

CONTINUATION

1. I am a Special Agent with the United States Department of Agriculture, Office of Inspector General (USDA-OIG), and have served as such since March 2008. Before joining USDA, I served as a Special Agent with the United States Secret Service for almost seven years.

2. As part of my duties as a USDA-OIG Special Agent, I conduct investigations involving animal fighting and animal cruelty crimes. I have led my agency's initiative into animal-cruelty investigations, serving as the case agent for all animal fighting survey cases in the State of Michigan. I have been the affiant on numerous search warrant and criminal complaint affidavits. I have testified in both federal and state court cases as an expert witness in animal cruelty investigations. I have provided training to other law enforcement and public works agencies regarding identifying and investigating animal-fighting cases.

3. This continuation is submitted in support of a criminal complaint charging CHARLES MILLER with (1) delivering, possessing, training, or transporting an animal for participation in an animal fighting venture, and for using interstate instrumentalities for promoting or furthering that activity, in violation of 7 U.S.C. §§ 2156(b) and (c); (2) unlawful possession of a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1); and (3) possession with intent to distribute 28 grams or more cocaine base (crack cocaine), a Schedule II Controlled Substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii). This summary does not include each and every fact known by me or the government concerning this investigation. I have set forth only the facts that I consider necessary to establish probable cause to believe that the defendant committed the offenses alleged in the complaint.

I. Legal Framework for Animal Fighting Charges

4. Title 7, United States Code, Section 2156(b) prohibits knowingly selling, buying, possessing, training, transporting, or receiving any animal for purposes of having the animal participate in an animal fighting venture, and Section 2156(c) prohibits using an instrumentality of interstate commerce to promote or further such a venture. Section 2156(g)(1) defines an "animal fighting venture" as "any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment" I am informed by the U.S. Attorney's Office that the "in or affecting interstate or foreign commerce" element has been construed broadly by courts that have considered it, taking into account congressional intent in the enactment of the Animal Welfare Act of 1976 and its subsequent amendments. *See United States v. Gibert*, 677 F.3d 613 (4th Cir. 2012); *United States v. Thompson*, 118 F. Supp. 2d 723 (W.D. Tex. 1998).

II. Dog-Fighting Information and Terminology

5. Based on training and experience in investigating dog-fighting ventures, I have learned that American Pit Bull Terriers, commonly called Pit Bulls, are the prevalent dog-breed used in dog-fighting ventures. Dog fighters typically wait until their dogs are around two years old to enter them into dog fights, but will begin training them prior to that age. Around two years old, Pit Bulls start to show more dog aggression. Fighting dogs may have apparent wounds and injuries that are typically most notable on their faces, because the dogs are trained to fight face-to-

face. The ears, jaws, and front legs may also have noticeable wounds and scars. Dog fighters often take pride in their ability to treat wounded dogs, and often act as make-shift veterinarians for their dogs by giving medication, treating wounds, etc.

6. It is common for dog fighters to possess dog-fighting paraphernalia used to breed, exercise, train, restrain and strengthen or condition dogs, including:

- a. treadmills, including treadmills that are modified to keep a dog from getting off the treadmill;
- b. “rope hangs”—ropes that dangle animal hides or “lures” that, when gripped by a dog’s mouths, result in the dog being suspended entirely off the ground. Rope hangs are commonly used by dog fighters to strengthen and condition a dogs jaw and neck muscles to achieve a better “bite”;
- c. weighted collars, leashes, chains, and other devices used to exercise or restrain fighting dogs, and weight scales;
- d. “break sticks”—sticks of wood, plastic, fiberglass, resin or other material that are used to pry open the jaws of dogs ;
- e. “flirt poles”—long poles with a hide or fur lure attached that is moved around by a trainer to tease a dog;
- f. “jenny mills”—a jenny mill is a large, outdoor exercise apparatus that harnesses a dog to a spoke that projects from a center shaft; a lure (such as animal hides or furs) is attached to a separate spoke and hangs beyond the dog’s reach, causing the dog to run in circles as it attempts to get the bait; and
- g. washtubs, buckets, pails, and sponges used to wash dogs.

