

CRIMINAL COMPLAINT

ORIGINAL

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v. JOHN ANTHONY MILLER	DOCKET NO. MAGISTRATE'S CASE NO. 8- 08-2812M

Complaint for violation of 18 U.S.C. §§ 201 (bribery); 1542 (passport fraud); 1028A (identity theft)

NAME OF MAGISTRATE JUDGE CHARLES F. EICK ANDREW J. WISTRICH	UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, CA
DATE OF OFFENSE Nov. 12, 2008	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

On or about November 12, 2008 in Los Angeles County, within the Central District of California, defendant JOHN ANTHONY MILLER corruptly gave something of value, to wit, \$5,000 cash, to an employee of the United States Department of State, with the intent to influence an official act and to induce the official to commit and aid in committing a fraud on the United States, namely, the procurement of a fraudulent United States passport, in violation of 18 U.S.C. § 201(b)(1).

On or about November 12, 2008, in Los Angeles County, within the Central District of California, defendant JOHN ANTHONY MILLER willfully and knowingly made a false statement in an application for a passport with intent to induce and secure for his own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application, defendant stated that his name was an individual with the initials D.F. and stated D.F.'s date of birth to be his own, whereas, in truth and fact, as he then knew, his name was not that of the individual with the initials D.F. and his date of birth was not that of D.F.

On or about November 12, 2008, in Los Angeles County, within the Central District of California, defendant JOHN ANTHONY MILLER knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, that is, the name and date of birth of the individual D. F., during and in relation to passport fraud, a felony violation of Title 18, United States Code, Section 1542.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE:

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

SIGNATURE OF COMPLAINANT

B. Craig Mason

OFFICIAL TITLE

SPECIAL AGENT -- FEDERAL BUREAU OF INVESTIGATION

FILED
CLERK, U.S. DISTRICT COURT
NOV 12 2008
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE(1)

Andrew J. Wistrich

DATE

November 12, 2008

1) See Federal Rules of Criminal Procedure rules 3 and 54.

AFFIDAVIT

I, B. Craig Mason, being duly sworn, depose and state as follows:

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") in Santa Ana, California. I have been employed with the FBI since May 2003. I am presently assigned to the Santa Ana Division of the FBI and work on a white collar crime squad that investigates wire fraud, mail fraud, and securities fraud. Before joining the FBI, I was an attorney practicing with a law firm in Washington D.C. I also clerked for a judge on the United States Court of Appeals for the Third Circuit.

2. This affidavit is made in support of a complaint charging John Anthony Miller (hereinafter "MILLER") for violations of Title 18, United States Code, Sections 201 (Bribery), 1542 (False Statement in Passport Application), and 1028A (Identity Theft).

3. The facts set forth in this affidavit are based upon my own personal observations, my training and experience, and information obtained during this investigation from other sources, including: (a) statements made or reported, directly or indirectly, by various witnesses with personal knowledge of relevant facts; (b) records obtained during the course of this investigation; and (c) public records databases. Because this affidavit is submitted for the limited purpose of establishing probable cause to charge MILLER with the foregoing offenses, I have not set forth each and every fact I have learned in connection with this investigation. Where conversations and events are referred to herein, they are related in substance and in part, and where figures and calculations are set forth herein, they are approximate.

I. OVERVIEW

4. As explained in greater detail below, my investigation to date has shown that MILLER operated an investment scheme under his business JAM Junior Enterprises Inc. from at least January 2006 through the present. MILLER solicited investors to invest in various investments,

including short term notes purportedly backed by property in Oklahoma and an oil field in Louisiana. MILLER promised investors returns of over fifteen percent per year. MILLER has raised over \$15 million dollars from investors.

5. One of MILLER's former associates (hereinafter the "CI") recently told the FBI that MILLER was operating a Ponzi scheme and was running out of money. Not enough new investor money was being raised to satisfy the demands of the previous investors. MILLER, in connection with discussions about MILLER possibly fleeing the country, asked the CI if he could help MILLER obtain a fake identity. The CI, working with the FBI, set-up a meeting for MILLER to pay a purported corrupt United States passport official \$20,000, \$5,000 in cash as an upfront fee, to obtain an official passport in the name of someone that had died.

6. On November 12, 2008, MILLER traveled to the United States Passport Office in Los Angeles, California and met with a United States Department of State employee acting in an undercover capacity as a corrupt passport agent. MILLER paid the corrupt passport agent the upfront fee of \$5,000 and completed part of a U.S. Department of State Application for a U.S. Passport (Form DS-11). MILLER listed the name of a real, recently-deceased individual with the initials D.F., including listing on the Form DS-11 D.F.'s date of birth, and signed the Form DS-11 in the name of D.F. In truth and in fact, MILLER is not D.F. and MILLER assumed this identity, including his name and date of birth, from a death announcement that MILLER had recently received in the mail.

II. PROBABLE CAUSE

A. JAM JUNIOR ENTERPRISES & JOHN MILLER

7. I have reviewed public record databases, and according to those databases, at all times relevant to this affidavit, JAM Junior Enterprises Inc. (hereinafter, "JAM Jr."), was a privately-held corporation duly organized and existing under the laws of the State of Nevada. MILLER is

listed as the Director and President of JAM Jr. I have reviewed bank records which show that JAM Jr. maintained an account at Wells Fargo Bank, where investor money was deposited, and MILLER had signing authority on this account.

