

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Leda Dunn Wettre, U.S.M.J.
 :
 v. : Mag. No. 21-13331 (LDW)
 :
 JOHN MAKOS : **CRIMINAL COMPLAINT**

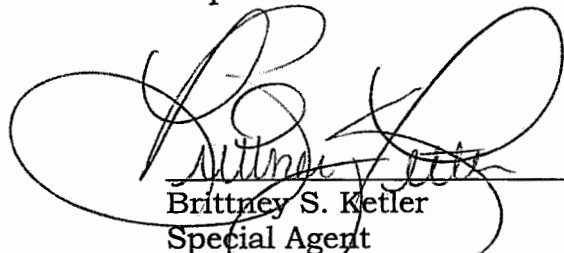
I, Brittney S. Ketler, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

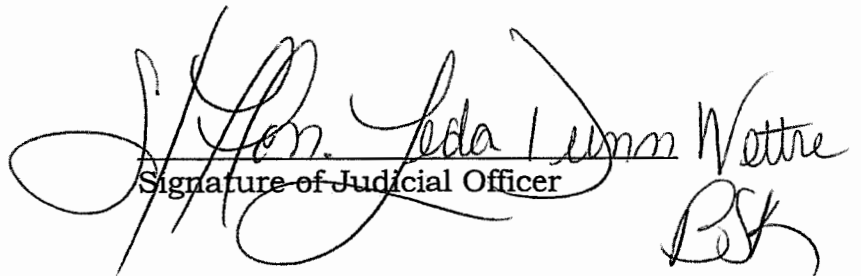


Brittney S. Ketler
Special Agent
Federal Bureau of Investigation

*Special Agent Ketler attested to this
Complaint by telephone pursuant to
FRCP 4.1(b)(2)(A)*

September 29, 2021 at _____
District of New Jersey

HONORABLE LEDA DUNN WETTRE
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

BSK

ATTACHMENT A

(Conspiracy to Deprive Persons of Civil Rights)

From at least in or about April 2019 through in or about December 2019, in Cumberland County, in the District of New Jersey, and elsewhere, defendant

JOHN MAKOS,

while serving as a corrections officer at Bayside State Prison in Leesburg, New Jersey, and acting under color of law, knowingly and willfully conspired and agreed with others, known and unknown, to injure, oppress, threaten, and intimidate convicted inmates housed at Bayside State Prison in the free exercise and enjoyment of a right secured to them by the Constitution and laws of the United States, namely the right not to be subjected to cruel and unusual punishment.

In violation of Title 18, United States Code, Section 241.

ATTACHMENT B

I, Brittney S. Ketler, am a Special Agent with the Federal Bureau of Investigation. I am aware of the facts contained herein based upon my own investigation, including interviews of victims and other witnesses, review of records and items, and briefings with other law enforcement officers who have knowledge of certain material facts. Because this complaint is being submitted for the limited purpose of establishing probable cause, I have not set forth herein each and every fact that I know or that has been told to me concerning this investigation. Unless specifically indicated, any statements herein attributed to individuals are set forth in substance and in part.

Background

1. At all times relevant to this Complaint:
 - A. Defendant John Makos was a corrections officer at Bayside State Prison.
 - B. Bayside State Prison was a multi-security correctional facility in Leesburg, New Jersey that housed male inmates serving sentences under New Jersey state law. Bayside State Prison's complex consisted of three operational units, which included a medium security facility (hereinafter, "the Prison"), a farm, and a satellite unit. Inmates were given work assignments at the Prison, including in the Prison's kitchen, to facilitate prison operations and to promote the reduction of recidivism.
 - C. Inmate 1 was incarcerated at the Prison.
 - D. Victim 1 and Victim 2 (collectively, "the Victim-Inmates") also were incarcerated at the Prison.

The Conspiracy to Deprive Certain Inmates of their Civil Rights

2. From at least in or about April 2019 through in or about December 2019, defendant Makos conspired with others, including at least one other corrections officer and inmates (including Inmate 1), to assault and punish certain inmates in a cruel, unusual, arbitrary, and capricious manner and to use excessive force that, from time to time, caused physical injury and pain to the Victim-Inmates. It was part of the conspiracy that defendant Makos and at least one other corrections officer: (A) established an ad hoc regime of physical punishments for actual and perceived violations of the Prison's rules and customs; and (B) meted out such punishments in a cruel and degrading manner, at times with the assistance of inmates, including Inmate 1.

Defendant Makos and at least one other corrections officer assaulted the Victim-Inmates utilizing different vicious techniques, including techniques called the “fence treatment” and the “motorcycle,” at times with the assistance of inmates, including Inmate 1. Defendant Makos and at least one other corrections officer attempted to ensure that the Victim-Inmates would not report such abuse to prison authorities, by, in part, holding the status of the inmates’ relatively desirable jobs in the Prison’s kitchen over their heads – that is, they led the inmates to believe that if the inmates reported such abuse, they would lose their kitchen jobs, the income associated with those jobs, and the attendant access to better and more plentiful food items.

3. Specifically, from at least in or about April 2019 through in or about December 2019, defendant Makos, in his capacity as a corrections officer at the Prison, and with at least one other corrections officer and inmates (including Inmate 1), took part in an effort to consistently brutalize Victim 1. As part of this brutalization, defendant Makos and at least one other corrections officer would repeatedly punch and kick Victim 1 from the shoulders down, at times as “punishment” for perceived infractions of prison rules, and, at other times, for no reason, according to Victim 1 and other inmates who witnessed portions of these assaults, which often occurred in a secluded part of the Prison’s kitchen. It was not unusual for Victim 1 to suffer substantial body bruising from such incidents. The injuries were severe enough for other inmates, who have been interviewed by law enforcement, to observe that Victim 1 had a shoe mark on his body on at least one occasion and his ribs bruised on multiple occasions and to opine that Victim 1 may have sustained broken ribs as a result of certain beatings. On multiple occasions, defendant Makos took Victim 1 to the back of the Prison’s kitchen area and required Victim 1 to place his hands behind his head, spread his legs, and face away from defendant Makos. Defendant Makos then would repeatedly punch Victim 1. According to Victim 1, Victim 1 did not complain to prison authorities about these assaults, because he was afraid he would lose his job – and its attendant pay and perceived benefits – in the Prison kitchen if he did so. According to Victim 1, on one occasion he was able to avoid contemplated assaults by defendant Makos and others by instead eating a plate of hot peppers that defendant Makos had brought to the Prison. Victim 1 told law enforcement that at times he felt as if the “s—t was beat out of him,” as a result of these assaults. One inmate told law enforcement that Victim 1 received the worst beatings of all of the inmates. Other specific assaults of Victim 1 by defendant Makos and at least one other corrections officer, occurring from in or about April 2019 through in or about December 2019, include the following:

- A. On one occasion, after being assaulted by defendant Makos, Victim 1 began doing pull ups on a bar in the Prison kitchen area, purporting to show that defendant Makos’s physical assault did not severely impact Victim 1. Defendant Makos ordered Victim 1 to assume a position with his back towards

defendant Makos and his hands behind his head. Defendant Makos then punched and kicked Victim 1 in his ribs from behind Victim 1.

- B. On another occasion, defendant Makos, with the assistance of at least one other corrections officer, assaulted Victim 1 in a vicious practice that was known to inmates as “the fence treatment.” In so doing, defendant Makos and at least one other corrections officer caused one of Victim 1’s arms to be handcuffed to a fence in the back area of the Prison’s kitchen and the other arm to be handcuffed to a swinging door, so that Victim 1 would appear to be “crucified,” according to Victim 1 and more than one other inmate who witnessed such assaults. Inmate 1, acting in concert with defendant Makos and co-conspirators, moved the swinging door so that Victim 1’s body expanded and collapsed while defendant Makos and at least one other corrections officer delivered closed fist strikes to Victim 1’s body. According to Victim 1, defendant Makos’ and at least one other corrections officer’s strikes to Victim 1’s body caused severe bruising to his ribs, among other injuries, and the assault only stopped when Victim 1 was on the verge of passing out. At this point, defendant Makos and at least one other corrections officer uncuffed Victim 1 and permitted Victim 1 to rest in lieu of working the remainder of Victim 1’s shift.
- C. On another occasion, defendant Makos assaulted Victim 1 as a punishment, because another corrections officer’s food items had gone missing. In the back of the Prison’s kitchen area, defendant Makos instructed Victim 1 to pull his pants down and, after Victim 1 complied, defendant Makos repeatedly spanked Victim 1 on his exposed buttocks with a ruler. According to Victim 1, defendant Makos used such force that the ruler broke and left an imprint on Victim 1’s buttocks. Later, in another humiliating and degrading act, defendant Makos had Victim 1 show other inmates his buttocks so that the other inmates could see the result of this beating.

4. Defendant Makos and at least one other corrections officer also repeatedly assaulted Victim 2 in or around the summer of 2019. For instance, according to Victim 2:

- A. As a punishment for Victim 2 passing food to other inmates, defendant Makos and another corrections officer, while in the officers’ quarters at the Prison, assaulted Victim 2 by

defendant Makos kneeling Victim 2 repeatedly in the upper thighs and the other corrections officer throwing an empty milk crate at Victim 2. During that incident, Inmate 1 held the door to the officers' quarters closed while defendant Makos and the other corrections officer assaulted Victim 2.

- B. On another occasion, defendant Makos told Victim 2 that if Victim 2 wanted to keep his position in the Prison kitchen, