

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
APR 16 2008	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____ DEPUTY	

United States District Court

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Jeff Michael Deck

CASE NUMBER:

Benjamin Douglas Herson

08-4086M-PCT-MEA

I, Christopher A. Smith, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

Count 1

On or about March 28, 2008, in Grand Canyon National Park, an area within the special maritime and territorial jurisdiction of the United States, Jeff Michael Deck and Benjamin Douglas Herson did conspire to destroy, injure, deface or damage government property, a violation of 36 Code of Federal Regulations §2.31(a)(3). In furtherance of the conspiracy and to effect the objects of the conspiracy, Herson and Deck performed or caused to be performed the following overt acts:

- a. On or about March 26, 2008, entered the state of Arizona traveling from New Mexico with an agreed purpose to "correct typos" on public signs.
- b. On or about March 28, 2008, focused their attention on a historic sign located in Grand Canyon National Park.
- c. On or about March 28, 2008, discussed ways to vandalize this historic sign.
- d. On or about March 28, 2008, waited for a ranger to leave the immediate area of the historic sign.
- e. On or about March 28, 2008, vandalized the sign using error correcting fluid and a permanent marker.

in violation of 36 Code of Federal Regulations §2.31(a)(3) and Title 18 United States Code, § 371.

Count 2

On or about March 28, 2008, in Grand Canyon National Park, an area within the special maritime and territorial jurisdiction of the United States, Jeff Michael Deck and Benjamin Douglas Herson did destroy, injure, deface or damage a historical sign in violation of Title 36 Code of Federal Regulations §2.31(a)(3) and 18 United States Code, § 2.

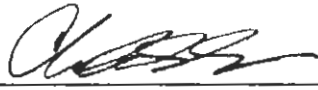
I further state that I am a U.S. National Park Service Special Agent and that this complaint is based on the following facts:

See attached AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT (Statement of Probable Cause).

AUTHORIZED BY: AUSA Camille Bibles *CB*

Continued on the attached sheet and made a part hereof: Yes No

Christopher A. Smith, Special Agent
Name & Title of Complainant



Signature of Complainant

Sworn to before me and subscribed in my presence,

April 16, 2008 at Grand Canyon
Date Flagstaff, Arizona
City and State

Mark E. Aspey, United States Magistrate
Name & Title of Judicial Officer



Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ARIZONA

UNITED STATES

v.

Criminal No.

Jeff Michael Deck and
Benjamin Douglas Herson

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christopher A. Smith, being duly sworn state the following:

1. I am a Special Agent (SA) with the National Park Service (NPS), United States Department of the Interior. I am presently assigned to the Intermountain Region, duty stationed at Grand Canyon National Park. I have been employed by the NPS as a Special Agent since June 2004. From May 2002 until June 2004 I was a Special Agent with the Environmental Protection Agency Criminal Investigation Division. Prior to this I was a Law Enforcement Park Ranger with the NPS in Arizona and Maine. I have received specialized training at the Federal Law Enforcement Training Center, completing the Criminal Investigator Training Program and the Environmental Investigations Basic Training Program. I have attended numerous advanced training courses in a variety of law enforcement subjects and have conducted criminal investigations into a variety of offences.
2. The facts and information contained in this affidavit are based upon my personal knowledge of the investigation and observations of Law Enforcement Ranger Joseph Florko. Ranger Florko has been a federal law enforcement officer since May 2005. He is a graduate of the Federal Law Enforcement Training Center and has attended numerous training courses

in a variety of law enforcement subjects. All observations referenced below that were not personally made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause and it is not intended to include each and every fact or occurrence in the matter observed by me or known to the Government.

3. Your Affiant respectfully submits the following criminal statutes have been violated:

- a. Title 18 United States Code, § 371. Conspiracy to commit offense or to defraud United States states: "If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor."

- b. Title 18 United States Code, § 2(a) states "Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal."
- c. 36 Code of Federal Regulations §2.31(a)(3) prohibits "Vandalism. Destroying, injuring, defacing, or damaging property or real property. "

4. On April 4, 2008, Grand Canyon National Park (GRCA) law enforcement personnel were notified of a website, www.jeffdeck.com/teal/blog/?cat=18, which described the vandalism of a historical sign inside the Desert View Watch Tower.

5. The website describes the mission of it's group as follows:

“The Typo Eradication Advancement League (TEAL) is dedicated to a more perfectly spelling union.