8. I have reviewed MILLER's California Driver's License and it lists that he resides in San Clemente, California.

9. On October 22, 28, and 29, 2008, I interviewed the CI, who told me the following:

a. The CI was employed as a consultant for MILLER in 2007 in San Clemente, California. MILLER operates an investment company called JAM Jr. and has over 200 clients invested with him. Around the beginning of 2007, the CI heard MILLER claim that he was worth over \$100 million.

b. In late 2007, the CI was at breakfast with MILLER when MILLER was asked how he determined the percentage of profits or interest that was written on account statements sent to investors in JAM Jr. MILLER responded that he just made it up.

c. MILLER told the CI that he was having problems meeting investor demands and was concerned he would no longer be able to pay investors. He asked the CI to research countries that did not extrude to the United States and also asked the CI if he had any contacts to help him obtain a fake identity. MILLER said that he was already looking into obtaining a fake identity from someone else. MILLER was also debating whether it was better to hide out in the United States or abroad.

10. The NCIC database reflects that the CI was convicted in or about December 1998 of racketeering predicated on mail fraud, wire fraud, and securities fraud offenses.

B. RECORDED CONVERSATIONS BETWEEN MILLER AND THE CI

11. From about October 28, 2008 through November 06, 2008, acting at the direction of the FBI, the CI recorded phone conversations and in-person meetings that he had with MILLER.

I reviewed these recordings and learned the following:

(i) The amount of investor money, including interest, MILLER has under management is about \$34 million dollars. MILLER stated that he would be accountable for about \$15 million since he has been paying interest to investors over time. MILLER currently needs about \$4 to \$5 million to take care of investor demands.

(ii) MILLER stated that he has been meditating on whether or not he has to flee the country. If MILLER's current investment project does not come through, he has enough "tense" people to "draw the wrong kind of attention quick." MILLER and the CI discussed what would happen if someone "pull[s] the trigger" and how long it would take the FBI or Securities and Exchange Commission to investigate. MILLER and the CI discussed the timing of when he should flee and whether it would be better for him to flee before or after the authorities became involved. MILLER and the CI discussed several countries that they believed do not have extradition treaties with the United States.

(iii) The CI told MILLER that he has a family connection that has access to a purported corrupt passport official in the Los Angeles passport office. For \$20,000, the CI told MILLER that he could obtain a United States Passport in the name of someone that is deceased. The CI stated that they needed to find an identity of someone that is deceased.

(iv) MILLER suggested that he assume the identity of D.F., a former classmate of MILLER's from Catholic school who had recently passed away. MILLER stated that he has D.F.'s death announcement in his home and obtained the name and date of birth of D.F. from this announcement.

(v) The CI arranges for MILLER to meet with the purported corrupt passport official in Los Angeles. The CI told MILLER that the upfront fee for the fraudulent passport is \$5,000, with an additional \$15,000 to be paid upon its delivery.

C. MILLER TRIED TO OBTAIN A FRAUDULENT PASSPORT

12. On November 12, 2008, MILLER and the CI traveled to the Los Angeles United States Passport Office located at 11000 Wilshire Boulevard in Los Angeles, California. They met with a Department of State undercover employee who was purportedly a corrupt passport officer (hereinafter "UC"). Based on my observations of the meeting over a live audio feed, review of the evidence obtained during the meeting, and discussion with the UC after the meeting, I learned the following:

a. MILLER passed an envelope to the UC that contained \$5,000 in cash.

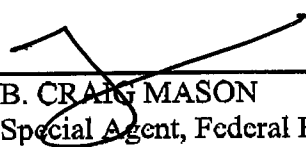
b. MILLER filled in a U.S. Department of State Application for a U.S. Passport (Form DS-11). MILLER completed the name of D.F., D.F.'s date of birth, and D.F.'s social security number (which had been provided to MILLER by the CI), and signed the Form DS-11 in the name of D.F. MILLER also provided the UC with two passport photographs of MILLER as part of the D.F. passport application.

c. MILLER and the UC discussed that MILLER would obtain a passport in the name of D.F. and that it would take seven to ten days for MILLER to obtain the official passport book. Upon delivery, MILLER agreed to pay an additional sum of \$15,000 to the UC.

12. I reviewed MILLER's true Application for a United States Passport and California Driver's license, both of which included a picture of MILLER. In truth and in fact, MILLER is not D.F.

III. CONCLUSION

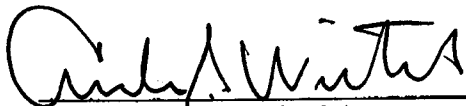
13. Based upon the foregoing facts and my training and experience, I believe that there is probable cause to believe that MILLER has committed violations of Title 18, United States Code, Sections 201 (Bribery), 1542 (False Statement in Passport Application), and 1028A (Identity Theft).



B. CRAIG MASON
Special Agent, Federal Bureau of Investigation

Subscribed and sworn to before me this

12 day of November, 2008



Hon. Andrew J. Wistrich
U.S. Magistrate Judge