

W-077-17

09990030¹⁹ - MURDER
Sec. 19.02(b)(2) - 1ST DEGREE FELONY

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

THE STATE OF TEXAS
COUNTY OF TOM GREEN

IN JUSTICE COURT
TOM GREEN COUNTY, TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned Affiant, who after being duly sworn, upon oath deposes and says: My name is William John Fiveash, I am currently commissioned as a Sergeant Investigator with the Tom Green Sheriff's Office and I have good reason to believe, do believe, and herby charge on or about December 02, 2005, in San Angelo, Tom Green County Texas

ROBERT LAMAR MILLER II
White Male, DOB: 11/17/1971

████████████████████

5'8" 170 lbs, Black and Gray/Green

did then and there commit the offense of:

Murder, (Texas Penal Code 19.02(b)(2))

On or about said date and in said place, Robert Lamar Miller II, did then and there intentionally and knowingly cause the death of an individual, namely Naomi Michelle Miller, White Female, DOB: 07/19/1973.

My belief is based on the following facts and information. On Wednesday, May 13, 2015, Affiant was contacted by complainant, Toni ██████████ who reported Naomi Michelle Miller had been missing for a period of several years, possibly since the year 2005. The complainant, expressed concern Naomi Michelle Miller may have met with foul play at the hands of her husband, Robert Lamar Miller II. Affiant determined Naomi Michelle Miller had not previously been reported as missing.

Affiant conducted research to include social security administration information, drivers license history, CLEAR search, voter registration, NDex, Lexis Nexis, public assistance directories, National Insurance Crime Bureau, school records for her children, MIB (Medical Insurance Bureau), tax records, social media, claims.org, find a grave, United States Postal Service, and other law enforcement data bases in an attempt to identify and locate Naomi Michelle Miller. Affiant additionally enlisted the assistance of Texas Ranger Nick Hanna who similarly conducted searches for Naomi Michelle Miller. As a result of these and other searches, incidents involving Naomi Michelle Miller were discovered to include a traffic stop on 06/27/2005, communications for traffic citations through Tom Green County Justice of the Peace, Precinct 3, with Naomi Millers final contact with the court on 07/19/2005. Work records through the Social Security administration were located and determined to have occurred during the work year of 2002.

Affiant contacted the mother and father of Naomi Michelle Miller and determined the last contact of the parents with Naomi Michelle Miller was also 2005. In summary, Affiant located numerous articles of evidence to support the activity and life of Naomi Michelle Miller prior to

and including 2005, Affiant was unable to locate any evidence supporting the life or activities of Naomi Michelle Miller after the calendar year 2005.

On May 20, 2015, Affiant conducted interviews with family members of Robert Lamar Miller and received information Robert Lamar Miller had made comments about killing Naomi Michelle Miller and hiding her body under his residence of 11148 Glass Road, San Angelo, Tom Green County.

On June 03, 2015, Affiant and other law enforcement personnel conducted a consent search of the residence and utilized Dog Handler Vi Shaffer of "K9 Specialty Detection" and her cadaver dogs "True" and "Spirit". These dogs are trained to alert only on the scent of human remains and or decomposition and are certified by Law Enforcement Training Specialties International. Thus, their ability to distinguish between sources of similar biological odors enhances their application in the area of Human Remains. A positive alert was indicated for an area at the address. A manual search of the area located a depressed area consistent with a clandestine grave; however, no human remains were discovered. Carpet fibers were recovered among and mixed into the soil of the believed to be the clandestine grave. Investigators did locate an unusual modification to the kitchen floor to allow access to an area directly above the area in which the clandestine grave was potentially located.

On October 18, 2015, Naomi Michelle Miller was entered into the National Missing Person Database. A search through the database did not produce a positive finding for the remains of Naomi Michelle Miller.

On March 01, 2017, Affiant and Ranger Hanna conducted an interview with LuDonna [REDACTED] who resided in the home of Robert Lamar Miller II and Naomi Michelle Miller in December of 2005. LuDonna [REDACTED] provided a sworn, written affidavit in which she advised during the month of December, 2005; she had witnessed a domestic dispute between Robert Miller and Naomi Miller. LuDonna [REDACTED] advised the dispute occurred in a bedroom of the residence and in the minutes following the dispute, LuDonna [REDACTED] witnessed Robert Lamar Miller carrying an object believed to be the body of Naomi Michelle Miller while wrapped in bedding. The following date, the LuDonna [REDACTED] indicated she observed freshly turned dirt in the backyard of the residence. Additionally, the confidential informant detailed the location of the dirt in the backyard. Investigators noted the area indicated was also the specific location where the cadaver dogs had subsequently alerted to the presence of human remains. The confidential informant relayed she never heard or saw from Naomi Michelle Miller again, subsequent to the incident. LuDonna [REDACTED] noted Naomi Michelle Miller's belongings including clothing, cell phone, and vehicle were left at the residence in a manner inconsistent with those of someone leaving for an extended period of time. The cell phone of Naomi Michelle Miller was provided to LuDonna [REDACTED] and was utilized by her. Finally, the confidential informant advised Robert Lamar Miller has physically assaulted her and recently threatened to "kill you and shut your damn mouth".

Affiant and Ranger Hanna subsequently interviewed Robert Lamar Miller who was in custody at the McCulloch County Sheriff's Office on unrelated charges. Robert Miller confirmed the relationship with Naomi Michelle Miller as well as the confidential source. Robert Miller confirmed he had engaged in an argument with Naomi Michelle Miller on the night of her disappearance, but stated she had left in the middle of the night with an unknown boyfriend.

Investigators noted the compelling circumstances regarding the abrupt fashion in which Naomi Michelle Miller activities ceased, her lack of communication with her children, and evidence

resulting from the investigation constitute facts and circumstances which would lead a reasonable and prudent person to believe Robert Lamar Miller II, committed the offense of Murder against Naomi Michelle Miller.

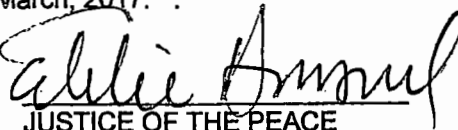
All information noted in this affidavit has been personally observed or related to Affiant by person(s) and/or source(s) attributed or referenced. Affiant further believes in good faith the information provided herein to be true and correct. Because the sole purpose of this affidavit is to establish probable cause that a criminal offense has occurred, not every relevant fact known to me, or to other investigators, is included within. Rather, only those facts necessary to establish probable cause have been discussed.

WHEREFORE, I request an Arrest Warrant be issued Robert Lamar Miller according to the laws of this state.

WITNESS my signature on this 02nd day of March, 2017.


AFFIANT

Sworn to and subscribed to before me this 02nd day of March, 2017.


JUSTICE OF THE PEACE
TOM GREEN COUNTY, TEXAS