

Jackie Lacey

District Attorney
<http://da.lacounty.gov>



NEWS RELEASE

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CORRECTION: Howell is charged with three felonies and one misdemeanor.

June 14, 2016

Indiana Man Charged with Possessing Assault Weapon, Explosives

A 20-year-old Indiana man was charged today with unlawful possession of an assault weapon and explosives, the Los Angeles County District Attorney's Office announced.

James Wesley Howell (dob 3/31/96) is scheduled to be arraigned today in Department W30 at the Los Angeles County Superior Court's Airport Branch. He is charged in case SA093159. Prosecutors will ask that his bail be set at \$2 million.

Deputy District Attorney Sean Carney with the Arson and Explosives Section is prosecuting the case.

Howell is charged with one felony count each of unlawful possession of an assault weapon, possession of a destructive device on a public street and manufacturing or importing large magazine and one misdemeanor count of carrying a loaded firearm in a vehicle.

Howell was arrested about 5 a.m. Sunday in the 1700 block of 11th Street, near Olympic Boulevard by Santa Monica police officers. Howell was found near his car when officers responded to a report of a man knocking on a resident's door and window.

If convicted, Howell faces up to nine years, eight months in local custody.

The investigation is ongoing.

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[About the Los Angeles County District Attorney's Office](#)

Los Angeles County District Attorney Jackie Lacey leads the largest local prosecutorial office in the nation. Her staff of nearly 1,000 attorneys, 300 investigators and 800 support staff members is dedicated to protecting our community through the fair and ethical pursuit of justice and the safeguarding of crime victims' rights.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

01 JAMES WESLEY HOWELL (DOB: 03/31/1996)
Defendant(s).

CASE NO. SA093159

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about June 12, 2016, in the County of Los Angeles, the crime of UNLAWFUL ASSAULT WEAPON/.50 BMG RIFLE ACTIVITY, in violation of PENAL CODE SECTION 30600(a), a Felony, was committed by JAMES WESLEY HOWELL, who did unlawfully manufacture, caused to be manufactured, distribute, transport, import into this State, keep for sale, offer and expose for sale, give and lend an assault weapon and a .50 BMG rifle, to wit: ANDERSON MANUFACTURING, AM-15 RIFLE.

* * * * *

COUNT 2

On or about June 12, 2016, in the County of Los Angeles, the crime of POSSESSION OF DESTRUCTIVE DEVICE ON A PUBLIC STREET OR HIGHWAY, in violation of PENAL CODE SECTION 18715(a)(1), a Felony, was committed by JAMES WESLEY HOWELL, who did recklessly and maliciously possess a destructive device and explosive on a public street and highway.

It is further alleged that, pursuant to Penal Code section 18780, imposition of sentence cannot be suspended or probation granted.

* * * * *

COUNT 3

On or about June 12, 2016, in the County of Los Angeles, the crime of MANUFACTURING, IMPORTING, KEEPING FOR SALE, GIVING OR RECEIVING A LARGE-CAPACITY MAGAZINE, in violation of PENAL CODE SECTION 32310(a), a Felony, was committed by JAMES WESLEY HOWELL, who imported into the state a large-capacity magazine.

* * * * *

COUNT 4

On or about June 12, 2016, in the County of Los Angeles, the crime of CARRYING A LOADED FIREARM IN A VEHICLE IN A CITY, in violation of PENAL CODE SECTION 25850(a), a Misdemeanor, was committed by JAMES WESLEY HOWELL, who did unlawfully carry a loaded firearm in a vehicle while in a public place and on a public street in an incorporated city, to wit, SANTA MONICA.

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER SA093159, CONSISTS OF 4 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on June 14, 2016.

DEREK LEONE
DECLARANT AND COMPLAINANT

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JACKIE LACEY, DISTRICT ATTORNEY

BY: 

SEAN CARNEY, DEPUTY

AGENCY: SANTA MONICA PD I/O: DEREK LEONE
DR.NO.: 1670208 OPERATOR: DZ

ID NO.: 3337 PHONE: (310) 458-8495
PRELIM. TIME EST.: 1 HOUR(S)

DEFENDANT

HOWELL, JAMES WESLEY

CII NO.

036074201

DOB

3/31/1996

BOOKING

NO.

4679768

BAIL

RECOM'D

\$2,000,000

CUSTODY

R'TN DATE

06/14/2016

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

JAMES WESLEY HOWELL

<u>Ct.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Allegation</u>	<u>Alleg. Effect</u>
1	PC 30600(a)	4-6-8 County Jail		
2	PC 18715(a)(1)	2-4-6 County Jail		
3	PC 32310(a)	0-365+\$0-1000/16-2-3 Jail+\$0-10,000		
4	PC 25850(a)	0-364		

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

JAMES WESLEY HOWELL _____ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

JAMES WESLEY HOWELL _____ in Dept _____

at: _____ A.M.