This March through May, we, sworn members of TEAL, will be taking a road trip around the country to stamp out as many typos as we can find, in public signage and other venues where innocent eyes may be befouled by vile stains on the delicate fabric of our language. We do not blame, nor chastise, the authors of these typos. It is natural for mistakes to occur; everybody will slip now and again. But slowly the once-unassailable foundations of spelling are crumbling, and the time has come for the crisis to be addressed. We believe that only through working together with vigilance and a love of correctness can we achieve the beauty of a typo-free society.”

6. The following are quotes from an April 4, 2008, review of the site. Screen shots of the site with photographs of the sign are included as Attachment A.

“We drove out of town for a field trip to the Grand Canyon, which is about an hour and a half from Flagstaff. As promised, I will not make you suffer through any sort of *pap* in this entry; I won't bother to try to describe the majesty of the landscape, etc. If you haven't been to the Grand Canyon, nothing that I put down in my special brand of purple prose will have the power to transport you there. Just check it out the next time you're out west. There're plenty of photos in today's album on Picasa.

A faux Native American watchtower is part of the tourist structure at the Desert View lookout. Benjamin and I climbed it and discovered a hand-rendered sign inside that, I regret to report, had a few errors. I know today was supposed to be my day off from typo-hunting, but if I may be permitted to quote that most revered of android law enforcers, Inspector Gadget: "Always on duty!" Just can't shut it off.

Will we never be free from the shackles of apostrophic misunderstanding, even in a place surrounded by natural beauty? That one was such a familiar sight by this point in the trip that I couldn't muster much outrage, settling instead for a weary and permanent disavowal of my fellow man. The second error, however, was new territory. Who had decided to attempt to make up a new word? Who had approved this sign?

Benjamin and I waited for a nearby ranger to clear out, and then pondered how best to correct the sign. It was not chalk on a blackboard, as it may appear, but a painted sign. I was able to wipe out the erroneous apostrophe quite well with a black marker, but as for inserting one in the correct place, I had to resort to the less elegant solution of white-out. Benjamin pointed out that a comma was also missing later in the paragraph, so I put that in too.

Those marks really didn't blend in well at all. I was reluctant to disfigure the sign any further, so we had to let the other typo stand. There was nothing we could do. Still, I think I shall be haunted by that perversity, *emense*, in my train-whistle-blighted dreams tonight."

7. On April 4, 2008, Ranger Florko inspected the sign in the Desert View Watch Tower and confirmed the damage reported on the website did actually occur to the sign. This damage consisted of inserting one white comma and one white apostrophe and covering an apostrophe.
8. On April 14, 2008, GRCA Cultural Resource Specialist Amanda Zeman, provided your affiant with an assessment of the sign and the estimated costs of repair. According to Zeman, the Desert View Watchtower was completed in 1932 and is considered one of Mary Jane Elizabeth Colter's most important works for the Fred Harvey Company. The intrinsic value of this building to American heritage was established in 1987 with its listing as a National Historic Landmark. Less than 3% of historic properties have the distinction of

being listed as National Historic Landmarks. In the case of the Watchtower, this designation is not limited only to the building, but includes all of the murals and many of the historic items within the building.

9. Zeman went on to explain the sign in question likely dates to the late-1930s or early-1940s. The sign is constructed of a fiberboard material with hand-painted black background and yellow lettering. Individual brush strokes are evident in the black background as well as the lettering. The sign is housed within a tarnished metal frame lacking a glass or plexi cover. The Watchtower sign is a unique historical object of irreplaceable value. Hand-painted signs of this type and era are rare, especially within the National Park System. An initial assessment suggests the whiteout may be removable without detriment to the sign, but careful removal of the permanent marker is going to be a challenge and may result in some loss of original historic fabric. Zeman estimates the cost of conservation for the damaged sign to approximately \$3,035.
10. The website lists the following persons as the “Team”: Jeff Deck, Benjamin Herson, Josh Roberts, and Jane Connolly.
11. An April 3, 2008, article about the group and its founder Jeff Deck titled “Jeff Deck Travels Across the Country in Search of Typos” which was posted on <http://americancity.org/daily/entry/753/> stated Deck was “from the Boston suburb of Somerville”.
12. The article further states “Deck takes the liberty of correcting the errors himself - using white out, markers and stickers to copy edit road signs and ads.”
13. When the photos from the Typo Eradication Advancement League’s blog are activated, the user is redirected to a different web site with an address of

<http://picasaweb.google.com/jeff.deck/032808GrandCanyonAZ>. This site shows fifty one photos from what appears to be Grand Canyon National Park including the photos of the damaged sign. Included in the photos are two adult Caucasian males.

