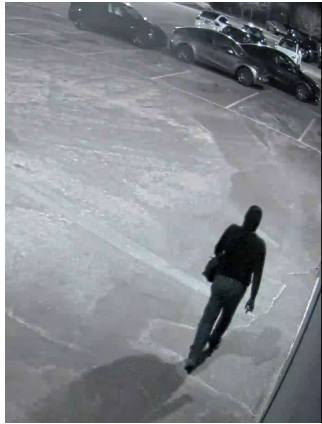
4. On January 29, 2025, at about 1853 hours, Loveland Police Department (LPD) received a call from the reporting party of a fire near a Cyber Truck located at the Tesla dealership on 1606 N Lincoln Avenue, Loveland, Colorado 80537. The reporting party indicated there was no one at the dealership and stated the truck was not on fire but the fire was on the ground. The reporting party described the device as a coke bottle on fire under the car. The reporting party further stated there was an alcohol bottle with something inside and they were able to extinguish the fire. No damage was reported to the Cyber Truck. LPD collected a Smirnoff Ice bottle with a cloth in the neck of the bottle. I know that an “incendiary device” is a device that consists of a breakable container with an ignitable liquid and a wick that, when ignited, is capable of spreading an ignitable liquid and can be carried or thrown by one person. *See* 18 U.S.C. § 232(5). Such incendiary devices are commonly referred to as “Molotov cocktails”. I also know such incendiary devices are destructive devices, *see* 26 U.S.C. § 5845(f), and an individual must register with the United States government and pay a tax prior to possessing such a device.

5. On February 2, 2025, at about 2130 hours, LPD received a call reporting graffiti on the sign at the Tesla dealership. The information was relayed from a Tesla employee to his supervisor at Tesla. The supervisor then reported the graffiti to the police. LPD received a second call from a separate reporting party who was passing by and reported seeing an individual graffitiing the sign. Information received later revealed the Tesla employee received a photo of the graffiti on the sign from his girlfriend and sent it to his supervisor. The photo showed the word “Nazi” spray painted in black letters on the Tesla sign in front the business. See photo below. The employee later went to the business and cleaned off the graffiti prior to police arrival. LPD advised the incident on January 29, 2025, is possibly connected to the incident on February 2, 2025, and probably committed by the same individual.



6. On February 7, 2025, LPD received a call around 0702 hours, reporting graffiti and possible arson at the Tesla business. LPD responded to the call and observed multiple broken bottles with black colored fabric, acting as a wick, in and or around the bottles; this was consistent with the bottles being incendiary devices. LPD also observed that a wall of the building and multiple vehicles had red colored spray paint on them, which was consistent with someone graffitiing the wall and cars. Surveillance video obtained from the premises revealed at

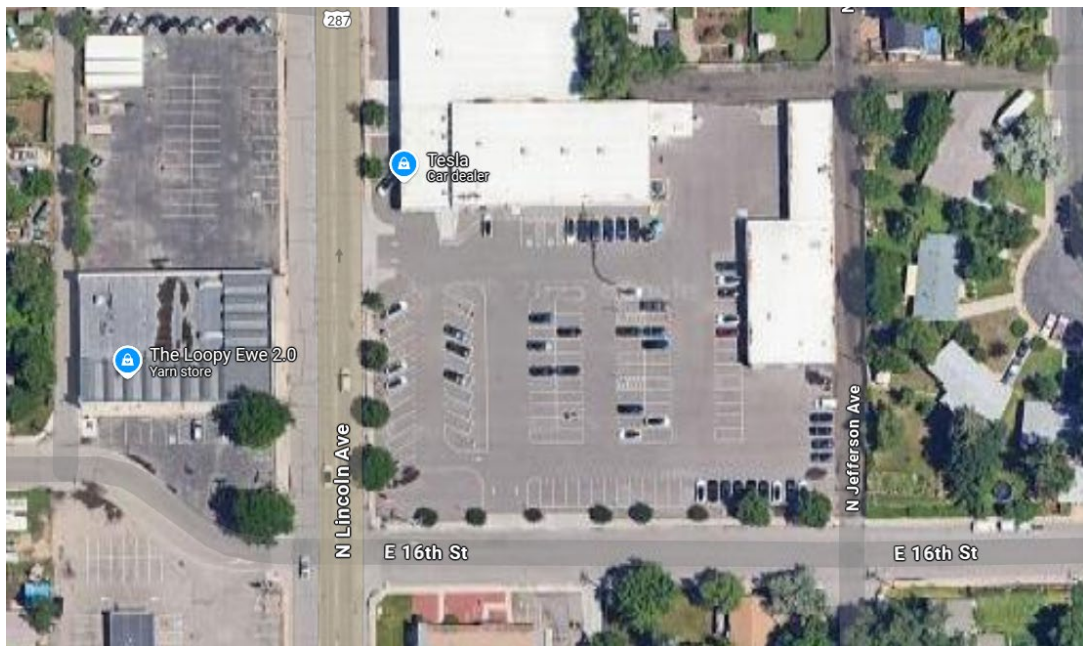
about 0014 hours, an individual wearing dark colored pants, a black hoodie, and gloves and carrying a dark colored bag walked into the parking lot of Tesla.



