



# Department of Justice

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Western District of Kentucky

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**GEORGIA WOMAN CHARGED WITH SETTING FIRE  
TO RESIDENCE AT FORT CAMPBELL**

*- Fire caused the death of two minor children*

PADUCAH, KY - A federal grand jury in Paducah returned a two-count Indictment on November 13, 2008, against **Billi Jo Smallwood**, 35 years of age, of Brunswick, Georgia, U.S. Attorney David L. Huber of the Western District of Kentucky announced today. The grand jury charged her with, on or about March 29, 2007, maliciously setting fire to a residence, owned by the United States Army, located on the grounds of the United States Army base at Ft. Campbell and attempting to damage or destroy a residential facility for active members of the United States Army and their families. The grand jury further charged that by doing so, Smallwood caused the deaths of two of her minor children, nine-year old Sam Fagan and two-year old Rebekah Smallwood. Smallwood is married to a soldier stationed at Fort Campbell.

The grand jury also alleged certain factors set forth in 18 U.S.C. § 3591:

1. the defendant was more than 18 years of age at the time of the offenses;
2. the defendant intentionally participated in an act, thinking that a person would die or intending that lethal force would be used in connection with a person and that the victims died as a direct result of this act; and
3. the defendant intentionally and specifically engaged in an act of violence

knowing that the act created a grave risk of death to a person, and that said act was a reckless disregard for human life and the victims died as a direct result of the act.

The grand jury also alleged certain factors set forth in 18 U.S.C. § 3592:

4. the defendant knowingly created a grave risk of death to one or more persons in addition to the victims of the offenses;

5. the defendant committed this act as consideration for, and in the expectation of receiving, anything of pecuniary value;

6. the defendant committed the act after substantial planning and premeditation to cause the death of a person; and

7. the victims of the act were particularly vulnerable due to their youth.

The case is being prosecuted by Assistant United States Attorneys James R. Lesousky, Jr. and Marisa J. Ford. The Bowling Green Field Office of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) conducted the investigation in partnership with the U.S. Army Criminal Investigation Division, as part of ATF's ongoing commitment to reduce violent crime and other threats to public safety.

In the event of a conviction, the maximum potential penalty is death or life imprisonment, a \$500,000 fine, and supervised release for a period of 5 years.

Smallwood is scheduled to appear for arraignment before the United States Magistrate Judge on December 10, 2008, at 9:30 a.m., in Paducah, Kentucky.

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**The indictment of a person by a Grand Jury is an accusation only and that person is presumed innocent until and unless proven guilty.**

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