

AO 91 (Rev. 08/09) Criminal Complaint

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT 2011 APR -1 PM 3: 28

for the
District of Vermont

BY [Signature]
DEPUTY CLERK

United States of America
v.

Case No. 2:11-mj-28-1

Timothy David Miller

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/22/2009 to the present in the county of _____ in the
_____ District of Vermont, the defendant(s) violated:

Code Section
18 U.S.C. Sections 1204, 2

Offense Description
Aiding in the removing of a child from the United States, and retaining a child (who has been in the United States) outside of the United States with intent to obstruct the lawful exercise of parental rights.

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

[Signature]

Complainant's signature

Dana L. Kaegel, Special Agent FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/1/2011

[Signature]

Judge's signature

City and state: Burlington, Vermont

John M. Conroy, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Dana L. Kaegel, being duly sworn, depose and state as follows:

A. Introduction and Agent Background

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent since October of 2008. I am currently assigned to the Burlington, Vermont Resident Agency.

2. The facts in this affidavit come from my personal observations, my training and experience, information obtained by other law enforcement officials and witnesses, and court documentation. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Timothy David Miller has violated 18 U.S.C. §§ 1204, 2; aiding in international parental kidnapping of minor Isabella Ruth Miller-Jenkins (IMJ) by Lisa Miller and other unknown persons. This crime involved removing a child from the United States on or about September 22, 2009, and retaining a child who has been in the United States, outside of the United States from September 2009 to the present, with the intent to obstruct the lawful exercise of parental rights by Janet Jenkins. I have reason to believe that Timothy Miller violated 18 U.S.C. §§ 1204, 2 in that:

a. Timothy Miller had knowledge of the parental rights litigation in the United States involving Lisa Miller and regarding IMJ.

b. Timothy Miller provided assistance for Lisa Miller and IMJ's travel outside of the United States.

c. Timothy Miller provided a place of shelter to Lisa Miller and IMJ outside of the United States.

4. Much of the information provided in this affidavit and pursuant to this investigation has been derived from Search Warrants executed on various online accounts, such as e-mail and Facebook accounts. Search Warrants were obtained for electronic accounts to enable this investigation to remain covert to facilitate this investigation.

B. International Parental Kidnapping

5. On April 27, 2010, a Criminal Complaint and Arrest Warrant for Lisa Miller were issued. The United States Attorney's Office filed a motion to seal the complaint and warrant. On that same date, the United States District Court for the District of Vermont granted the government's motion and issued an order to seal the above documents.

6. The supporting affidavit for the Criminal Complaint and Arrest Warrant for Lisa Miller are attached and incorporated into this affidavit.

7. Pursuant to a Grand Jury subpoena, Mexicana Airlines provided that on September 22, 2009, Lisa A. Miller and IMJ departed Toronto, Ontario and arrived in Mexico City, Mexico on Mexicana Flight 887.

8. Pursuant to a Grand Jury subpoena, TACA Airlines provided that on September 22, 2009, Lisa Miller and IMJ departed Mexico City Juarez International Airport and arrived at El Salvador International Airport on TACA Flight 0231.

9. Pursuant to another Grand Jury subpoena, TACA Airlines provided that on September 23, 2009, Lisa Miller (E-Ticket Number 2027568006474) and Isabella Ruth Miller (E-Ticket Number 2027568006473) departed El Salvador International Airport and arrived at Augusto C. Sandino International Airport, Managua, Nicaragua on TACA Flight 0360.

10. An Immigrations and Customs Enforcement Special Agent has told me that United States border records, which document entries into the United States, do not indicate that Miller or IMJ have returned to the United States since September 22, 2009.

C. General Information Regarding Timothy Miller

11. The existence of a biological relationship between Timothy Miller and Lisa Miller has not been established.

12. On October 29, 2010 and February 1, 2011, Search Warrants were issued by the United States District Court of Vermont by the Honorable John M. Conroy, U.S. Magistrate Judge for the timjomiller@gmail.com e-mail account. SA Dana L. Kaegel executed the Search Warrants on October 29, 2010 and February 1, 2011, respectively.

13. The subscriber name on the timjomiller@gmail.com is Timo Miller. During the course of this investigation, Timothy Miller has been referred to as "Timo" by himself and others.