14. Attachment B is a photo from the website and shows an adult male at Grand Canyon National Park with a clear bag containing markers.
15. On April 8, 2008, your affiant compared the photo described above to the driver's license photo for a Jeffrey M. Deck of Somerville, Massachusetts. They appear to be the same person.
16. On the website, <http://hamptonroads.com/2008/04/grammer-vigilantes-are-mission-eradicate-typos>, author Mike Gruss wrote a story titled "Grammer vigilantes are on a mission: Eradicate typos" for The Virginian-Pilot. The article was dated April 5, 2008, and was a story about the group in question. In the article, he described Jeff Deck and Benjamin Herson driving a 1997 Nissan Sentra. A check with the Massachusetts Department of Motor Vehicles revealed Jeffrey M. Deck of Somerville, Massachusetts is the registered owner of a 1997 Nissan Sentra.
17. The article also states "Herson, a 28-year-old from Virginia Beach, has ridden around America as part of the Typo Eradication Advancement League rotating team that's out to correct the countries grammar and spelling mistakes - at least temporarily." The article goes on to state Herson was "working at a Borders bookstore in Silver Springs, Md."
18. A records check with Virginia revealed a record for a 28 year old Benjamin Douglas Herson of Virginia Beach, Virginia possessing a Virginia Identification Card.
19. An April 9, 2008, Autotrack search of this a 28 year old Benjamin Douglas Herson of Virginia Beach, Virginia also shows addresses for him in Rockville and Silver Springs,

Maryland.

20. On April 9, 2008, the photo from the identification card was compared to a photo of a Caucasian male at Grand Canyon National Park posted on the website. The identification photo appears to be consistent with the photo from the website, however due to the quality of the identification photograph and the presence of facial hair on one photograph and not the other, your affiant could not say with certainty they are the same person based solely on the photographs. However given the totality of the identifying information, age, hometown, physical characteristics, and an address in Silver Springs, Maryland, your affiant respectfully submits there is probable cause to believe the Benjamin Herson listed as a member of this group and the Benjamin Douglas Herson of Virginia Beach, Virginia is the same person.
21. The blog section of the website lists the location of Deck and Herson on March 26, 2008, as Albuquerque, New Mexico. This section goes on to place the pair in Flagstaff, Arizona on March 27, 2008.
22. The TEAL group has received significant media attention regarding their cross country campaign including multiple online and printed articles, an appearance on National Public Radio, and a segment on ABC World News with Charles Gibson. The group is also profiting from their activities by selling nine different tee shirts in various colors on their website. The prices for these shirts range from \$14.50 to \$19.50.
23. Based on the foregoing, your affiant respectfully submits there is probable cause to believe, on or about March 28th, 2008, in Grand Canyon National Park, in the District of Arizona, Jeff Michael Deck and Benjamin Douglas Herson did violate Title 18 United States Code, § 371 by conspiring to damage a historical sign in violation of Title 36 Code of Federal Regulations §2.31(a)(3). In furtherance of the conspiracy and to effect the objects of

the conspiracy, Herson and Deck performed or caused to be performed the following overt acts:

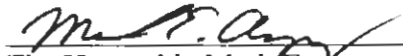
- a. On or about March 26, 2008, entered the state of Arizona traveling from New Mexico to correct typos on public signs.
 - b. On or about March 28, 2008, located several errors on a historic sign located in Grand Canyon National Park.
 - c. On or about March 28, 2008, discussed ways to vandalize the historic sign.
 - d. On or about March 28, 2008, waited for a ranger to leave the immediate area of the sign.
 - e. On or about March 28, 2008, vandalized the sign using error correcting fluid and a marker.
24. Your affiant also respectfully submits there is probable cause to believe, on or about March 28th, 2008, in Grand Canyon National Park, in the District of Arizona, Jeff Michael Deck and Benjamin Douglas Herson were principles in the damage of a historical sign in violation of Title 36 Code of Federal Regulations §2.31(a)(3) and 18 United States Code, § 2.

I declare under penalty of perjury the information set forth above in this affidavit is true and correct to the best of my knowledge and belief.