7. It is common for dog fighters to collect and retain books, magazines, photographs, film, videotapes, and writings depicting or promoting dog fighting and the training/conditioning of dogs for fighting, as well as awards, trophies, plaques, or ribbons from dog fights.

8. Dog fighters who possess dogs for the purpose of dog fighting will implement a strict exercise and feeding regimen for a dog prior to a scheduled match to ensure that the dog does not weigh more than the agreed-upon weight, and in hopes of conditioning the dog to out-fight its opponent. These regimens are recorded in writings referred to as a “keep,” and dog fighters regularly share keeps with dog-fighting associates to help advance each other’s dogs and kennels. Keeps are maintained indefinitely by dog fighters as resources.

9. It is common for dog fighters to possess medical supplies in order self-treat injured dogs or to enhance the performance of fighting dogs. Such items include, but are not limited to animal medications, antibiotics, vitamins, steroids, needles and syringes, suture kits, any wound care salve including “Cut-Heal” brand ointment, “Stop Bleed,” and other veterinary supplies.

These items are often kept as long as an individual is involved in dog fighting, even if dogs are not kept at the dog fighter's residence.

10. It is common for dog fighters who fight dogs to have weapons, handguns, shotguns, or rifles in order to protect the premises upon which illegal dog fighting occurs, as well as utensils or weapons that can be used to kill animals, including include ropes (for hanging dogs), wire, guns, rifles, shovels, baseball bats, and metal pipes. Typically, when a dog does not perform well, its owner will kill the dog, an act referred to as "culling."

11. It is common for dog fighters to possess materials, in paper or electronic form, showing ownership of Pit Bull breed dogs including breeding records, stud fees, receipts, shipping slips, bills of sale, pedigree records, records pertaining to a dog's bloodline, registration records, vaccination records, notes, and ledgers, contracts, training logs ("keeps"), and other written records and agreements concerning the fighting of Pit Bull breed dogs. This is especially the case with regard to dogs that have attained a certain status or title as a result of winning fights, or dogs who are offspring of such winning dogs. These titles include:

- Champion ("Ch.")—a dog that has won three contracted matches
- Grand Champion ("Gr. Ch.")—a dog that has won five contracted matches
- Register of Merit ("ROM")—title given for dogs that produce a certain number of dog fight winners amongst their offspring
- Best in Show ("BIS")—assigned to the best winner of a fight (as compared to multiple matches during the "show")
- Gamest in Show ("GIS")—a dog's "game" is its willingness or desire to fight. This term is used to designate a dog that was particularly feisty or "game" during a match or a show (series of matches).

12. It is common for dog fighters to use specially constructed enclosures, pits, or arenas to train the dogs for fighting and to hold such contests. The enclosures often contain carpeting or other materials on the floor, and the interior and/or exterior surfaces of the enclosures often carry dog blood, hair, and other biological matter.

13. Evidence of dog fighting is likely to be found inside a dog fighter's residence, in outbuildings such as barns, garages, or sheds, inside vehicles (which are used to transport dogs to and from fights), in outside areas of the property, including backyards, curtilage, fields, and acreage, as well as stored in electronic devices, such as a computers or cellular telephones, regardless of a resident's particular role in dog fighting and regardless of whether or not dogs are present at a particular location. It is common for dog fighters who fight dogs to have Pit Bull breed dog carcasses or other animal carcasses or remains buried on their property.

14. It is common for dog fighters to use cameras, video cameras, camera phones, film, video or audio recordings, memory cards or other storage devices, cell phones, to record dog fighting activity and communicate with other dog fighters. Dog fighters regularly use text messaging, e-mail communications, online social media applications, online chat rooms, blogs, online magazines, and other electronic devices and means to communicate about training and breeding dogs for fighting, to set up matches and make bets, to advertise and promote the locations

and dates/times of dog fight matches, and to discuss the results of matches and forfeits. Dog fighters typically take personal pride in owning successful fighting dogs, and tend to retain communications, images, and videos of such dogs even after they are killed or die from old age.

15. Individuals associated with dogfighting often keep travel records related to fights, and receipts and/or records of fighting activity, both in paper and electronic form. Dog fighters also maintain records, in paper and electronic form, of shipments of dogs to other dog fighters and breeders for the purpose of breeding.