14. An e-mail dated on or about September 10, 2009 from the timjomiller@gmail.com is written in Spanish and contains the following content, "... Bueno, me llamo Timoteo David Miller pero casi todos me conocen por Timo... Actualmente tenemos cuatro hijos: Melvin David, 8; RuthAnna Marie, 6; LillyAnna Marie, 4; TatiAnna Marie, 22 meses..." A Level 2+ Rating Spanish speaking FBI Special Agent advised that the text above could be translated as the following, "Well, my name is Timoteo David Miller, however most know me as Timo.... We

currently have four children: Melvin David, 8; RuthAnna Marie, 6; LillyAnna Marie, 4; TatiAnna Marie, 22 months...."

15. An inquiry of U.S. database records provided that Timothy Miller holds a valid driver's license in the state of Tennessee. According to database records, Miller is a white male with brown eyes and brown hair and whose date of birth is October 15, 1976. Database records also provide that Timothy Miller's height is 5' 7" and his weight is 185 pounds. An e-mail dated January 8, 2011 from the timjomiller@gmail.com e-mail account contains an e-mail dated January 8, 2011 that provides, "... TIMOTHY DAVID MILLER, 15 OCT 1976[,] JOANNA MARIE MILLER, 29 DEC 1978[,] MELVIN DAVID MILLER, 22 DEC 2000[,] RUTH ANNA MARIE MILLER, 30 MAY 2003[,] LILLYANNA MARIE MILLER, 8 JUNE 2005[,] TATIANNA MARIE MILLER, 13 OCT 2007..." An inquiry of multiple database records indicate an address of 102978 Highway 70 N, Crossville, Tennessee 38571 as being associated with "Timothy David Miller" with a date of birth of October 15, 1976.

16. The timjomiller@gmail.com e-mail account contains photographs of what appear to be family photographs of Timothy Miller, his wife Joanna, and children.

17. An e-mail dated on or about November 21, 2008 from the timjomiller@gmail.com account contains the following text, "Greetings sent your way from Nicaragua. ... Since our move we have had people living with us or visiting. ... A little bit about us: This coming February 18 we will be celebrating our 9th anniversary. We met in Farmington, NM where I was director of Spanish correspondence and Joanna worked at the Gingerich Home (for elderly). I taught school in Waslala in '99 and then went back and we married in Michigan... In October of 2000 we moved to Waslala and were ordained to the ministry in December of 2001. We were given

responsibility of the Jicaral congregation, which we recently passed on to another, because of being sent to Managua...." A printout of the website <http://en.wikipedia.org/wiki/Waslala> on or about March 21, 2011 describes Waslala as "a municipality... of Nicaragua - it is... 161 miles from Managua...."

18. An Internet Protocol (IP) address for the login information for the timjomiller@gmail.com account is 200.62.70.81. According to the website associated with "IP2Location™", IP address 200.62.70.81 resolves to Managua, Nicaragua.

19. During the investigation, Vivophone account number 9865582 was identified as being associated with Timothy Miller. Information provided by Vivophone pursuant to a Grand Jury Subpoena regarding account 9865582 identified during the course of the investigation the account as registered to "Tim Miller" with an address of "Managua, Nicaragua."

20. A review of e-mails indicate that Timothy Miller associated with the Christian Aid Ministries (CAM) organization in Managua, Nicaragua.

21. On or about March 16, 2010, an e-mail from the "Timo & Joanna <timjomiller@gmail.com>" e-mail account was sent to what appear to be several e-mail accounts associated with the CAM organization. The e-mail contains, "Good morning, Bretheren.... Blessings on your day, Timo".

D. Timothy Miller's Knowledge of the Litigation in the United States involving Lisa Miller

22. On February 1, 2011, a Search Warrant was issued by the United States District Court of Vermont by the Honorable John M. Conroy, U.S. Magistrate Judge for the millersofwaslala@gmail.com e-mail account. SA Dana L. Kaegel executed the Search Warrant on February 1, 2011.

23. "Alvin & Edna Miller" are associated with the millersofwaslala@gmail.com e-mail account. An e-mail dated on or about August 13, 2009 from "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" to "'Timo & Joanna' <timjomiller@gmail.com>", "Dear Ones, ... May the Lord be with you and protect you. ... Love and Prayers, MOM". An e-mail dated on or about December 14, 2009 from "'Timo & Joanna' <timjomiller@gmail.com>" to "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" included the following content, "Dear Dad, Thank you. ... I love you very much, Timo".

24. The millersofwaslala@gmail.com e-mail account contained an e-mail dated approximately September 22, 2009, from "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" to multiple e-mail accounts, one of which includes, "'Timo & Joanna' <timjomiller@gmail.com>". The content of the e-mail included, "... So what is this about Lisa Miller? Do you have any more information? Where will she be going? This sounds a little like Joy Coats how they ruled to give the Grandparents custody. People can be so unfeeling for the children included. I will be praying about this.... MOM". The subject line of the e-mail was "A Few Lines".

