

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



**APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL**

United States

-v.-

Lamel Miller

20-MJ-400

Docket Number

SUBMITTED BY: Plaintiff _____ Defendant _____ DOJ

Name: Matthew R. Galeotti

Firm Name: USAO-EDNY

Address: 271 Cadman Plaza East

Brooklyn, NY 11201

Phone Number: 718-254-6340

E-Mail Address: matthew.galeotti@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO

If yes, state description of document to be entered on docket sheet:

MANDATORY CERTIFICATION OF SERVICE:

A.) A copy of this application either has been or will be promptly served upon all parties to this action, B.) Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

May 29, 2020
DATE

Matthew R. Galeotti

SIGNATURE

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing criminal investigation.

**ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.**

DATED: Brooklyn

29/20

U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE _____

DATE

SK:MRG
F. #2020R00321

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -
LAMEL MILLER,
Defendant. (18 U.S.C. §§ 1951(a) and 2)
----- X 20-MJ-400

EASTERN DISTRICT OF NEW YORK, SS:

STEVEN SAINT HILAIRE, being duly sworn, deposes and states that he is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), duly appointed according to law and acting as such.

On or about March 7, 2020, within the Eastern District of New York, the defendant LAMEL MILLER, together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of United States currency from the Aqueduct Racetrack in South Ozone Park, Queens, New York (the “Aqueduct Racetrack”).

(Title 18, United States Code, Sections 1951(a) and 2)

The source of your deponent’s information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Task Force Officer with the ATF and have been since 2015. I am also a Detective in the New York City Police Department (“NYPD”) and have been since 2011; before becoming a Detective, I had been a police officer in the NYPD since 2003. I am currently assigned to the ATF/NYPD Joint Robbery Task Force. I have been involved in the investigations of numerous cases involving Hobbs Act robberies and related firearms offenses. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation.

2. On March 7, 2020, following the Gotham Day races, one of the busiest and most lucrative days of the year at the Aqueduct Racetrack, LAMEL MILLER and another individual (“Co-Conspirator-1”), held up at gunpoint and robbed three individuals: a security guard and two clerks (collectively, the “Aqueduct Employees”) who were transporting more than \$280,000 in cash earnings to a vault in the offices of the Aqueduct Racetrack.

3. Specifically, MILLER and Co-Conspirator-1 were captured by Aqueduct Racetrack surveillance video entering the Aqueduct Racetrack office area, with their faces exposed, at approximately 9:15 p.m. on March 7, 2020. According to the Aqueduct Employees, at approximately 9:45 p.m., the Aqueduct Employees had finished their cash collections from various pickup points and were transporting more than \$280,000 in Aqueduct Racetrack cash proceeds to a vault in the Aqueduct Racetrack office. The Aqueduct Employees were walking across a catwalk in between the first and second floors, headed to an elevator that would take them to a vault, when MILLER and Co-Conspirator-1 emerged from a stairwell, each wearing a surgical mask and each pointing a gun at the Aqueduct Employees.

4. According to the Aqueduct Employees, MILLER and Co-Conspirator-1 took each of the Aqueduct Employees' cell phones along with the more than \$280,000 in cash that the Aqueduct Employees were transporting, and forced the Aqueduct Employees into a closet. MILLER and Co-Conspirator-1 directed the Aqueduct Employees to count to 1,000 before they could leave the closet. Aqueduct Racetrack surveillance video shows MILLER and Co-Conspirator-1 wearing surgical masks and carrying a garbage bag and duffel bag, both of which appeared to be full, when they exited the Aqueduct Racetrack office towards the parking lot at approximately 10:05 p.m.

5. I have reviewed surveillance video collected from the Aqueduct Racetrack (pictured below, left) and I have reviewed photographs of MILLER in the possession of the NYPD (pictured below, right). As pictured below, one of the robbers captured on the Aqueduct Racetrack's surveillance video has a physical appearance consistent with the photographs of MILLER that I have reviewed.



6. I have reviewed historical cell-site records which further demonstrate that, as described below, a burner phone used by Miller was at the Aqueduct at and around the time of the robbery.

7. Based upon a review of records provided by MetroPCS and an interview of a MetroPCS employee, I learned that one day before the above-described robbery, on March 6, 2020, at approximately 4:20 p.m., an individual entered the MetroPCS location at 13424 Guy R. Brewer Boulevard, Queens, New York (the “MetroPCS Store”), and purchased two cellular telephones (the “Burner Phones”).