Christopher A. Smith
Special Agent
National Park Service
Department of the Interior

Sworn to and subscribed before me this 16th day of April, 2008



The Honorable Mark E. Aspey
United States Magistrate Judge

Attachment A

Typo Hunt Across America

The Typo Eradication Advancement League (TEAL) hits the road.

Archive for the 'Arizona' Category

The Emense Canyon

Friday, March 28th, 2008

Flagstaff, AZ

Upon checking into our hostel room yesterday, we noticed that passing trains were rather loud. The place was, after all, in close proximity to the railway tracks. Benjamin asked a local woman how often the trains rolled through town, and she replied breezily, "Oh, about a hundred and thirty times a day." We calculated that, if the trains run all day and all night (they do), that would mean a train passing approximately eleven minutes or so. Needless to say, this is not conducive to a decent night of sleep. The unearthly blares of train horns disrupted my dreams and turned them into nightmares. I dreamt that Jane had decided that I'd been gone too long on my TEAL adventure and that I was sort of a schlump anyway, so she ditched me for another dude. I woke from this and found myself among some of Jane's friends. I told them of my nightmare and they said, "No, Jeff, that really did happen." So then I had to wake from that dream, and so forth.

We drove out of town for a field trip to the Grand Canyon, which is about an hour and a half from Flagstaff. As promised, I will not make you suffer through any sort of *pap* in this entry; I won't bother to try to describe the majesty of the landscape, etc. If you haven't been to the Grand Canyon, nothing that I put down in my special brand of purple prose will have the power to transport you there. Just check it out the next time you're out west. There're plenty of photos in today's album on Picasa.

You are currently browsing the archives for the *Arizona* category.

Pages

[TEAL main site](#)

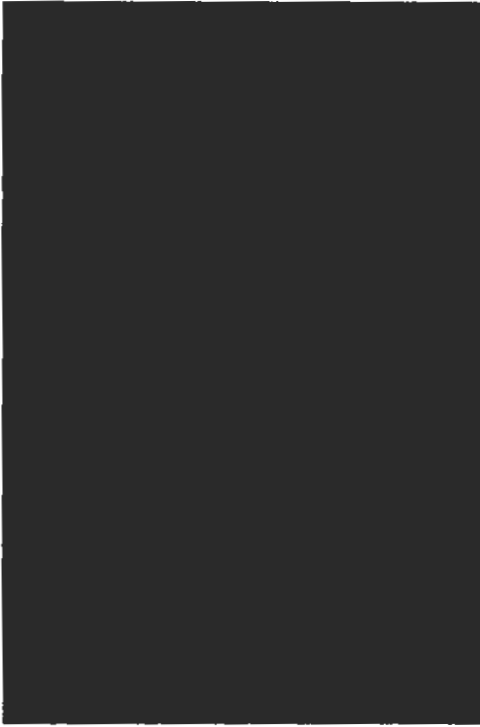
Archives

[April 2008](#)
[March 2008](#)
[February 2008](#)

Categories

[Alabama \(2\)](#)
[Arizona \(2\)](#)
[California \(7\)](#)
[Georgia \(2\)](#)
[Louisiana \(2\)](#)
[Maryland \(1\)](#)
[Massachusetts \(3\)](#)
[Nevada \(2\)](#)
[New Jersey \(2\)](#)
[New Mexico \(2\)](#)
[North Carolina \(2\)](#)
[Pennsylvania \(1\)](#)
[South Carolina \(2\)](#)
[T-shirts \(1\)](#)
[Texas \(5\)](#)
[Trip preparation \(2\)](#)
[Virginia \(1\)](#)

A faux Native American watchtower is part of the tourist structure at the Desert View lookout. Benjamin and I climbed it and discovered a hand-rendered sign inside that, I regret to report, had a few errors. I know today was supposed to be my day off from typo-hunting, but if I may be permitted to quote that most revered of android law enforcers, Inspector Gadqet: "Always on duty!" Just can't shut it off.