25. A reply e-mail from the "'Bilmer' <thesco7@gmail.com>" account to the "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" is dated on or about September 22, 2009 and contains the following subject line, "Re: A Few Lines". The content of the reply to the previous e-mail included, "What for Lisa Miller??? We haven't heard anything about it."

26. A subsequent reply e-mail from the "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" account to "'Bilmer' <thesco7@gmail.com>" account dated on or about September 22, 2009 contains the following text, "Google it. Lisa Miller child custody. She is getting picked up int he airport by Timo. Mim".

27. Another subsequent reply e-mail from the "'Bilmer' <thescoto7@gmail.com>" account to "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" account dated on or about September 22, 2009 contains the following text, "Is she bringing her daughter with her or is she escaping by herself? Is she planning on staying at Timos?????".

28. Another subsequent reply e-mail from the "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" account to the "'Bilmer' <thescoto7@gmail.com>" account dated on or about September 22, 2009 contains the following text, "Yes she is bringing her daughter with her, but we still don't know where she will stay. I think it kinda depends on the situation."

29. Another subsequent reply e-mail dated on or about September 22, 2009 containing the subject line text, "Re: A Few Lines" from "'Timo & Joanna' <timjomiller@gmail.com>". The e-mail appears to be a reply to the e-mail accounts contained within the e-mail from "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" dated on or about September 22, 2009. The only content within the e-mail is, "Sorry, folks, the Lisa subject should currently not be a topic of discussion or emailing. It might soon, or it just might be more of a secret. Please advise folks about this. Pray. Definitely, pray. Thanks, Timo".

30. A subsequent reply e-mail dated on or about September 22, 2009 from the "'Sierra Madre Mission' <mexicomission@hughes.net>" to the "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" contains the following text, "... What Lisa, and what does it mean? It will be kept top secret!!!... Don't tell Timo I asked!!".

31. A subsequent reply e-mail dated on or about September 22, 2009 from the "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" to the "'Sierra Madre Mission' <mexicomission@hughes.net>" account contains the following text, "We don't know where she

will be going or what just that she is coming. I can send you the story from the internet tomorrow if you want it. Love you, Mim".

32. A subsequent reply e-mail dated on or about September 23, 2009 from the "'Sierra Madre Mission' <mexicomission@hughes.net>" account to the "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" account contains the following text, "... Yes, do! Thanks, Leona".

33. An e-mail dated on or about September 23, 2009 from the "'Alvin & Edna Miller' <millersofwaslala@gmail.com>" account to the "'Adonay and Leona' <mexicomission@hughes.net>" account contains what appears to be a copy of the text from an article. The text of the e-mail includes, "Lisa's age is 40 Isabella's age is 6 (she turns 7 in April 2009). They reside in Bedford County, Va., but formerly resided in Frederick County, Va.... Lisa was joined in a civil union with Janet Jenkins (both women were Virginia residents) in December 2000 in Vermont during a brief vacation trip (civil unions had become legal in Vermont in July 2000).... She became pregnant and gave birth to Isabella in April 2002. Janet Jenkins did not adopt the child.... Lisa filed to dissolve the civil union in 2003, and moved with Isabella, who was then 17 months old, to the Winchester area of Virginia. She renounced her former lesbian life. Lisa returned to her Christian faith in 2003. She and Isabella attend Thomas Road Baptist Church in Lynchburg, Va.... Lisa is represented in her child custody/visitation legal dispute with Janet Jenkins by Liberty Counsel, with offices in Florida and Virginia. Their Web site is <http://www.lc.org>."

E. Timothy Miller's Assistance Provided in Lisa Miller's Travel

34. Records provided pursuant to a Grand Jury Subpoena from TACA Airlines regarding Lisa Ann Miller (E-Ticket Number 2027568006474) and Isabella Ruth Miller (E-Ticket Number 2027568006473) provided the following verbatim customer service notes including that, "... Timothy Miller called from Nicaragua: They have to leave Can. tomorrow and... Cant go thro U.S...." According to the records provided, the date of the communication of Timothy Miller with TACA Airlines appears to be on or about September 21, 2009.

35. Records provided by TACA Airlines pursuant to the same Grand Jury Subpoena provided e-mail account "timjomiller@gmail.com". This appears to be an e-mail account that was provided by Timothy Miller to TACA Airlines.