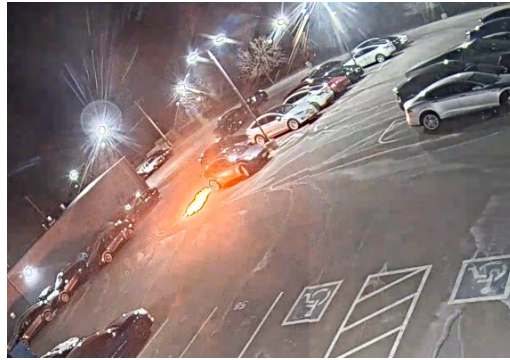
7. The surveillance video showed the individual walked around the vehicles in the parking lot, lighting the first device and throwing it towards the cars parked along N Lincoln Avenue and it landed in the middle of the vehicles parked in the center of the parking lot.



8. The individual then lit a second device and threw it towards the cars parked along N Lincoln Avenue in front of the Tesla dealership.



9. The individual then continued to walk towards the middle of the parking lot and lit the third device and threw it towards the vehicles parked in the center. The surveillance video captured the individual throwing four incendiary devices in the Tesla parking lot.



x Help



10. The surveillance video captured fire on the ground where all the incendiary devices landed. I know that the presence of fire indicated that an ignitable liquid was present in the bottles at the time they were ignited and thrown. I also know from ATF Special Agent / Certified Fire Investigator Bryan Kempa, who also responded to the scene and collected evidence, that there was an odor consistent with gasoline emanating from the evidence. Like the

bottle collected on January 29, 2025, the remnants of the bottled collected on February 7, 2025, bore Smirnoff Ice labels.

11. The individual then appeared to leave the area the same way the individual came in. Shortly after, the individual walked back into the parking lot from E 16th Street to the cars in the middle and appeared to spray paint on the vehicles. LPD reported at about 0033 hours, the surveillance video indicated the individual departed the area.

12. On February 11, 2025, while patrolling the area, Loveland Police Department (LPD) responded to the Tesla dealership located at 1606 N Lincoln Avenue, Loveland, Colorado 80537, regarding a criminal mischief complaint. LPD has been frequenting patrols in the area of the Tesla dealership because of the prior incidents of graffiti and destruction of property that occurred on January 29th, February 2nd and February 7th this year. LPD contacted a Tesla security guard who reported that an individual came on to the property and spray painted the words “Fuck Musk” with red spray paint on the front windows of the establishment. The security guard chased the individual but was unable to catch them as they fled. The security guard failed to contact the police right away. The security guard cleaned some of the graffiti off the windows prior to police arrival. LPD provided a photo of the spray paint on the window before all the paint was cleaned off was taken.



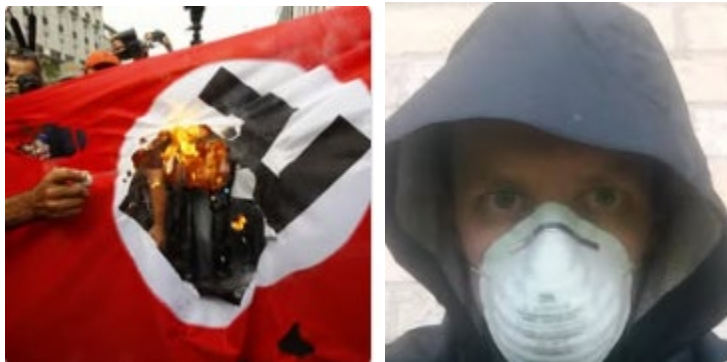
13. LPD reviewed surveillance footage of the area which showed at about 2247 hours on February 11, 2025, an individual wearing a dark hoodie, dark pants, wearing gloves and carrying a dark colored bag walked to the Tesla dealership. The individual is wearing clothing and carrying a bag which resembled the image in the surveillance footage recorded during the incident on February 7, 2025. At about 2258 hours, the individual is seen on the surveillance footage going back in the direction they came in. It appears that the incidents that occurred on January 29, February 2, February 6-7, and February 11 were possibly committed by the same person.



