

SEALED UNITED STATES DISTRICT COURT **FILED**
EASTERN DISTRICT OF CALIFORNIA

MAY 23 2013

UNITED STATES OF AMERICA

v.

SHANE FRANKLYN MILLER

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

CRIMINAL COMPLAINT

CASE NUMBER: 213 - MJ - 170 AC

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or between May 8, 2013 through May 23, 2013, in the Eastern District of California, the above named defendant did,

- ▶ flee the State of California to avoid prosecution, confinement, or custody for violations of California Penal Code Sections 187(a).

in violation of Title 18, United States Code, Section(s) 1073 I further state that I am a Supervisory Deputy U.S. Marshal with the United States Marshals Service and that this complaint is based on the following facts:

- ▶ Please see the attached AFFIDAVIT, which is hereby incorporated and made part of this complaint

Approved as to form:

Todd D. Leras
TODD D. LERAS, AUSA

Marco Rodriguez

Signature of Complainant
MARCO RODRIGUEZ
Supervisory U.S. Marshal, U.S. Marshals Service

Sworn to before me, and signed in my presence

at Sacramento, California

Date: May 23, 2013

City State

ALLISON CLAIRE, United States Magistrate Judge

Allison Claire US Magistrate Judge

Name of Judge

Title of Judge

Allison Claire

Signature of Judge

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AFFIDAVIT OF SUPERVISORY DEPUTY UNITED STATES MARSHAL MARCO RODRIGUEZ
IN SUPPORT OF REQUEST FOR CRIMINAL COMPLAINT AND ARREST WARRANT

I, Marco Rodriguez, being duly sworn, depose and state the following.

1. I am a Supervisory Deputy United States Marshal in the Eastern District of California, assigned to the United States Marshals Service (USMS) Enforcement Division, which is charged with locating and apprehending state, local, and federal fugitives from justice. I have been employed with the USMS for more than ten years since December 2002.

2. The statements in this affidavit are based on the following: (a) on my review of written reports, official records, or oral summaries of such matters prepared or presented by law enforcement officers participating in this investigation; and (b) on information gained from other law enforcement personnel, state and federal reports, and law enforcement data bases.

3. I am assisting the Shasta County Sheriff's Department (Shasta SD) and other state and federal law enforcement agencies in their efforts to apprehend the primary suspect in the homicide of three victims which occurred on or about May 7, 2013. Pursuant to Shasta SD's investigation, as explained in the next paragraph, SHANE FRANKLYN MILLER (DOB 5-8-1968) (hereafter referred to as "MILLER") is the primary suspect in the shooting deaths of his wife and two minor daughters. This affidavit is submitted in support of a request for a criminal complaint and arrest warrant for MILLER for Unlawful Flight to Avoid Prosecution in violation of Title 18, United States Code, Section 1073.

4. On May 7, 2013, at approximately 7:45 PM, Shasta County Sheriff's Department 911 dispatch received an emergency call from 28400 Alpine Way in Shingletown, CA. The dispatcher reported hearing a "sobbing" female in addition to loud "banging" noises. Shasta County Sheriff's Deputies arrived on scene and discovered two female juveniles and an adult female all deceased from apparent gunshot wounds. The females were later identified as MILLER's wife, Sandy Miller, and his two daughters (eight year old Shelby Ann and four year old Shasta). MILLER was not present at the time Shasta SD responded to the 911 call. The doors to the residence were locked and a 2010 Dodge pick-up truck registered to MILLER was missing.

5. The day after the murders, on May 8, 2013, deputies with the Humboldt County Sheriff's Department (Humboldt SD) located MILLER'S abandoned Dodge pickup truck in a remote area near Petrolia, California. Attempts to locate MILLER in the area were unsuccessful. That same day, Shasta Superior Court Judge Cara Beatty signed a warrant authorizing the arrest of SHANE FRANKLYN MILLER for the murder of his wife and two daughters in violation of California Penal Code Section 187(a).

6. Subsequent attempts to locate MILLER following the homicide have been unsuccessful. These efforts include operations by the Shasta SD, Humboldt SD, and other state and federal law enforcement agencies. As of May 23, 2013, more than two weeks since the homicide, MILLER remains at large. Law enforcement authorities have advised the USMS that witness and investigative leads in the Petrolia area have yielded no results.

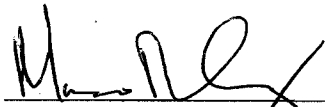
7. Shasta SD investigators are aware of information suggesting that MILLER may have planned the murders. Law enforcement had been called to 28400 Alpine Way in connection with a domestic dispute on April 20, 2013 – about two weeks and one-half weeks before the murder. Sandy Miller told a Shasta County District Attorney investigator that MILLER was abusive. MILLER had

discovered her whereabouts when she had previously left him and forced her to return. He also threatened to kill her and their daughters if she left him again. On the morning of the murders, Sandy Miller told her mother that she planned on telling MILLER later that day that she was leaving him.

8. MILLER's relatives told officers that shortly before the murders that he and his wife traveled to the Seattle area. MILLER's cell phone records reveal that he contacted real estate offices during the trip. This includes one confirmed inquiry by MILLER about rural property near Roseberg, Oregon. Cellular phone records show that during the same period of time MILLER's phone was hitting off towers near Eugene, Oregon. MILLER is a survivalist, who frequently uses cash for purchases. Investigators suspect MILLER purchased property in Oregon by using cash, a false name, and/or a straw purchaser. Law enforcement officers familiar with the investigation believe that MILLER may have fled to Oregon. They reached this conclusion based on all of the circumstances learned since the homicide, including his apparent disappearance in a rural coastal area of Northern California more than 150 miles west of the crime scene. Specifically, MILLER's pre-crime trip to Oregon, combined with his post-crime flight to the North Coast, cause investigators to believe that MILLER has likely fled to the places he visited before the murders.

9. Based on the investigation to date and on my training and experience and the training and experience of Shasta SD homicide investigators, it appears that MILLER may have fled California to avoid arrest and prosecution. This purposeful flight establishes probable cause to believe that MILLER is engaging in Unlawful Flight to Avoid Prosecution in violation of 18 U.S.C. §1073.

10. Your affiant believes that MILLER may pose a danger to officers and civilians if information in this affidavit were to become public knowledge. Specifically, your affiant believes that if MILLER becomes aware that law enforcement officers suspect that he is hiding at one of his properties in Oregon or Washington he may take additional steps to endanger anyone he suspects of seeking to discover his location. Therefore your affiant respectfully requests that this affidavit be sealed until MILLER is arrested, or until further order of this Court.

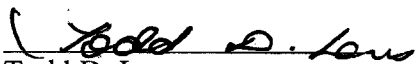


Marco Rodriguez
Supervisory Deputy Marshal
United States Marshals Service

Subscribed and sworn to before me
this 23rd day of May 2013.


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

Approved as to Form:



Todd D. Leras
Assistant United States Attorney