36. Records provided pursuant to a Grand Jury Subpoena from TACA Airlines regarding Lisa Ann Miller (E-Ticket Number 2027568006474) and Isabella Ruth Miller (E-Ticket Number 2027568006473) provided the following verbatim customer service notes including that, "itinerary was approved by Timothy... cardholder is Elaine R Cooper...". Later in the customer service notes, the address annotated for Elaine Cooper appears to be associated with 12124 Griffith Road, Brethren, Michigan 49616.

37. An inquiry of database records provide an address associated with "Elaine Ruth Cooper" to be 12124 Griffith Road, Brethren, Michigan 49619.

38. The records provided by TACA Airlines pursuant to the same Grand Jury Subpoena appear to indicate that the charges associated with Lisa Ann Miller and Isabella Ruth Miller are \$877.92 and \$816.92, respectively. The customer service notes include "1540", which appears to be the last four digits of the credit card that was provided for payment to TACA Airlines.

39. A review of e-mails within the timjomiller@gmail.com e-mail account indicate that Elaine Cooper is the adoptive mother of Joanna Miller.

40. Financial records pursuant to a Grand Jury Subpoena indicate that a National City credit card statement addressed to Elaine R. Cooper and Jesse J. Cooper lists a charge in the amount of \$1,694.84 with a transaction date of September 21, 2009. The charge identified contains "TACA" as a portion of the charge description. The last four digits of the credit card account are "1540".

41. Financial records pursuant to a Grand Jury Subpoena indicate that the same National City credit card had a charge with the transaction date of September 22, 2009 in the amount of \$60.00 for "Golden Rule Travel... KS".

42. Information provided by TACA Airlines pursuant to a Grand Jury Subpoena indicate that the itineraries for Lisa Ann Miller and Isabella Ruth Miller were sent to the lindarose@goldrule.net e-mail account on September 21, 2010.

43. A printout of the website <http://goldenruletravel.com> on approximately March 16, 2011 provides the following Introduction excerpt for "Golden Rule Travel", "We specialize in international adoption, humanitarian, and missionary travel. ... Most of our advertising comes by way of recommendations from satisfied clients. Large missionary and humanitarian organizations; churches; evangelism ministries, NGOs; adoption agencies, forums, and blogs; and adoptive parents highly recommend Golden Rule as the best choice for value and service."

44. A printout of the "Contact Us" page on http://goldenruletravel.com/contact_us.asp on approximately March 18, 2011 lists "Linda Rose Miller" as an Agent of the Hutchinson, Kansas Office.

45. A biological relationship between Linda Rose Miller and Lisa Miller has not been established.

46. Records provided by TACA Airlines pursuant to a Grand Jury subpoena indicate that the flights for Lisa Miller and IMJ were booked continuously through to Managua, Nicaragua.

47. The TACA Airlines records do not appear to show the purchase of return tickets for Lisa Ann Miller and Isabella Ruth Miller.

F. Use of Code Names as References to Lisa Miller and IMJ

48. The timjomiller@gmail.com e-mail account contains multiple references to "Sarah" and "Lydia". Based on the context of the e-mails, it is believed that "Sarah" is Lisa Miller and "Lydia" is IMJ.

49. The timjomiller@gmail.com account contained an e-mail to the "Carl & June <cajun@coqui.net>" e-mail account dated on or about December 13, 2009. The verbatim excerpts included, "... Sarah has worked for some time with counseling, mentoring, she's kept young people and children in her home who were with some real trama related problems, mental problems, schizophrenic, {as sher mother was}... She has taught from kindergarden to highscool and special edd for more then 20 years...."

50. On August 10, 2010, a Search Warrant was issued by the United States District Court of Vermont by the Honorable John M. Conroy, U.S. Magistrate Judge for the zeusdesfor@aol.com e-mail account. SA Dana L. Kaegel executed the Search Warrant on August 10, 2010. The zeusdesfor@aol.com email account is registered to Lisa Miller.

51. The zeuesdesfor@aol.com contained a folder labeled "JOBRESUMES". A subfolder within the "JOBRESUMES" folder contained two files of what appear to be a cover letter and resume for Lisa Miller. The contents of the cover letter include that Lisa Miller holds "... a

Master's degree of Special Education, K-12 cross- categorical and a Virginia Special education teacher certificate...." The cover letter contents includes that Lisa Miller has "... previous experience teaching middle school science...." and "... tutoring and teaching several high school science courses...."

