

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

<b>POLICE NO. :</b>	15-073521
<b>PROSECUTOR NO. :</b>	095427634
<b>OCN :</b>	W0005259

<b>STATE OF MISSOURI,</b>	)	
	)	<b>PLAINTIFF,</b>
<b>vs.</b>	)	
	)	
<b>THU HONG NGUYEN</b>	)	
<b>3528 St. John Ave.</b>	)	<b>CASE NO. 1516-CR03754-01</b>
<b>Kansas City, MO - 64123</b>	)	<b>DIVISION 9</b>
<b>DOB: 06/20/1972</b>	)	
<b>Race/Sex: A/F</b>	)	
<b>[REDACTED]</b>	)	
	)	<b>DEFENDANT.</b>

**SUBSTITUTE INFORMATION**  
**IN LIEU OF INDICTMENT**

**In the Circuit Court of Jackson County, Missouri, at Kansas City, Term, 2018. In Division Number \_\_\_\_ thereof, designated by the rules of said Court as Criminal Division \_\_\_\_.**

**Count I. Causing Catastrophe (569.070-001Y197553990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.070, RSMo, committed the **class A felony of causing catastrophe**, punishable upon conviction under Section 558.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, the defendant knowingly caused a catastrophe by causing a fire at 2608 Independence Ave and that fire caused substantial damage to five or more inhabitable structures.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

**Count II. Arson 1st Degree - Causing Serious Physical Injury Or Death  
(569.040-002Y198720990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.040, RSMo, committed **the Class A Felony of Arson in the First Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about October 12, 2015, in the county of Jackson, State of Missouri, the defendant knowingly damaged a building consisting of a mixed use commercial and apartment complex located at 2608 Independence Ave., and the defendant did so by starting a fire at a time when persons were then present or in near proximity thereto and thereby recklessly placed such persons in danger of death or serious physical injury. Further as a result of such fire set by the defendant, Larry Leggio and John Mesh died.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

**Count III. Murder 2nd Degree - Felony Murder - During  
Perpetration/attempted Perpetration/flight From Perpetration Of A Felony,  
A Person Dies (565.021-003Y198409990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.021, RSMo, committed **the Class A Felony of Murder in the Second Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, Larry Leggio was killed by the collapse of a building at 2608 Independence Ave., a result of the perpetration of the Class A Felony of Arson in the First Degree under Section 569.040, RSMo committed by the defendant on or about October 12, 2015, in the County of Jackson, State of Missouri.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

**Count IV. Murder 2nd Degree - Felony Murder - During Perpetration/attempted Perpetration/flight From Perpetration Of A Felony, A Person Dies (565.021-003Y198409990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.021, RSMo, committed **the Class A Felony of Murder in the Second Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, John Mesh was killed by the collapse of a building at 2608 Independence Ave., a result of the perpetration of the Class A Felony of Arson in the First Degree under Section 569.040, RSMo committed by the defendant on or about October 12, 2015, in the County of Jackson, State of Missouri.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

**Count V. Assault 2nd Degree (565.060-001Y198413990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.060, RSMo, **committed the class C felony of assault in the second degree**, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, the defendant recklessly caused serious physical injury to Dan Werner by causing a fire at 2608 Independence Avenue.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed five thousand dollars (\$5,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime up to a maximum of twenty thousand dollars (\$20,000).

**Count VI. Assault 2nd Degree (565.060-001Y198413990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.060, RSMo, **committed the class C felony of assault in the second degree**, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 12, 2015, in the County of Jackson, State of Missouri, the defendant recklessly caused serious physical injury to Chris Anderson by causing a fire at 2608 Independence Avenue.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed five thousand dollars (\$5,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime up to a maximum of twenty thousand dollars (\$20,000).

**Count VII. Arson 1st Degree (569.040-001Y197720010)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.040, RSMo, **committed the class B felony of arson in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about July 25, 2013, in the County of Jackson, State of Missouri, the defendant knowingly damaged a building consisting of a Nail Salon "Nails USA" located at 410 SW Ward Road, and defendant did so by starting a fire at a time when persons were then in near proximity thereto and thereby recklessly placed such persons in danger of death or serious physical injury.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

**JEAN PETERS BAKER**  
Prosecuting Attorney  
Jackson County, Missouri  
by,

/s/ Theresa E. Crayon  
Theresa E. Crayon (#41063)  
Assistant Prosecuting Attorney  
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11th Floor  
Kansas City, MO 64106  
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**WITNESSES:**

1.

**PROBABLE CAUSE STATEMENT FORM**

CRN: 15-073521

Date: 11/17/2017

CRN: 15-073521

I, Ryan Zornes, Special Agent Certified Fire Investigator with the Bureau of Alcohol, Tobacco, Firearms and Explosives

(Name and identify law enforcement officer, or person having information as probable cause.)

knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

I have probable cause to believe that on 7/25/2013, at 410 Southwest Ward Road in  
(Date) (Address)

Lee's Summit, Jackson, Missouri Thu Hong Nguyen,  
(City,) (County) (Name of Offender(s))

Asian, Female, DOB: 6/20/1972, SSN:4XX-XX-XXXX committed one or more criminal  
offense(s).

(Description of Identity)

The facts supporting this belief are as follows:

I, Ryan T. Zornes, Senior Special Agent / Certified Fire Investigator (SSA/CFI), Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter referred to as "ATF"), being duly sworn, state as follows:

I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since November 2001. I am currently assigned to the Kansas City Field Division, Kansas City, Missouri, Field Office and investigate incidents involving the criminal use of fire.

During my tenure as an ATF agent, I have been the affiant for numerous federal search warrants, which have resulted in the seizure of firearms, narcotics, drug proceeds and other contraband. I have personally conducted and participated in numerous investigations, which have resulted in the arrest and prosecution of individuals charged for violating federal firearms, arson, drug and explosive laws.

I have investigated numerous fires that have occurred in commercial and residential occupancies. During those investigations, I determined or assisted with the determination as to where the fire originated and what caused the fire (origin and cause). I have also testified as an expert witness in Missouri State Court and Federal Court in the United States District Court, Western District of Missouri, offering my expert opinion as to the origin and cause of fires.

I have participated in fire and explosive investigations as an active member of the ATF National Response Team, which responds to major incidents that have occurred throughout the United States involving the loss of life and or significant loss of property.

The information in this probable cause statement are based upon my personal observations and investigation, or on information relayed to me by other special agents or other law enforcement officers working with me, as well as official reports of investigation from law enforcement agencies, or other investigative bodies. Because this application is being submitted for the purpose of establishing probable cause to support an arrest warrant, I have not included every fact known to me concerning this investigation. I have submitted only those facts and circumstances, which I believe, are necessary to establish probable cause for the issuance of an arrest warrant.

## PROBABLE CAUSE STATEMENT FORM

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On July 25, 2013, at approximately 6:40 p.m., a fire occurred at the Nails USA nail salon located at 410 Southwest Ward Road, Lee's Summit, Jackson County, Missouri 64083. Nails USA nail salon was one of several business contained within the Cedar Creek Mall shopping complex, many of the business were open when the fire occurred. The Lee's Summit Fire Department (LSFD) and the Lee's Summit Police Department (LSPD) responded to the scene after receiving a 911 call from Melissa Vaughn who was also the last customer inside the nail salon, shortly before Vaughn discovered the fire. After Vaughn discovered the fire, and called 911, she went into the Tan Spot located at 418 Southwest Ward Road, which was adjacent to the Nails USA nail salon. While Vaughn was inside the tanning salon, she notified Heather Sandor, an employee of the Tan Spot, and Julie Wilkins, the Tan Spot owner, both of which were present inside the business, that the nail salon next door was on fire.

At approximately 6:44 p.m., on July 25, 2013, the LSPD arrived on scene with the LSFD arriving shortly thereafter. An active fire was observed inside the business by both the LSPD, and the LSFD. After the LSFD with the assistance of the LSPD forced entry into the secured business, a single nail salon desk was observed on fire toward the front of the business. The fire was quickly extinguished by the LSFD, which limited the fire damage to the interior of the Nails USA nail salon. A fire scene examination was conducted by the LSFD to determine the origin and cause of the fire. The LSFD classified the fire as accidental and determined the fire originated from inside a nail salon desk workstation located toward the front of the business. The LSFD further indicated the fire was caused by the inappropriate electrical wiring inside the cabinet with the recent heat buildup from the use of the finishing equipment.

During the LSFD fire scene examination, the LSFD determined the Nail Salon was purportedly owned by Cuong Nguyen. At the time of the fire, Cuong Nguyen lived at 3528 Saint John Avenue, Kansas City, Missouri 64123. Investigators with the LSFD also determined that Thu Hong Nguyen, who was the mother of Cuong Nguyen, the purported owner, worked at Nails USA. During the fire scene examination on July 25, 2013, a brief interview of Thu Hong Nguyen was conducted by the LSFD which revealed that Thu Hong Nguyen had been working at her nail station, which was identified as the area where the fire originated, shortly before closing the nail salon early because business was slow. Thu Hong Nguyen also indicated that she left the business after closing with two (2) other employees.

During the interview of Thu Hong Nguyen, which was conducted by the LSFD, Thu Hong Nguyen stated she had been using nail finishing equipment that was located within her workstation where the fire occurred. Thu Hong Nguyen told investigators that she also had acetone and rubbing alcohol stored in the nail salon desk. Thu Hong Nguyen told investigators that she did not smell any odors or see anything out of the ordinary prior to closing the nail salon early.

On July 25, 2013, the LSPD conducted a brief interview of Thu Hong Nguyen while the LSFD conducted a fire scene examination to determine the origin and cause of the fire. During the interview, Thu Hong Nguyen told the responding LSPD officers that she closed the nail salon at approximately 6:30 p.m., which was earlier than her normal closing time of 7:30 p.m. Thu Hong Nguyen told the LSPD she closed after finishing a customer's nails due to a lack of business. Thu Hong Nguyen added she was notified about the fire by her son Cuong Nguyen by telephone approximately ten (10) to fifteen (15) minutes after she left the nail salon.

On July 29, 2013, a fire scene examination was conducted by a Fire Consulting International, Inc. (FCII) private fire investigator at Nails USA located at 410 Southwest Ward Road, Lee's Summit, Jackson County, Missouri 64083. The insurance company who maintained the insurance policy for Nails USA hired FCII, a private fire investigation company to determine the origin and cause of the fire.

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During the fire scene examination on July 29, 2013, which was conducted by FCII, the FCII fire investigator conducted a brief interview of Cuong Nguyen, who was the purported business owner and the individual who held the insurance policy for Nails USA. Cuong Nguyen also filed the claim on behalf of Nails USA. During the interview, Cuong Nguyen told the FCII fire investigator that his mother, Thu Hong Nguyen ran the nail salon and referred all questions to his mother.

The FCII fire investigator conducted a subsequent interview of Thu Hong Nguyen during the fire scene examination on July 29, 2013. During the interview, Thu Hong Nguyen told the investigator that nothing unusual occurred on the date of the fire and that she was the primary operator of the front nail salon desk where the fire originated. Thu Hong Nguyen added that she had equipment that she had just used, prior to closing at 6:30 p.m. that was stored in the nail salon desk.

On July 29, 2013, Thu Hong Nguyen also told the FCII fire investigator that all of the appliances at her nail salon desk were turned OFF prior to Thu Hong Nguyen leaving for the day.

During the fire scene examination conducted by the FCII fire investigators hired by the insurance company, the fire investigator determined the fire originated inside a small storage cabinet, at the base of the cabinet, which was part of the nail salon desk utilized by Thu Hong Nguyen on the day of the fire. The FCII fire investigators was also able to eliminate all of the equipment/appliances that were originally located on or inside the nail salon desk where the fire occurred, except for a relocatable power tap (RPT) or more commonly referred to as a power strip.

The FCII fire investigators further concluded that the RPT, which was located in the area of origin inside the nail salon desk, sustained significant fire damage that would suggest a failure of the RPT, which subsequently caused the fire. The FCII fire investigators also concluded that further forensic analysis would need to be conducted on the RPT to determine if the RPT caused the fire or if the RPT could be eliminated as a cause of the fire. The FCII fire investigator concluded that the cause of the fire could not be determined.

On August 9, 2016, ATF conducted an interview of Melissa Vaughn, who has previously been identified as the 911 caller who reported the fire at Nails USA, and the last customer that was inside the nail salon before it closed. During the interview, Vaughn informed investigators that she believed she observed three (3) employees of the nail salon leave while she sat outside the business on a park bench smoking a cigarette. Vaughn indicated that she believed the nail salon had closed early because the employees left the nail salon a short time after Vaughn's pedicure was completed and Vaughn had left the salon. Vaughn also told investigators that she did not see or smell anything out of the ordinary that would indicated something was burning while she was inside the nail salon.

During the interview of Vaughn, conducted by ATF on August 9, 2016, Vaughn told investigators that she discovered the fire inside the nail salon when she was walking north toward HyVee. Vaughn indicated she believed the fire was located at or near a table where customers would sit to put their hands or feet under a UV light, however Vaughn could not recall what was exactly on fire. Vaughn told investigators when she first observed the fire, it was small. Vaughn added during the interview that she believed less than ten (10) minutes had passed from the time she observed the nail salon employees leave the salon, and when she first discovered the fire inside the nail salon.

On March 30, 2016, ATF conducted an interview of Thuy H. Nguyen who was identified as an employee of Nails USA when the fire occurred at the business on July 25, 2013. During the interview, Thuy Nguyen recalled there being three (3) employees inside the business when it closed for the day. Thuy Nguyen indicated the other



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two (2) individuals where Thu Hong Nguyen, who Thuy Nguyen referred to as the owner, and another unknown employee, later identified by ATF as Ha L. Phuong. Thuy H. Nguyen told investigators that she left the nail salon at closing time with the other employee, which would have left Thu Hong Nguyen alone inside the business. Thuy Nguyen added that she and the other employee waited outside by a vehicle for Thu Hong Nguyen to exit from inside the nail salon. Thuy Nguyen indicated that she left the area with the other employee in a vehicle driven by Thu Hong Nguyen. Thuy Nguyen told investigators that approximately twenty (20) minutes later, Thu Hong Nguyen received a phone call about the fire at the nail salon.

During the same interview of Thuy Nguyen, which was conducted by ATF on March 30, 2016, Thuy Nguyen told investigators that she did not see or smell anything out of the ordinary the day of the fire. Thuy Nguyen indicated that the nail salon desk where the fire occurred was the same nail salon desk that was utilized by Thu Hong Nguyen on the day of the fire. Thuy Nguyen also told investigators that she did not have a key to the business and indicated that Thu Hong Nguyen was the only one who had keyed access to the nail salon.

On March 31, 2016, ATF conducted an interview of Ha. L. Phuong, identified as the second employee who was working at Nails USA on the day of the fire, which occurred on July 25, 2013. Phuong told investigators during the interview that she did not recall the nail salon being very busy on the day of the fire, which was normal for Nails USA. On the day of the fire, Phuong stated she was working with Thu Hong Nguyen, who Phuong referred to as the owner, and another unknown employee, who was identified by ATF as Thuy H. Nguyen. During the interview, Phuong stated that she left the nail salon with the other employee at closing time and added that Thu Hong Nguyen walked out a short time later and locked the door to the nail salon. Phuong added that all three (3) individuals entered Thu Hong Nguyen's vehicle and drove away. Approximately twenty (20) minutes later, Thu Hong Nguyen received a phone call telling her the nail salon was on fire.

During the interview of Phuong, Phuong told investigators that she did not recall there being any problems with any of the equipment in the nail salon, nor did she notice anything out of the ordinary the day of the fire.

During this investigation, ATF SSA/CFI Ryan Zornes reviewed all of the reports associated with this investigation, which included a review of the LSF and LSPD reports related to the initial response and subsequent fire investigation conducted by the LSPD, and LSF. The aforementioned review conducted by SSA/CFI Ryan Zornes also included a review of the FCII origin and cause report completed by the FCII fire investigator. The ATF investigation also included laboratory testing and report analysis, which was conducted by ATF at the ATF Fire Research Laboratory. The report analysis and laboratory testing was conducted by ATF experts in the field of Electrical and Fire Protection Engineering.

After an analysis of data collected by the original fire scene investigators, which included a review of photographs taken by the LSF and LSPD on July 25, 2013, and photographs taken by the FCII fire investigator on July 29, 2013, and fire pattern analysis. ATF SSA/CFI Ryan Zornes determined that the fire that occurred at Nails USA nail salon on July 25, 2013, originated within the right lower cabinet of the nails salon desk located closest to the front entrance into the business. The defined area of origin was consistent with the area of origin identified by investigators with the LSF on July 25, 2013, and the FCII fire investigator on July 29, 2013.

During the consideration of data obtained during the ATF investigation, the appropriate use of the scientific method was utilized by ATF SSA/CFI Ryan Zornes to develop and test multiple hypotheses as they related to the identification of an area of origin and to the cause of the fire. The scientific analysis and elimination of testable hypotheses was achieved by disproving the hypotheses with reliable evidence, which included the review of

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evidence obtained from multiple witness statements, which included an interview of Thu Hong Nguyen who was identified as the primary operator of the nail salon desk where the fire originated. The information provided by witnesses interviewed during this investigation were also consistent with the fire development timeline that was developed using times documented in the various reports of investigation and dispatch records.

The scientific method was further applied during this investigation through the scientific testing of the reasonable hypotheses that were developed by SSA/CFI Ryan Zornes. The experimentation that was conducted at the ATF Fire Research Laboratory included the testing of both reasonable accidental and incendiary causes for the fire that were selected. During the ATF Fire Research Laboratory testing of the developed accidental hypotheses (RPT failure leading to ignition of lightweight combustibles), testing was conducted using an ignition sequence that would produce the most likely ignition scenario.

Testing conducted by ATF at the Fire Research Laboratory resulted in the elimination of all accidental causes for the fire that occurred at Nails USA nail salon on July 25, 2013. The ATF investigation also included the analysis of natural causes for the fire, which were eliminated during this investigation.

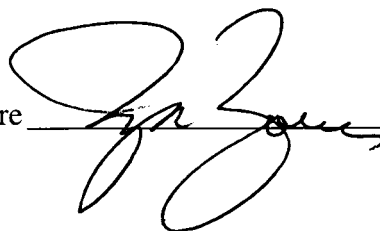
During testing of the reasonable incendiary hypothesis where an open flame was applied to combustible material (nail salon equipment or lightweight combustible material) located inside the nail salon desk, or an ignitable liquid (acetone), it was determined that all of the tests resulted in damage that was consistent with the data collected during the fire scene examination. The tests also resulted in data that was consistent with the timeline of investigative interest.

As a result of testing conducted by ATF at the Fire Research Laboratory, which included an analysis of all the information related to this investigation, ATF SSA/CFI Ryan Zornes determined the fire that occurred on July 25, 2013, at the Nails USA nail salon located at 410 Southwest Ward Road, Lee's Summit, Jackson County, Missouri 64083, was intentionally set. The cause of the fire was therefore classified as incendiary.

That based upon the above, I believe there exist probable cause that Thu Hong Nguyen knowingly damaged a building or inhabited structure consisting of a nail salon named "Nails USA," by starting a fire, there by placing other persons, namely Heather Sandor, and Julie Wilkins, in close proximity to death or serious bodily injury. At the time of the fire, the building that contained "Nails USA" was owned by The Krone Group LLC and was located at 410 Southwest Ward Road, Lee's Summit, Jackson County, Missouri 64083.

Printed Name Ryan Zornes

Signature \_\_\_\_\_



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The Court finds probable cause and directs the issuance of a warrant this 17<sup>th</sup> day of NOVEMBER.

*Kevin O. Hardy*  
Judge

Circuit Court of JACKSON County, State of Missouri.