
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Mark Falk
:
: Mag. No. 11-3702 (MF)
v. :
: **CRIMINAL COMPLAINT**
ROLSTON BROWNE :

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or around February 2010, up to and including the present, in Essex County, in the District of New Jersey, and elsewhere, defendant

ROLSTON BROWNE,

being an individual required to register under the Sex Offender Registration and Notification Act ("SORNA"), and being defined as a sex offender for purposes of SORNA by reason of a conviction under state law, did travel in interstate or foreign commerce and thereafter did knowingly fail to register and update a registration as required by SORNA.

In violation of Title 18, United States Code, Section 2250(a).

I further state that I am a Senior Inspector with the with the United States Marshals Service, and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.

Timothy Gaffigan, Senior Inspector
United States Marshals Service

Sworn to before me and subscribed in my presence,

August 8, 2011

Date

at

Newark, New Jersey

City and State

Honorable Mark Falk

United States Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT A

I, Timothy Gaffigan, am a Senior Inspector with the United States Marshals Service (“USMS”). I have knowledge of the following facts based upon my own investigation, my discussions with other law enforcement officers and others, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and in part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. Based on my review of criminal history records for defendant ROLSTON BROWNE, I learned that he was convicted on or about February 16, 1996, in the State of Georgia, Muscogee County Superior Court, of Aggravated Child Molestation, in violation of Ga. Code Ann. § 16-6-4(d)(1) and sentenced to 2 years in prison and 3 years of probation. BROWNE’s state conviction for Aggravated Child Molestation is a “sex offense” within the meaning of the federal Sex Offender Registration and Notification Act (“SORNA”). Pursuant to the enactment of SORNA, BROWNE’s sex offense conviction required him to register as a sex offender under applicable state law.¹

2. Based on documents provided to me by the New York State Division of Criminal Justice Services (“DCJS”), I learned the following:

a. Shortly after his release from the custody of the Georgia State Department of Corrections, defendant ROLSTON BROWNE relocated from the State of Georgia to the State of New York.

b. In a letter dated on or about January 21, 1998, the State of New York Board of Examiners of Sex Offenders notified defendant ROLSTON BROWNE, in substance and in part, that he was required to register as a sex offender under New York State law (the “New York Board”). The New York Board further notified defendant ROLSTON BROWNE that he was designated a risk level two sex offender, requiring him under New York law to register as a sex offender for the remainder of his life.

c. On or about May 10, 1998, defendant ROLSTON BROWNE executed a New York State Sex Offender Registration Form (“New York Registration Form”) which listed his home address as 1514 East 38th Street, Brooklyn, New York 11234. By signing the New

¹The Attorney General was designated the authority to specify the applicability of SORNA’s requirements to sex offenders before the statute’s effective date of July 27, 2006. 42 U.S.C. § 16913(d). On February 28, 2007, the Attorney General promulgated a regulation that confirmed that SORNA applies to “all sex offenders, including sex offenders convicted of the offense for which registration is required prior to the enactment of that Act.” 28 C.F.R. § 72.3 (2007).

York Registration Form, defendant ROLSTON BROWNE acknowledged, in substance and in part:

i. “I understand that I must annually verify my address with DCJS and notify DCJS in writing if my address changes from that listed above. If it is determined that my level of risk is 3, I understand that I must personally verify my address every 90 days with my local law enforcement agency.”

ii. “My obligation and the procedure for registration under the Sex Offender Registration Act have been explained to me. (Those duties are fully described on the back of this form.)

d. The reverse side of the New York Registration Form advised defendant ROLSTON BROWNE, in substance and in part:

ii. “You must notify your local law enforcement agency and DCJS in writing of any change of home address within 10 days before you move.”

iii. “You must verify your home address once a year, for a minimum period of 10 years through the return of a signed address verification form to DCJS within 10 days of its receipt.”

e. On or about May 6, 1999, May 20, 2000, and May 11, 2001, defendant ROLSTON BROWNE executed Sex Offender Registry Address Verification Forms (“Address Verifications”) listing his home address as 1514 East 38th Street, Brooklyn, New York 11234.

f. On or about May 15, 2002 and on or about May 12, 2003, defendant ROLSTON BROWNE executed Address Verifications listing his home address as 1553 East 32nd Street, Brooklyn, New York 11231.

g. By an order dated on or about June 14, 2004, the Supreme Court of New York, Kings County, affirmed defendant ROLSTON BROWNE’s designation as a risk level two sex offender.

h. On information and belief, it does not appear that defendant ROLSTON BROWNE executed Address Verifications for years 2004 through and including 2007.

i. On or about April 11, 2008, defendant ROLSTON BROWNE executed a New York State Sex Offender Change of Address Form (“Change of Address Form”) listing his new home address as 491 Beach 44th Street, 1st Fl, Far Rockaway, New York 11691.

j. On or about May 15, 2008, defendant ROLSTON BROWNE executed an Address Verification listing his home address as 491 Beach 44th Street, 1st Floor, Far Rockaway, New York 11691.

k. On or about January 4, 2010, defendant ROLSTON BROWNE executed a Change of Address Form listing his new home address as 400 East 30 Street, New York, New York 10016, which is the address of a homeless shelter (the “shelter”).

l. On or about May 4, 2011, DCJS mailed an Address Verification form to defendant ROLSTON BROWNE at the shelter. The Address Verification form was returned to sender by the United States Postal Service as “not deliverable as addressed” and “unable to forward.”

3. Based on a review of investigatory databases, the USMS determined that defendant ROLSTON BROWNE had possibly relocated from the State of New York to the State of New Jersey, and was residing in an apartment complex at 82 Union Avenue, Irvington, New Jersey (“82 Union Avenue”).

4. On or about July 14, 2011, law enforcement interviewed a maintenance worker at 82 Union Avenue who stated, in substance and in part, that defendant ROLSTON BROWNE lived at 82 Union Avenue, in Apartment A, with two children. Law enforcement also interviewed the manager of 82 Union Avenue who also confirmed that defendant ROLSTON BROWNE lived in Apartment A with two children, and that BROWNE had lived in Apartment A since in or around February 2010.

5. On or about August 2, 2011, law enforcement conducted surveillance at 82 Union Avenue, and observed defendant ROLSTON BROWNE walk through the parking lot of the apartment complex and then enter 82 Union Avenue.

6. A check with the Essex County Prosecutor’s Office on or about July 22, 2011 revealed that defendant ROLSTON BROWNE had not registered as a sex offender in Essex County.²

²Federal law requires that, not later than 3 business days after each change of residence, a sex offender must appear in person in at least one state where he resides, and update all changes in the information required for that offender in the sex offender registry. 42 U.S.C. § 16913(c).