52. A "Newsweek" article on the Internet titled, "Mrs. Kramer Vs. Mrs. Kramer" by Lorraine Ali, dated December 6, 2008, discussed the custody dispute between Lisa Miller and Janet Jenkins over IMJ. The article content included, "... [Miller] was left to live with her mother, whom Miller claims was a paranoid-schizophrenic...."

53. The timjomiller@gmail.com account contained an e-mail dated on or about March 1, 2010 from the timjomiller@gmail.com account to the cajun@coqui.net account. The e-mail's verbatim excerpts included, "... Another big thing right now is CAM higher ups say she may not even go to CAM any more for the protection of the organization. That's pretty sick. The isolation is driving her and little Lydia crazy. ... Please keep this e-mail to yourselves about Sarah and CAM...."

54. IMJ's date of birth is April 16, 2002.

55. The timjomiller@gmail.com account contained an e-mail to "Alvin and Edna Miller <millersofwaslala@gmail.com>" dated on or about March 25, 2010. The e-mail's verbatim excerpts included, "Mother Dear, ... We were planning to have a special birthday party for Lydia as her birthday is the 16th. ... The more children the better. Sarah every year has gotten a pinata for Lydia, so she has been planning on that... I feel dearly for these 2 dear people. And I can see it would mean a lot to them in this rough first year of there stay in Nica. I would love for Lydia's birthday to be very special and remembered long. She is going through a lot, and her future looms greatly in front of her right now...."

56. The timjomiller@gmail.com e-mail account contained an e-mail dated on or about Monday, April 12, 2010 to "Pablo Yoder <pabloeuni@gmail.com>" and "Alvin and Edna Miller <millersofwaslala@gmail.com>". The verbatim excerpts included, "... We are not sure yet if we will be coming into Waslala Thurs. evening or Friday morn. but we think the BD get together would be best Friday evening because I will need to make the cake and such.... We were thinking maybe just getting together for cake and ice cream and pinata and maybe singing. Lydia LOVES to sing. ... PS... She is grateful for this for her daughters sake...".

G. Christian Aid Ministries (CAM)

57. A printout of the website <http://www.christianaidministries.org/CAMhome.html> lists an address for Christian Aid Ministries as PO Box 360, Berlin, OH 44610.

58. The printout of the website <http://www.charitynavigator.org/> dated March 17, 2011 provides the following description, "Charity Navigator, America's premier independent charity evaluator, works to advance a more efficient and responsive philanthropic marketplace by evaluating the financial health of over 5,500 of America's largest charities."

59. The Charity Navigator website provides the following mission description for Christian Aid Ministries, "Christian Aid Ministries (CAM) was founded in 1981. Our primary purpose is to provide a trustworthy, efficient channel for Amish, Mennonite, and other conservative Anabaptist groups and individuals to minister to physical and spiritual needs around the world. Annually, CAM distributes approximately 15-20 million pounds of food, clothing, medicines, seeds, Bibles and other Christian literature. The main purpose of giving material aid is to encourage God's people and to help bring the Gospel to a lost and dying world. CAM has staff, bases and distribution networks in Romania, Moldova, Ukraine, Haiti, Nicaragua...".

H. Liberty University and its Relationship with Lisa Miller

60. Liberty University is located in Lynchburg, Virginia. An online news article dated March 6, 2011 by Brian Kelley is titled, "Census 2010: Liberty University fuels Lynchburg's growth".

61. The website <http://www.liberty.edu/aboutliberty/> contains a "Message from the Chancellor", Chancellor Jerry Falwell Jr.. The text on the March 18, 2011 printout of the webpage includes, "Liberty University is the largest and fastest growing Christian Evangelical university in the world. Founded in 1971 by my father, the late Dr. Jerry Falwell Sr., Liberty started with his vision to train young Champions for Christ...."

62. Rena M. Lindevaldsen represented Lisa Miller during the litigation of parental rights of IMJ.

63. Bank records show that Lisa Ann Miller received multiple payroll checks from the Lynchburg Christian Academy Payroll Account.

64. The "Faculty/Staff Directory" listed within the Liberty School of Law website lists "Rena M. Lindevaldsen" as an "Associate Professor of Law" and "Associate Director, Liberty Center for Law and Policy".