16. Gambling is a central component of dog fighting ventures. Before a match, the dog fighters whose dogs are competing agree on a money wager. Typically, half of the wagered money is put into escrow and held by a third party in advance of the fight. This serves to guarantee that each party will show up to the fight or risk forfeiting the advance. In addition to the main-event wager, on-site side betting by spectators is common.

17. In an organized match there is a contract that establishes the rules and parameters of the fight, including the sex and weight of opposing dogs, because dogs must be of the same sex and comparable weight. “Off the chain” fights are “unofficial” and not contracted, and often occur between dogs who are not yet fully trained as fighting dogs. Practice fights during a dog’s training are referred to as a “roll” or a “bump.”

18. The term “game” or “gameness” refers to a dog’s courage and fighting tenacity. The process of training a dog to fight is referred to as “schooling.” A dog’s win-loss record is denoted by the shorthand terms “#Xw” and “#Xl,” such that a dog with three wins will have “#3w” after his or her name while a dog with three losses will be designated as “#3l.” A “show” can refer to a single match, or a gathering where multiple matches occur.

19. The American Dog Breeders’ Association, Inc. (“ADBA”) is an organization in Salt Lake City, Utah, that maintains a registry of American Pit Bull Terriers and Pit Bull kennels. The organization claims to be “the largest registration office of the American Pit Bull Terrier.”¹ The ADBA states on its website that it “does not condone any illegal activity, but will never deny the history of our breed.” The ADBA issues registration certificates for Pit Bull owners who provide proof of a dog’s bloodline/pedigree, as well as registration certificates for Pit Bull kennels.

20. The American Pit Bull Terrier Online Pedigrees (“APBT”) is a “web based pedigree application” that allows users to add their dogs’ pedigrees to the website, along with a picture of the dog, and provides a search tool to find pedigrees for thousands of dogs. The website displays “offspring listings, sibling listings and a nice tool that displays the genetic contribution of each dog’s ancestor in the first 4 generations.” The APBT web platform also has private chat rooms in which members can communicate with each other through instant messaging chats. The APBT website does not provide any contact information for any of its administrators. A search of the CLEAR law enforcement database indicates that APBT was incorporated in 2011 in El Paso,

¹ <https://adbado.com/about-us/>

Texas. Dog fighters use APBT to post their dogs' pedigrees, to research pedigrees for breeding and sales, and to communicate with other dog fighters about dogs and bloodlines.

III. Probable Cause on Dog-Fighting Venture Charges

21. Since at least as early as March 2017, multiple law-enforcement agencies in various West Michigan counties have been investigating numerous subjects who are involved in promoting dog-fighting ventures and possessing dogs for the purpose of having those dogs participate in fights, in violation of 7 U.S.C. § 2156(a)(1) and (c). These agencies include Ingham County Animal Control, the Ingham County Sheriff's Department, the Michigan State Police (MSP), and Eaton County Animal Control. Due to the expansive nature of the dog-fighting ventures and overlapping subjects and criminal activity across counties, in November 2017, the Bureau of Alcohol, Tobacco, Explosives & Firearms (ATF), the United States Department of Agriculture—Office of Inspector General (USDA-OIG) and the Federal Bureau of Investigation (FBI) joined the investigation.

22. The subjects of the investigation include, among others, CHARLES MILLER and KIAN MILLER, each of whom are involved in the operation, support, or promotion of one or more dog "kennels" that exist for the purpose of breeding, training, buying and selling, and owning dogs for use in fighting ventures, as well as for sponsoring and exhibiting dog fights for the purpose of sport, wagering, and/or "entertainment." CHARLES and KIAN MILLER are brothers, as verified by review of public records, law enforcement databases, and law enforcement interviews of CHARLES MILLER.