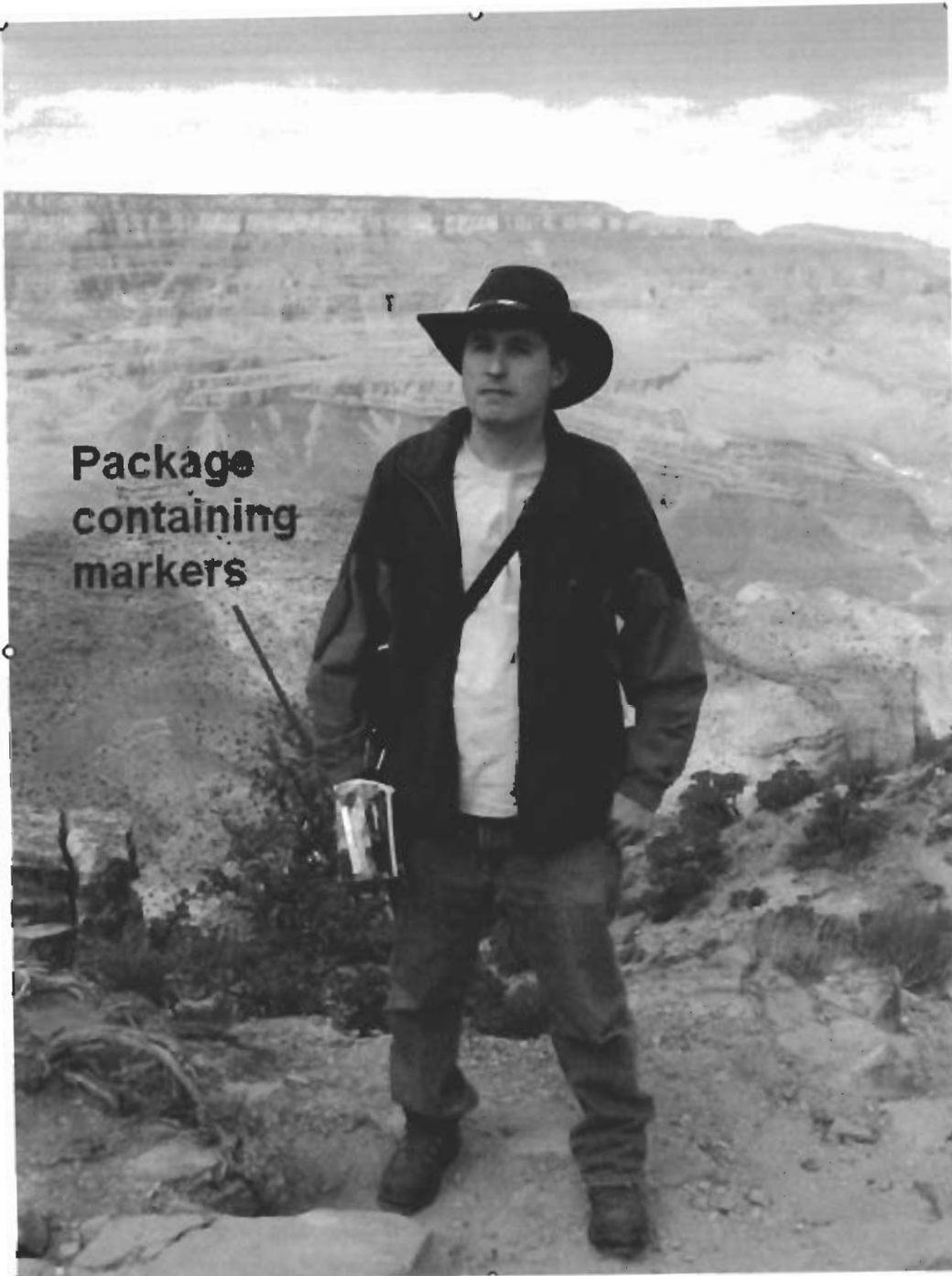
Will we never be free from the shackles of apostrophic misunderstanding, even in a place surrounded by natural beauty? That one was such a familiar sight by this point in the trip that I couldn't muster much outrage, settling instead for a weary and permanent disavowal of my fellow man. The second error, however, was new territory. Who had decided to attempt to make up a new word? Who had approved this sign?

Benjamin and I waited for a nearby ranger to clear out, and then pondered how best to correct the sign. It was not chalk on a blackboard, as it may appear, but a painted sign. I was able to wipe out the erroneous apostrophe quite well with a black marker, but as for inserting one in the correct place, I had to resort to the less elegant solution of white-out. Benjamin pointed out that a comma was also missing later in the paragraph, so I put that in too.



Those marks really didn't blend in well at all. I was reluctant to disfigure the sign any further, so we had to let the other typo stand. There was nothing we could do. Still, I think I shall be haunted by that perversity, *emense*, in my train-whistle-blighted dreams tonight.

Attachment B



Package
containing
markers