65. According to the printout of the website for Liberty Counsel, "Liberty Counsel™ is a nonprofit litigation, education and policy organization dedicated to advancing religious freedom, the sanctity of human life and the family. Established in 1989, Liberty Counsel is a nationwide organization with offices in Florida, Virginia, and Washington D.C., and hundreds of affiliate attorneys across the Nation. ... Liberty Counsel provides pro bono legal assistance in the areas of religious liberty, the sanctity of human life and the family. ... The Liberty Center for Law & Policy (LCLP) operates as one component of Liberty Counsel's training, education and public

policy program. With offices in Washington, D.C. and on the campus of Liberty University School of Law in Lynchburg, Virginia, the LCLP trains attorneys, law students, policymakers, legislators, clergy and world leaders in constitutional principles and government policies...."

I. General Information Regarding Philip Zodhiates

66. Sarah Star, an attorney who represents Janet Jenkins, has told me that she received a call on or about June 21, 2010. The caller provided the following information:

a. Philip Zodhiates is a wealthy man and a "Liberty Leader" who has a beach house in Nicaragua. Lisa Miller and Isabella Miller have been staying at the home of Zodhiates.

b. Victoria Hyden is the daughter of Zodhiates. Zodhiates asked Hyden to disseminate a request to get Lisa Miller supplies.

67. The "Faculty/Staff Directory" listed within the Liberty School of Law website lists "Victoria Hyden" as an "Administrative Assistant" within the "Admissions and Financial Aid" section.

68. A website printout dated July 7, 2010 from the Vacationrentals.com website lists Philip Zodhiates as the owner of a vacation rental in Nicaragua. The phone number listed on the webpage is 540-943-6721.

69. Database records indicate that phone number 540-943-6721 as being associated with "Response Unlimited." The address associated with the phone number is 284 Shalom Road, Waynesboro, VA 22980.

70. A link within the website for Response Unlimited contains the following text, "Dear Friend: Response Unlimited soon became the nation's best and most comprehensive source of mailing lists for conservative and Christian mailers and tele-marketers....Cordially, Philip Zodhiates".

71. Star has told me that she determined through Internet research that Zodiates has six adopted children. Three of the children are from Nicaragua and three children are from Guatemala.

J. Shelter Provided to Lisa Miller by Timothy Miller

72. The timjomiller@gmail.com account contained an e-mail strand beginning on or about November 12, 2009 and concluding on or about November 13, 2009 between "Philip Zodiates" and "John Collmus". The Subject line throughout the e-mail strand referenced "bag for Nicaragua".

a. An e-mail dated on or about November 12, 2009 from "Philip Zodiates [<mailto:philipz@responseunlimited.com>]" to "John Collmus" was labeled as "High" within the Importance field. The e-mail's content included, "John: The bags for Nicaragua have not arrived yet, but one is on its way to our home as I write. I will send it with Josiah in the morning. If I find out the other is ready I will have to go to Lynchburg to pick it up tomorrow or have someone else get it Saturday. Would that work? Can you give me your home & cell numbers just in case. ... Thanks so much for doing this. They are just personal belongings of someone who recently moved to Managua doing missions work and a few things they can't buy there readily like peanut butter. So it is nothing you need to declare on the customs forms. Philip 540-943-6721 office...".

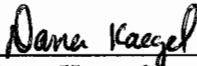
b. An e-mail dated on or about November 13, 2009 from the "John Collmus [<mailto:jcollmus@covenantsschool.org>]" to "Philip Zodiates". The e-mail contains, "I have 2 in my room. Do you think they may open them up, break the tape, or is that not a problem. Who will my contact be? John H. Collmus".

c. "Philip Zodiates' <philipz@responseunlimited.com>" responds to "John Collmus' <jcollmus@covenantsschool.org>" in an e-mail dated on or about November 13, 2009. The e-mail contained, "... Yes they will probably examine the bags when you check in, but that is not a problem. I am not sure why they taped them (I did not pack them, one of the elders of the local church did here). Timo Miller will meet you at the airport and hold up a sign with your name. He is a pastor of an Amish-Mennonite church in Managua who is with Christian Aid Ministries (Ohio). ... The suitcases are for a lady that works with them there in Managua named Sarah. ... Thank you for taking these. Sarah will greatly appreciate it, I am sure...."

K. Conclusion

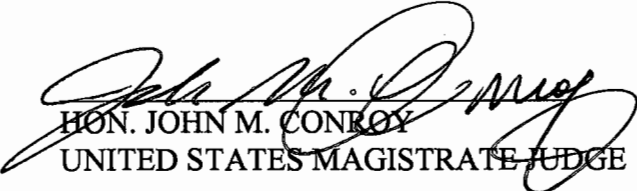
73. Based on the foregoing, I request that a Criminal Complaint be issued for Timothy Miller.