23. Pursuant to a state-issued search warrant, on July 27, 2017, law enforcement searched CHARLES MILLER's residence at 1415 Lansing Ave., in Lansing, Michigan for dogs and dog-fighting evidence. The search resulted in the seizure of six Pit Bull dogs, as well as dog-fighting paraphernalia and evidence including a spring pole, a hanging scale, a treadmill equipped with a wooden apparatus used for dogs, videos of dog fighting, and written personal correspondence addressed to CHARLES MILLER discussing dog fighting breeding, training, and competition. One of the older dogs seized from CHARLES MILLER's residence had scars on its head, neck, and legs from healed dog-bite wounds consistent with organized dog fighting.

24. The search also resulted in seizure of CHARLES MILLER's Samsung cell phone with the telephone number (517) 993-7105, which was subsequently examined under the warrant. The data in CHARLES MILLER's phone includes call logs, contacts, text messages, photographs, videos, and social media content (including messages and group chats) for the period of December 8, 2016 to July 27, 2017. The phone contained numerous photographs of dogs, pedigrees, videos of dog fights, and discussions pertaining to dog fighting and home medical care for dogs, which were sent to or from CHARLES MILLER through an application called "WhatsApp." Some of the videos of dog fights that were sent to CHARLES MILLER via WhatsApp show dogs covered in blood. One shows a dog that is so exhausted that it cannot stand, while its handler allows the opponent dog to continue attacking it. The phone also contained communications between CHARLES MILLER and others concerning dog fighting. For example, on March 24, 2017,

CHARLES MILLER had the following text-message exchange through WhatsApp with another investigative subject, CD,² about setting up a dog fight:

- C. MILLER: Trying to figure out taking *monkey*³ back out !! [fight *Monkey* again] You want to re hook it ? [You want to try to set up another match?] I got to find out the total purse [wagered sum] we can go for I am waiting to hear back from dude that owns the dog !! Are you interested going back out at 32 [Do you have a 32-pound-dog to fight *Monkey*?]
- CD: After the 22nd of the next month [We can have a 32-pound dog ready after the 22nd of April]
- C. MILLER: I'll let him know not sure if they want to wait that long I'll find out doggie
- CD: Tell him I hope so I want to show him how much of a rookie I am [laughing emoji] I definitely heard what he said lol

25. KIAN MILLER is Charles Miller's brother. Law enforcement has determined that *ActionP@cked Kennels* is KIAN MILLER's kennel operation.⁴ Ingham County Animal Control officers have reviewed multiple pedigrees for fighting dogs posted online by *ActionP@cked Kennels*.

26. Pursuant to a state-issued search warrant, on July 28, 2017, law-enforcement officers searched KIAN MILLER's residence and at 1404 Roselawn Ave., in Lansing, Michigan, for dogs and dog-fighting evidence. Law enforcement seized seven Pit Bull dogs, four of which were found during subsequent veterinary examination to have scars consistent with dog-bite wounds of the kind inflicted during organized dog-fighting events. Based on physical characteristics including gender, color, size, and previously recorded scar patterns consistent with fighting, Animal Control Officers recognized several of the dogs as dogs previously identified as belonging to KIAN MILLER. The dogs were also associated with KIAN MILLER based on his having obtained Ingham County licenses for them, his having posted their pedigrees to the APBT online pedigree registry under "*ActionP@cked Kennels*," and his having personally retrieved some

² CD is identified by his initials because he is not presently charged.

³ Names of dogs are bolded and italicized throughout the affidavit, and names of dog-fighting kennels are italicized throughout the affidavit.

⁴ On March 7, 2016, KIAN MILLER told an Ingham County Animal Control Officer that he refers to the dogs in his "yard" as "Action Pack Kennels." *ActionP@cked Kennels* has also posted pedigrees to the APBT online pedigree registry for numerous dogs for which KIAN MILLER has obtained dog licenses in Ingham County.

of the dogs from Ingham County Animal Control after they were impounded on previous occasions.

27. One of the dogs seized from the Roselawn Residence was known to Animal Control Officers as *Esco*. The examining veterinarian noted multiple scars consistent with dog-bite wounds on both of *Esco's* front legs, as well as his rear left leg, consistent with dog-fighting injuries. Text-message traffic between KIAN and CHARLES MILLER, which was discovered on CHARLES MILLER's phone, also memorializes some of *Esco's* recent dog-fighting history. *Esco* was matched for a dog fight on April 22, 2017. On that date KIAN MILLER sent CHARLES MILLER text messages indicating that the people he had contracted with for a dog fight had changed the location without warning and, as a result, KIAN MILLER had wasted eight weeks conditioning his dog for the fight. KIAN MILLER wrote:

See if me in them niggas can meet up next weekend or something, that switch of the location without warning that far of a distance away ain't professional at all. Both of us just wasted damn near eight weeks of time [conditioning dogs for the fight].

