

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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UNITED STATES OF AMERICA)
)
v.)
)
BETTY MILLER,)
Defendant.)

Docket No.

2:17-MJ-106

**AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT**

I, Mark C. Emmons, being duly sworn, hereby depose and state as follows:

Introduction

1. I have been employed as a Special Agent of the FBI since 1997, and am currently assigned to the Albany Field Office – Burlington, Vermont Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to Weapons of Mass Destruction (WMD). I have gained experience through training and while working as an Assistant WMD Coordinator, the FBI's program to address incidents involving chemical, biological, radiological, or nuclear material. I have received training in the area of WMD, including the FBI's HAZMAT Operations and Introduction to WMD Science and WMD Operations courses. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including offenses involving biological agents under Title 18, Chapter 10, and I am authorized by the Attorney General to request a search warrant.

2. Since this affidavit is being submitted for the limited purpose of supporting a criminal complaint and arrest warrant, I have not included each and every fact known to me

concerning this investigation. I have set forth only the facts I believe necessary to establish probable cause to believe that Betty Miller has committed violations of Title 18, United States Code, Section 175b(c) and 42 CFR 73.3, knowing possession of an unregistered select agent.

3. I have reviewed 42 CFR 73.3, which defines a select agent as one of a series of listed biological agents and toxins that have “the potential to pose a severe threat to public health and safety.” Ricin is included on the list of select agents.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Betty Miller has committed violations of 18 U.S.C. 175b(c) (knowing possession of an unregistered select agent).

5. The information included below comes from my direct involvement in the investigation and my communications with other law enforcement officers including officers with the Shelburne Police Department and the Vermont State Police, as well as my training and experience.

PROBABLE CAUSE

6. During the afternoon on November 28, 2017, I received notification of an incident potentially involving a potentially hazardous select agent in Shelburne, Vermont from FBI Albany’s WMD Coordinator, SA Thomas Stewart. I subsequently directed SA Caroline Marshall to contact Shelburne Police Department (SPD) and obtain additional information. SA Marshall telephoned (SPD) dispatch and was connected with Officer Cole Charbonneau, who was on scene at the Wake Robin senior living facility in Shelburne, Vermont.

7. According to SA Marshall, Officer Charbonneau advised that Betty Miller, a

resident at the Wake Robin retirement facility in Shelburne, Vermont, made statements to health care providers about manufacturing Ricin, a highly toxic powder produced from the seeds of the castor oil plant, and placing it on food and/or in beverages ingested by other Wake Robin residents. Officer Charbonneau further advised Vermont State's Hazardous Materials Response Team and the Vermont National Guard's 15th Civil Support Team were on scene and preparing to enter Miller's residence.

8. I responded to Wake Robin. Upon arriving at the Wake Robin facility, I consulted with personnel from the Vermont State Police, the Vermont Hazardous Materials Response Team (VHMRT), the Vermont National Guard 15th Civil Support Team (CST), Shelburne Police Department (SPD), Shelburne Fire Department (SFD), and Wake Robin staff. During and after the incident, I, or other members of the Joint Terrorism Task Force with whom I have spoken, were advised of the following information:

a. On November 27, 2017, Ms. Miller indicated to health care providers that she had attempted to poison other Wake Robin residents using homemade ricin, which she had placed in multiple servings of other residents' food and beverages over a period of weeks.

b. Ms. Miller drove to UVM Medical Center for evaluation and observation in her personal vehicle. On November 27, 2017, based on concerns for public health, Vermont State Police transferred Ms. Miller's vehicle to the VSP impound lot in Williston, Vermont.

c. No other residents had reported symptoms consistent with ricin poisoning at the time.

9. In the interest of ensuring public safety, VHMRT, CST, SPD, and SFD personnel formulated an entry plan calling for one VHMRT member and one CST member to enter the residence together, locate any suspicious powders, and test for the presence of Ricin. Based on the hazard presented by the potential presence of Ricin, entry personnel wore protective equipment providing the highest level of respiratory, skin, eye, and mucous membrane protection (Level A). The team utilized HHA (Hand Held Analysis) and the RAMP system to test any suspicious powders found. I spoke with team members and obtained the following information:

a. After making entry, the team located a wicker basket containing pill bottles in the kitchen cupboards. The pill bottles were labeled "Apple seed", "Cherry Seed", "Yew seed", "Ricin", "Castor beans", and another type of seed. The bottle labeled "Ricin" was approximately ½ full of a yellowish/white powder. This powder was tested in the HAA and RAMP, with a positive result on the HAA for Ricin. The RAMP system malfunctioned and did not provide a usable result. Based on the above results, the Ricin pill bottle was placed in an additional container, then placed in an evidence bag. The VDH Sample form and VHMRT Screening form were completed and placed with the evidence cooler with the Ricin pill bottle. This was then transported to the Vermont Department of Health lab for additional testing.

b. Entry teams also observed a sheet of instructions for making Ricin that appeared to have been printed from the internet, and a laptop computer in the residence.

10. On the evening of 11/28/2017, I interviewed Betty Miller at UVM Hospital. I was accompanied by SA Caroline Marshall and two employees of the Vermont Department of Health Division of Emergency Preparedness, Response & Injury Prevention, Chris Bell and Veronica Fialkowski. Ms. Miller was advised of her rights and agreed to an interview regarding the above

matter. During the interview, Miller told investigators she had become interested in plant based poisons during the past summer. Based on research conducted on the internet using her laptop computer and cell phone, Miller harvested 30-40 castor beans from plants growing on the property of Wake Robin. Following instructions obtained online, Miller manufactured a total of between 2 and 3 tablespoons of Ricin on two separate occasions in the kitchen of her residence. Miller stated she decided to test the effectiveness of the Ricin on other residents of Wake Robin. On at least three occasions, Miller exposed other residents to the Ricin she had produced by placing it on food and/or in beverages she expected them to ingest. Miller estimated that approximately half a tablespoon of Ricin powder and some castor beans were in a basket stored in a kitchen cabinet above her stove. Ms. Miller indicated her goal was to injure herself, but she wanted to test the effectiveness of the Ricin on others.

11. At 12:57 am on November 29, 2017, I received an email from the Director of the Vermont Department of Health Division of Emergency Preparedness, Response & Injury Prevention indicating that a test performed by the Vermont Department of Health Laboratory confirmed the initial positive test for Ricin.

12. I have confirmed with the Department of Health and Human Services that Ms. Miller does not hold a registration allowing her to possess Ricin.

CONCLUSION

I submit that this affidavit supports probable cause to support a criminal complaint and arrest warrant charging Betty Miller with violations of 18 U.S.C. 175b(c) and 42 CFR 73.3.

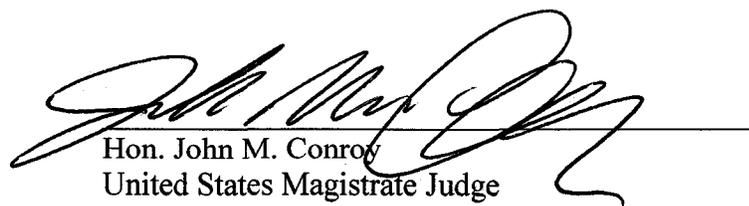
Respectfully submitted,



Mark Emmons
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me

on November 30, 2017:



Hon. John M. Conroy
United States Magistrate Judge