Respectfully submitted,



Dana Kaegel
Special Agent, Federal Bureau of
Investigation

Subscribed and sworn to before me
on April 15, 2011:


HON. JOHN M. CONROY
UNITED STATES MAGISTRATE JUDGE

AO 91 (Rev. 01/09) Criminal Complaint

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT

for the
District of Vermont

2010 APR 27 PM 3:42

United States of America)

v.)

Lisa Miller)

Defendant)

CLERK A3C
BY _____
DEPUTY CLERK

Case No.

2:10-mj-74-1

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 09/22/2009 to the present
in the county of _____ in the _____ District of
Vermont, the defendant violated 18 U.S.C. § 1204, an offense described as follows:

removing a child from the United States, and retaining a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Dana Kaegel

Complainant's signature

Dana Kaegel, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/27/2010

John M. Conroy
Judge's signature

City and state: Burlington, Vermont

John M. Conroy, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Dana L. Kaegel, being duly sworn, depose and state as follows:

A. Background

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent since October of 2008. I am currently assigned to the Burlington, Vermont Resident Agency.

2. I have probable cause to believe that Lisa Miller, also known as Lisa Miller-Jenkins and Lisa A. McConchie, has violated 18 U.S.C. § 1204, by engaging in international parental kidnapping, by removing a child from the United States, on or about September 22, 2009, and retaining a child, who has been in the United States, outside the United States from September 2009 to the present, with intent to obstruct the lawful exercise of parental rights by Janet Jenkins. I make this affidavit in support of a criminal complaint and request for an arrest warrant charging Lisa Miller with violating of 18 U.S.C. § 1204.

3. The statements contained in this affidavit are based upon my investigation and include information provided by other law enforcement officials, court documentation, information provided by Janet Jenkins, and on my experience and training as a Special Agent of the FBI. Because this affidavit is being submitted for the limited purpose of supporting a complaint and obtaining an arrest warrant, I have not included each and every fact known to me concerning this investigation.

B. Relationship between Miller and Jenkins

4. Janet Jenkins has told me the following:

a. In or about December 1997, Janet Jenkins met and began a personal relationship with Lisa Miller, who at the time represented that she was a lesbian. Both women lived in Virginia at the time.

b. Prior to December 1997, Miller was married to Kurt McConchie, but Miller divorced him.

c. In or about February 1998, Jenkins and Miller became engaged. The two began researching state laws regarding parental protections for same-sex couples.

d. In or about April 1998, Miller moved into Jenkins' home in Virginia.

e. In December 2000, Miller and Jenkins traveled to Vermont and obtained a civil union pursuant to Vermont law.

f. In or about January 2001, Jenkins and Miller identified an alternative insemination specialist in Virginia for the purpose of pursuing a pregnancy of Miller. Jenkins paid approximately fifty thousand dollars to facilitate the alternative insemination that led to the birth of IMJ on April 16, 2002.

g. Jenkins and Miller planned to move to Vermont prior to IMJ's birth, but because of complications with Miller's pregnancy, Isabella Ruth Miller-Jenkins (IMJ) was born in Virginia.

5. On June 15, 2007, Rutland Vermont Family Court made the following findings of fact, as part of the litigation between Jenkins and Miller concerning custody of IMJ:

a. In August 2002, Miller and Jenkins moved to Fair Haven, Vermont, where they had purchased a home together.

b. During 2002 and 2003, Miller and Jenkins referred to each other as the mothers of IMJ and shared equally in the care of IMJ, except when Jenkins worked outside the home.

6. Jenkins has told me the following:

a. Miller became pregnant again through alternative insemination in May 2003, but had a miscarriage.

b. After the miscarriage, Miller's behavior changed.

c. In or about August 2003, Jenkins told Miller that she wanted a separation due to her concerns over Miller's behavior and refusal to seek help. Jenkins hoped that the separation would encourage Miller to seek help.

d. In September 2003, Miller and IMJ moved to Virginia. During that Fall, Jenkins traveled to Virginia regularly on weekends to visit IMJ.

C. Litigation Prior to 2007

7. Miller filed a complaint for dissolution of the civil union in Rutland Family Court in November 2003.

8. On June 17, 2004, the Rutland Family Court issued a temporary order regarding parental rights and responsibilities. This order awarded Lisa temporary legal and physical responsibility for IMJ and awarded Janet parent-child contact for two weekends in June, one weekend in July, and the third full week of each month, beginning in August 2004. The Family Court also ordered Lisa to permit Janet to have telephone contact with IMJ once daily.

9. On July 1, 2004, Miller filed a "Petition to Establish Parentage and for Declaratory Relief" in the Frederick County Virginia Circuit Court. Miller asserted that she had "sole custody" of IMJ, and asked the court to declare that she was the "sole parent of" IMJ.

10. In July 2004, the Rutland Family Court reaffirmed its "jurisdiction over this case including all parent-child contact issues," stated that it would not "defer to a different State that

would preclude the parties from a remedy,” and made clear that the temporary order for parent-child contact was to be followed. The Court added that “[f]ailure of the custodial parent to allow contact will result in an immediate hearing on the need to change custody.”

11. On September 2, 2004, the Rutland Family Court found Miller in contempt for willful refusal to comply with the temporary visitation order.

12. On September 9, 2004, the Virginia Circuit Court held that it had jurisdiction to determine parentage and parental rights of IMJ, and later ruled that Jenkins had no “claims of parentage or visitation rights over” IMJ.

13. On August 4, 2006, the Vermont Supreme Court affirmed the decision of the Rutland Family Court that it had jurisdiction over the child custody matter and that Jenkins had parent-child contact rights.

14. On November 28, 2006, the Court of Appeals of Virginia vacated the Virginia Circuit Court order denying parental rights to Jenkins, holding that the Virginia courts should defer to the jurisdiction of the Vermont courts.

D. Litigation 2007 through 2010

15. In April 2007, Miller and Jenkins were involved in a trial in Rutland Family Court concerning custody of IMJ. After the trial, the court granted parental rights to Miller and ordered visitation rights for Jenkins with IMJ.

16. In April 2007, the Virginia Court of Appeals reversed a decision by the Virginia Circuit Court declining to enforce the Vermont custody order. This decision was affirmed by the Supreme Court of Virginia on June 6, 2008.

17. During 2008, the Rutland Family Court issued a series of orders finding Miller in contempt for refusing to comply with its visitation orders.

18. At a hearing in Rutland Family Court in January 2009, the Court explicitly warned Miller that failure to comply with ordered visits could lead to a transfer in custody. Miller stated that she would comply with the ordered visits.

20. The Rutland Family Court ordered a contact visit for March 7 -14, 2009, which did not occur. The Rutland Family Court ordered a make-up visit in Vermont for April 9-13, 2009, which did not occur. The Rutland Family Court ordered a visit in Vermont for May 23-29, 2009, which did not occur. The Rutland Family Court ordered a visit in Virginia for June 6-8, 2009, which did not occur. The Rutland Family Court ordered a visit for July 10-August 8, 2009, which did not occur.

21. On August 21, 2009, the Rutland Family Court held a hearing on Jenkins' Motion to Modify Parental Rights and Responsibilities. Miller was not present for the hearing. The Court concluded on November 20, 2009, that Miller willfully interfered with Jenkins' visitation rights. Moreover, the Court ordered that Jenkins would have sole physical and legal custody of IMJ and that the custody transfer occur on January 1, 2010.

E. International Travel by Miller and IMJ

22. Intelligence Officer Melanie Granger, Canadian Border Services Agency has provided me the following information from Canadian Border Records and Mexican Authorities:

a. Miller and a second passenger crossed the Canadian border at the Rainbow Bridge between Buffalo, NY, and Canada on September 22, 2009 in a vehicle bearing New York license plate 20719TX.

b. It is likely that the second passenger's name was not entered into records because the second passenger was a minor.

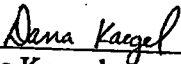
c. On September 22, 2009, Lisa A. Miller and Isabella Ruth Miller arrived in Mexico City, Mexico on Mexicana Flight 887.

23. I have conducted an inquiry of U.S. database records that provided New York license plate 20719TX as registered to Omnibus Taxi. The vehicle registered to the plate is a 2002 Chevrolet Impala.

24. FBI Intelligence Analyst Abigail Pope has told me that United States border records, which document entries into the United States, do not indicate that Miller or IMJ have returned to the United States since September 22, 2009.


25. At a hearing in Rutland Family Court in February 2010, a representative of Liberty Christian Academy testified that IMJ had not been a student there in the 2009 - 2010 school year and that the school had no information about her location. At the same hearing, a friend of Miller's testified that the last time she saw Miller was in early September 2009 and that she had no idea where Miller was.

Dated at Burlington, in the District of Vermont, this 27th day of April, 2010.



Dana Kaegel
Special Agent, Federal Bureau of
Investigation

Sworn to and subscribed before me this 27th day of April, 2010.


JOHN M. CONROY
United States Magistrate Judge