8. According to MetroPCS records, the individual who purchased the Burner Phones provided the name “Alex Johnson” and a purported home address of 13414 Guy R. Brewer Boulevard, Queens, New York. According to the MetroPCS employee that sold the Burner Phones, the buyer provided the name Johnson after hearing another individual in the store say the name “Johnson.” The address provided by the buyer was, in fact, the address for a Chinese food restaurant located near the MetroPCS Store. The buyer paid for the Burner Phones with cash.

9. One of the Burner Phones was assigned call number 516-943-3288 (the “516 Burner Phone”); based on my training and experience and for the reasons described below, the 516 Burner Phone was used in connection with the robbery. After the robbery, an Aqueduct Racetrack employee found the 516 Burner Phone along with three other cellular telephones in a dumpster in the parking lot near where MILLER and Co-Conspirator-1 exited the Aqueduct Racetrack office. In interviews, each of the Aqueduct Employees stated that one of the cell phones belonged to them. No one claimed to own the fourth cellular telephone, namely the 516 Burner Phone, which was purchased at the same time and by the same individual as the second burner phone described below.

10. The second of the Burner Phones was assigned call number 347-485-8591 and, for the reasons described below, determined by law enforcement to have been used by MILLER in connection with the robbery (the “347 Burner Phone”).

11. Historical cell-site records demonstrate that MILLER’S true phone² and the 347 Burner Phone hit on the same cell tower on the afternoon of March 7, 2020, the day of the robbery. As noted above, the 347 Burner Phone hit on cell towers adjacent to the racetrack on or about the time of the robbery.

12. Phone records demonstrate that on March 6, 2020 and March 7, 2020, the day of the robbery, MILLER made numerous calls using the 347 Burner Phone to: (a) a woman he previously identified as his wife; (b) another woman with whom he has had a relationship; and (c) a third woman who previously identified herself as his mother.

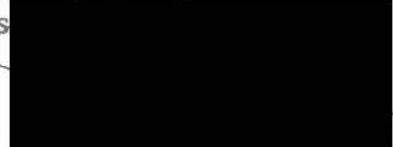
a. MILLER called the woman he identified as his wife following his arrest in 2017. Specifically, in December 2017, MILLER was arrested for traffic violations and obstruction of governmental administration when he refused to comply with a traffic stop and slapped an NYPD Officer’s hand. Following that arrest, MILLER called a woman that he identified as his wife at call number 917-***-8263 (the “8263 Phone”). More recently, in February 2019, MILLER was arrested on five counts of making terroristic threats and one count of obstructing governmental administration when he threatened an NYPD Lieutenant

² On January 5, 2020, in an unrelated incident in which MILLER was a witness, MILLER placed a call to the NYPD using his true phone, a cellular telephone assigned call number 929-206-6179.

and four others who were trying to tow his vehicle by saying, “I’m going to get something from my trunk and clear all you mother fuckers out.” Following that 2019 arrest, MILLER made a call to the same 8263 Phone. Using the 347 Burner Phone, MILLER made two calls to the 8263 Phone on or about the day of the robbery.

- b. MILLER has long been associated with a woman who owns a cell phone with the call number 347-***-6043 (the “6043 Phone”). Following his February 2019 arrest, MILLER made a call to the 6043 Phone. In July 2019, MILLER was involved in a domestic violence incident with the woman who owns the 6043 Phone. Between December 2019 and March 2020, there were several hundred calls placed between MILLER and the woman who owns the 6043 Phone. Using the 347 Burner Phone, MILLER made six calls to the 6043 Phone on or about the day of the robbery.
- c. In 2012, a woman, who provided her name and identified herself as MILLER’s parent, visited MILLER while he was an inmate at Riker’s Island. Phone records show the phone number 631-***-8408 (the “8408 Phone”) belongs to the woman that identified herself as MILLER’s parent. Using the 347 Burner Phone, MILLER made twenty-two calls to the 8408 Phone, the phone number associated with his parent, on or about the day of the robbery.

WHEREFORE, your deponent respectfully requests that the defendant LAMEL MILLER be dealt with according to law. In addition, it is respectfully requested that this affidavit and the requested arrest warrant remain under seal until the defendant is arrested in order to prevent the defendant's


STEVEN SAINT HILAIRE
Detective/Task Force Officer
NYPD/ATF Joint Robbery Task Force

Sworn to before me this
29th day of 


THE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
for the
Eastern District of New York

United States of America

LAMEL MILLER

))))))

Case No. 20-MJ-400

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) **LAMEL MILLER**

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Knowing and intentional attempt to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, in violation of 18 U.S.C. §§ 1951 (a) and 2.

Date: 05/29/2020

City and state: Brooklyn, New York

Peggy Kuo, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date:

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable): _____

Date of last contact with pretrial services or probation officer (if applicable): _____