14. On February 18, 2025, SA Alconaba received information from Detective Peperas regarding the identification of the potential suspect. Detective Peperas explained that through watching surveillance footage they were able to identify a vehicle that left the Walgreens parking lot following the incident on February 7, 2025. The vehicle was identified as a Silver Toyota Prius and was observed traveling through Loveland via traffic cameras and the license plate was captured via Flock surveillance cameras as Colorado license plate EGAZ66. The vehicle is registered to Justin Thomas NELSON, residing at an address in Lyons, CO.

15. Detective Peperas further stated Justin Thomas NELSON, had officially changed their name to Lucy Grace NELSON. Detective Peperas also stated Boulder County Sheriff's Office had recently issued a speeding ticket to NELSON who was operating the Toyota Prius.

16. LPD conducted surveillance of NELSON's residence in Lyons, CO, and observed a silver Prius in a ditch on the neighbor's property, with no license plates. LPD conducted an open-source search and located a Facebook account with the name Lucy Grace NELSON. The World Wide Web address is <https://www.facebook.com/profile.php?id=10007154325834>. A review of the account and photos revealed these images.



17. A query of a law enforcement database identified NELSON as having an address in Lyons, CO.

18. SA Alconaba ran a criminal history query for Justin Thomas Nelson and Lucy Grace Nelson which came back with negative results.

19. On February 24, 2025, Loveland Police Department advised that a license plate reader alerted investigators that the Toyota Prius registered to Justin Nelson was mobile, and surveillance was established. Nelson was followed by investigators to the area of the Tesla dealership in Loveland, Colorado where Nelson was observed parking the Prius and walking toward the business wearing the same clothing as was seen on the suspect during the February 7th

incident. Nelson was observed by law enforcement wearing a satchel similar to the incident on February 7th. After walking around near the Tesla dealership, Nelson walked back to the Prius vehicle. Before departing in the vehicle, LPD officers arrested Nelson after investigators observed the described activity. LPD obtained a search warrant for the Toyota Prius. During the search of the vehicle, law enforcement found a gasoline container, a box of Smirnoff Ice bottles, and wick material similar to those that were recovered from the prior incident. LPD Detective Trase Peperas noted Nelson was wearing the same type of velour hooded sweatshirt, blue jeans, belt, and shoes that appeared to be the same clothing worn by Nelson in the February 7th incident. Nelson's clothing was seized by LPD for evidence.



(Image of suspect on February 7, 2025, incident at Tesla)

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20. I know from my training and experience that the Tesla dealership is an established business that affects interstate commerce. The Tesla dealership reported to LPD an estimated total damage in all incidents of between \$5,000.00 to \$20,000.00. On February 25, 2025, SA Alconaba contacted the Tesla manager, who estimated the amount of damage to the vehicles to be around \$5,000.00.

s/Katrina Alconaba
SA Katrina Alconaba, ATF

Submitted, attested to, and acknowledged by reliable electronic means on February, 25th 2025.



THE HON. N. REID NEUREITER
UNITED STATES MAGISTRATE JUDGE

Affidavit reviewed and submitted by Assistant United States Attorney Albert Buchman.

DEFENDANT: LUCY GRACE NELSON, a/k/a Justin Thomas Nelson

YOB: 1982

COMPLAINT FILED? Yes No

If Yes, MAGISTRATE CASE NUMBER:

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? Yes No

OFFENSE(S): COUNT 1: Malicious Destruction of Property, 18 U.S.C. § 844(i)

LOCAT. OF OFFENSE: Larimer County, Colorado

PENALTY: COUNT 1: NLT 5 years' imprisonment, NMT 20 years' imprisonment; NMT three years' supervised release; a maximum fine of \$250,000; and a \$100 mandatory victim's fund assessment fee.

AGENT: Special Agent Katrina Alconaba, ATF

AUTH. BY: Albert Buchman, Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days

THE GOVERNMENT

will seek detention in this case based on 18 U.S.C. § 3142(f)(1)(E).

will not seek detention

The statutory presumption of detention is not applicable to this defendant.