Or see what's up with 250 of my shit back, this ain't on my end [KIAN MILLER wanted to collect the forfeit money as it was not his fault the fight fell through].

If not fuck them bitch ass niggas, that shit whack as fuck. Call N.C 40 & 42 male [If CHARLES MILLER could not reschedule the fight with the other kennel, KIAN MILLER wanted him to reach out to a kennel in North Carolina to schedule a fight for a male dog weighting 40 or 42 pounds].

2000 or better [KIAN MILLER would only fight a dog the following weekend if the winnings were \$2,000 or more].

28. On April 29, 2017, CHARLES MILLER received a voice message via WhatsApp from a user law enforcement has identified as DB. I have personally met DB⁵ and recognize his voice in the recorded message. MILLER responded by text message via WhatsApp and the two discussed the fight that *Esco* was supposed to have had on April 22nd, but which did not happen because the other dog forfeited the match.

DB (voice): What's up doggie? This my new number. Hey did ole *Esco* pull it off? And uh, I know I forgot he went out the 22nd. Man tell me somethin good.

C. MILLER (text): Pickup ff [The opponent dog forfeited]

DB (text): You collected forfit?

C. MILLER (text): Oh yeah

⁵ DB is identified by his initials because he is not presently charged.

DB (text): You gonnz rehook him asap doggie [asking if MILLER is going to set up *Esco* for a new fight]

C. MILLER (text): I think my bro [KIAN MILLER] and *bring DA pain* [*Bring Da Pain Kennel*] might have something going on [may be setting up a fight between *Esco* and one of *Bring Da Pain Kennel's* dogs]

29. On June 11, 2017, CHARLES MILLER sent a text message via WhatsApp to DB, containing a link to an APBT online pedigree for *ActionP@cked Kennels's Esco*. CHARLES MILLER and DB then had the following exchange over WhatsApp, discussing a recent win of *Esco's*:

DB (text): Ok Den! Very very Nice Doggie!!! Congrats!! That was a fast one.”

DB (voice): What’s up doggie? Yes, congratulations man congratulations how was it like u that was a quick one so at what did *Esco* come out like blasting and just finished him and you know just pushed you know pushed pushed everything to him and the other dog quit er? How’d it go doggie?”

C. MILLER (voice): Yeah the other dog came out swinging first you know. The first, uh, ten minutes you know he was taking care of business you know. *Esco* just figured him out [unintelligible]. Head, face, wore him down in the you know brisket area. Going back in you know got a little bad motherfucka over here. Yeah they made him stood the line in 32 though. [The fight lasted 32 minutes]

C. MILLER (text): He had two amazing scratches. Hard scratches.

DB (voice): I want him to be your first champion. Then I’m going to bring a female up there and breed to that bad motherfucker, you know what I mean. . . . After you make champion I want to breed to that motherfucker fo sho.

IV. Probable Cause on Possession of a Firearm as a Felon

30. On July 27, 2017, during the execution of the search warrant for dog-fighting evidence at CHARLES MILLER’s residence (1415 Lansing Ave., in Lansing), CHARLES MILLER consented to the search of his residence for illegal narcotics, drug paraphernalia and equipment, firearms, and ammunition. The search resulted in the discovery and seizure of the following evidence:

a. a Bersa, model Firestorm, 40-caliber semiautomatic pistol, Serial Number 530521, loaded with ten rounds of ammunition, was found between the mattress and box spring of a bed in the east bedroom on the first floor (“Bersa Firearm”). Paperwork from the Michigan Department of Treasury addressed to CHARLES MILLER at 1415 Lansing Ave., Lansing, Michigan was found on the floor of the room.

b. Two rounds of 9mm ammunition and an empty box for a SCCY Industries, Model #CPX1CB firearm was found in a drawer in the hallway closet. The SCCY Industries box contained a black trigger lock, an instruction manual for the Model CPX firearm, and a spent 9mm casing in a small manila envelope (likely from factory test firing of the weapon).

c. A box of Winchester .357 ammunition containing 22 rounds was recovered from a drawer in the kitchen.

d. Paperwork bearing CHARLES MILLER's name at the address of 1415 Lansing Ave was recovered from throughout the residence. Additionally, law enforcement recovered a Jays Sporting Goods purchase receipt for a blue 9mm firearm, Model CPX 1, bearing the name "William Alan Fox."

31. CHARLES MILLER was detained following the search of his residence and an ATF Special Agent read him *Miranda* warnings. CHARLES MILLER stated that he understood what had been read to him, signed a statement to that effect, and was interviewed by the Agent. CHARLES MILLER said that he purchased the Bersa firearm in June 2017, for \$200 cash, from an unknown black male with braids. He said the firearm was loaded when he bought it, that he had never fired it, and that he had put it under the mattress in his bedroom.

32. An ATF Special Agent has confirmed that the Bersa Firearm was not manufactured in Michigan.

33. I have reviewed CHARLES MILLER's criminal history, which includes the following felony convictions:

- a. On April 12, 2007, CHARLES MILLER was convicted of felony police officer assault/resist/obstruct, in the 56th Circuit Court of Michigan.
- b. On April 29, 2009, CHARLES MILLER was convicted of felony possession of less than 25 grams of a controlled substance (cocaine, heroin, or another narcotic), in the 30th Circuit Court of Michigan.

V. Probable Cause on CHARLES MILLER's Possession With Intent to Distribute Crack Cocaine

34. In addition to the firearm and related evidence discovered during the consensual search of CHARLES MILLER's residence on July 27, 2017, evidence of trafficking in controlled substances was also found and seized. Specifically, the following items were discovered:

- a. \$1,145 in U.S. currency;
- b. 8.0 grams of suspected crack cocaine in a plastic baggie was found on top of a digital scale on a window ledge in the living room. Subsequent laboratory analysis by the MSP Forensic Science Division confirmed the substance as cocaine base, with an actual weight of 7.02 grams;

- c. 24 grams of suspected crack cocaine inside a drawer under the south window in the living room. A digital scale was also found in the drawer. Subsequent laboratory analysis by the MSP Forensic Science Division confirmed the substance as cocaine HCl, with an actual weight of 23.28 grams;
- d. 8.8 grams of suspected marijuana was located on top of the living room table. Subsequent laboratory analysis by the MSP Forensic Science Division confirmed the substance as marijuana, with an actual weight of 6.34 grams;
- e. 72.2 grams of suspected crack cocaine was found in a drawer of the hallway closet. Subsequent laboratory analysis by the MSP Forensic Science Division confirmed the substance as cocaine base, with an actual weight of 69.56 grams.

35. During CHARLES MILLER's post-*Miranda* interview with law enforcement on July 27, 2017, he admitted that he had almost three ounces of crack and powder cocaine hidden throughout his house. CHARLES MILLER said that that he used baking soda and a Pyrex dish to manufacture crack cocaine from its original powder form.

36. Based on my knowledge and experience as a law-enforcement officer, and based on information provided to me by other law-enforcement officers, the quantity of crack cocaine that CHARLES MILLER possessed on July 27, 2017, is a distribution quantity and not for personal use.

VI. Conclusion

37. I submit that the foregoing information demonstrates probable cause to believe that CHARLES MILLER engaged in dog-fighting ventures and possessing dogs for the purpose of having those dogs participate in fights, in violation of 7 U.S.C. § 2156(a)(1) and (c), beginning at least as early as Dec. 8, 2016 and continuing until July 28, 2017 in the Western District of Michigan. The facts summarized also demonstrate probable cause to believe that CHARLES MILLER is a previously convicted felon who possessed a firearm and ammunition in this district on July 28, 2017, in violation of 18 U.S.C. § 922(g)(1), and that he possessed 28 grams or more of cocaine base (crack cocaine), a Schedule II Controlled Substance, with intent to distribute it, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii), on that date.