Date: _____

Committing Magistrate

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

REQUEST TO INCREASE BAIL (PC 1269c/1270.1) AND/OR RESTRICT SOURCE OF BAIL(PC 1275.1)

Date/Time of Arrest: 6/12/16 0553	Arrest File No.: 16-70208	Arresting Agency: Santa Monica PD	Jail Location: IRC	Booking No.: 4679768
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Arrestee/Suspect's Name (Last, First, Middle): Howell, James Wesley	DOB: 03/31/1996
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Arrestee/Suspect's Residential Address: refused	Location of Occurrence: 1745 11th Street, Santa Monica, CA
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Booking Charges: PC 18715(a)(1), PC 30600, CP 32310(a)	Misdemeanor <input type="checkbox"/>	Felony <input checked="" type="checkbox"/>	Supplemental Holds/Warrant/Charges: Out of state probation violation warrant
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Arresting Officer(s): Ofcr. Sanchez #3867	Requesting Officer: Derek Leone #3337	Requesting Officer Badge No.: 3337	Contact Phone No.: 310 458-8949
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Current Bail (per Countywide Bail schedule): 500,000	<input checked="" type="checkbox"/> Request to Increase Bail to \$ <u>2,000,000</u> <input type="checkbox"/> Request to Restrict Source of Funds Used to Post Bail (PC 1275.1)
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Provide the facts supporting your request for a bail increase AND/OR that probable cause exists for restricting the source of funds:

See attached and incorporated statement of facts.

CONFORMED COPY ORIGINAL FILED
 Superior Court of California
 County of Los Angeles
JUN 14 2016
 Sherri R. Carter, Executive Officer/Clerk
 By Gail Block, Deputy

Additional facts sheet(s) and/or reports are attached hereto and are incorporated herein by reference.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 14, 2016 1045 in the County of Los Angeles, California
 (Date) (Time)

Derek Leone #3337 Derek Leone #3337
 (Signature) (Print Name) (Employee No.)

FOR PROBATION USE ONLY

Date: _____	Time: _____	Senior Investigator Aide _____
Application No. _____		Bail Commissioner _____
Teletype No. _____		Bail Set At \$ _____
		1275.1 <input type="checkbox"/> Granted <input type="checkbox"/> Denied

FAX COMPLETED FORM TO BAIL DEVIATION AT (213) 487-6493

NOTE: A COPY OF THIS COMPLETED FORM MUST BE INCLUDED IN THE ARREST REPORTS TO BE GIVEN TO THE PROSECUTOR AND DEFENSE COUNSEL IF CRIMINAL CHARGES ARE FILED

Statement of Facts in Support of Request to Increase Bail.

I, Det. Derek Leone, am a peace officer employed by the Santa Monica Police Department, assigned to the Criminal Investigations Division. I have been a peace officer for 15 years. I am familiar with the following facts from my own personal knowledge or based on conversations I have had with other peace officers, FBI Special Agents, and others involved in the investigation of this case.

Defendant James Wesley Howell was contacted by Santa Monica Police Department officers at approximately 5:00 a.m. on June 12, 2016. The ensuing investigation revealed that Howell had a 25-pound container of Shoc-Shot on the front passenger floorboard of his vehicle. The container was filled approximately 3/5's full of Shoc-Shot, which is a binary explosive sold commercially for exploding targets. The two ingredients of the binary explosive had been mixed together and if subjected to a high velocity impact from a rifle round or other source would have exploded. I know based on my training and experience that the amount of explosives in the container would have posed a grave danger to both persons and property had the explosive been detonated, either intentionally or accidentally, in a public space. Additionally, inside the car were three rifles. One was an Anderson Manufacturing AM-15 .223 caliber rifle. This rifle is an AR style assault weapon and is a prohibited Category 3 assault weapon under California law. The rifle was loaded with a 30-round detachable magazine, with a second 30-round magazine taped to the first and inverted. Additionally, the defendant had a .30-06 caliber bolt-action rifle which was also loaded. Both the AM-15 and the .30-06 had rounds loaded into the chamber as well as in the magazine. The defendant also possessed a .22 caliber Ruger semi-automatic rifle.

Shoc-Shot is an explosive that is designed to detonate on impact from a high velocity rifle round. Rounds fired from the AM-15 or the .30-06 rifle could have caused detonation of this explosive.

Additionally, found inside the car were a black hood which could have been used to conceal the defendant's face, as well as a taser, handcuffs, a buck knife, a security badge, and additional ammunition for the rifles. There was also a 5-gallon container of gasoline.

Based on this combination of materials it is my opinion that the defendant poses a significant danger to the community that is not reflected in the scheduled bail amount.

Also, the defendant is a flight risk. Prior to the commission of this crime the defendant had driven to California from Indiana. The defendant is not a California resident as so far as I know, and has no family or other ties in California. The defendant was convicted in Indiana on March 11, 2016 of a misdemeanor violation for "intimidation where the defendant uses or draws a deadly weapon." The defendant was placed on probation and was required to surrender all weapons and prohibited as a condition of probation of being in possession of any firearms.

The defendant also had been issued a restraining order out of Indiana in which he was prohibited from possession of any firearms. Finally, based on his own statements the defendant had left the state of Indiana due to his concerns over existing or pending criminal charges by the state of Indiana.

Due to both these concerns (danger to community and flight risk) I request the Court grant a deviation from the scheduled bail and impose bail in the amount of \$2,000,000.

Det. Derek Leone