

FILED IN OPEN COURT

12/27/22

CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:22-cr-46-BJD-LLL

CURTIS BROWN

**NOTICE OF MAXIMUM PENALTIES, ELEMENTS OF OFFENSE,
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS**

COMES NOW the United States of America, by and through the undersigned
Assistant United States Attorneys, stating as follows:

A. MAXIMUM PENALTIES

Count One and Count Two carry a maximum sentence of not more than 10 years imprisonment, a fine of not more than \$250,000, or both imprisonment and fine, a term of supervised release of not more than 3 years, and a mandatory special assessment of \$100, said special assessment to be due on the date of sentencing. A violation of the terms and conditions of supervised release carries a maximum sentence of not more than 2 years imprisonment as well as the possibility of an additional term of supervised release.

The cumulative maximum penalty for all counts is a sentence of not more than 20 years imprisonment, a fine of not more than \$500,000, or both imprisonment and fine, a term of supervised release of not more than 3 years, and a mandatory special assessment of \$200, said special assessment to be due on the date of sentencing. A violation of the terms and conditions of supervised release carries a maximum sentence

of not more than 4 years imprisonment as well as the possibility of an additional term of supervised release.

B. ELEMENTS OF THE OFFENSE

The defendant acknowledges understanding the nature and elements of the offenses with which defendant has been charged and to which defendant is pleading guilty.

The elements of Count One, a violation of 18 U.S.C. § 115, are:

- First: That the defendant threatened to assault, kidnap, or murder a United States judge; and
- Second: That he did so with the intent to retaliate against such judge on account of the performance of his official duties.

The elements of Count Two, violation of 18 U.S.C. § 876(c), are:

- First: the defendant knowingly used the United States mail to send a true threat to injure the person of another;
- Second: the defendant sent the message with the intent to communicate a true threat or with the knowledge that it would be viewed as a true threat; and
- Third: the recipient was a United States Judge, a Federal law enforcement officer, or an official who was covered by § 1114.

C. PERSONALIZATION OF ELEMENTS

Count One

1. On or about November 30, 2021, did you threaten to assault, kidnap, or murder a United States District Judge?
2. Did you do so with the intent to retaliate against such judge, M.W., on account of the performance of his official duties?

Count Two

1. On or about November 30, 2021, did you knowingly use the United States mail to send a true threat to injure the person of another?
2. Did you send the message with the intent to communicate a true threat or with the knowledge that it would be viewed as a true threat?
3. Was the recipient a United States District Judge?

D. FACTUAL BASIS

1. Purpose

The following facts are set forth to aid the Court in making an inquiry to satisfy it that there is a factual basis for the plea of guilty in accordance with Rule 11(f), Fed. R. Crim. P. The government reserves its right to provide all relevant information concerning the defendant and the offense committed to the Probation Office and the Court for sentencing purposes.

2. Facts

The defendant, Curtis Brown, a State of Florida inmate, sent a letter to United States District Judge M.W., threatening to kill him or his family. Brown was in the Florida State Prison in Raiford, Florida, serving a state sentence when he caused the letter, dated November 30, 2021, to be sent via United States mail to M.W. The envelope containing the letter was stamped with "Mailed From A State Correctional Institution." The return address had Curtis Brown's name and inmate number in the Florida State Prison on it, along with the address of the Florida State Prison, which is in Bradford County, Florida. The letter was addressed to the Chambers of M.W. at

the United States Courthouse in Tallahassee, Florida. The one-page, handwritten letter reads as follows:

To: U.S. Dist. Judge [M.W.]
From: Curtis Brown FDC #C00191, (Citizen)
Date: 11-30-21
Re: Retaliation

Dear [M.W.],

your recent refusal to grant warranted relief has caused me no other choice but to devote my “federally funded stimulus” on hiring a resource to place a bullet through your bias carcass while in route to (or from) work.

Since you can’t do your job right and justly in remaining impartial and in a fact-finding capacity, I have now elected you for my walking target practice in which I guarantee you wont [sic] get the chance of singing “silver bells” this x-mas without a new decorated bullet hole in your ass.

Have your bullet proof vest on snug as I aim to make a statement with what’s coming to you shortly and just to think it only costed me \$3200, Thanx FEDZ!!! If I can’t get you in time, I’ll settle for your child, loved one, etc.

Sincerely,

/s/ Curtis Brown

P.S.

“Fuck boy” you better make sure this stays between us or it’ll get worse, I promise.

The United States Courthouse in Tallahassee, Florida, via the Clerk of Courts, received the letter on December 3, 2021, and notified the United States Marshals Service (USMS). The USMS notified the Florida State Prison’s Security Threat Intelligence Officer Sgt. Maddox about the letter received from inmate Curtis Brown,

DC# C00191, housed in cell J1203S. Florida State Prison's Search Team conducted a search of cell J1203S, which solely housed Brown. During the search, no contraband was recovered. Brown was interviewed but made no comment. Using a bright light, a sheet of paper with inmate Brown's known handwriting was overlaid onto the threatening letter. The handwriting was a presumptive match.

The Federal Bureau of Investigation began investigating the letter and Brown. The investigation revealed that Brown had been engaged in civil litigation in the Northern District of Florida. In July and August 2021, he filed an emergency motion for a preliminary injunction and an emergency civil rights complaint about his confinement that were referred to a magistrate judge. Following the referral, several proceedings occurred in which the magistrate judge sought to verify that Brown was the same individual that previously filed a complaint or lawsuit about his confinement as Brown had not indicated in his filings that he had done so. Throughout the proceedings, Brown maintained he had not filed a previous federal complaint or lawsuit. However, the magistrate judge concluded Brown had filed a previous federal complaint or lawsuit and was being dishonest with the Court. Ultimately, on November 4, 2021, the magistrate judge issued a report and recommendation that recommended dismissal of Brown's case with prejudice considering "Brown's pattern of perjury and willful abuse of the judicial process." On November 19, 2021, the district court judge, M.W., adopted the report and recommendation of the magistrate judge and ordered the case dismissed with prejudice based on Brown's "pattern of abuse of the judicial process" as an "appropriate sanction for [Brown's] bad faith."

The judgment was entered on the same day. On November 30, 2021, Brown sent his letter to M.W. in retaliation for dismissing Brown's case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2022, the foregoing was filed in open court and a copy was hand-delivered to the following:

Maurice Grant, Esq.



ASHLEY WASHINGTON
Assistant United States Attorney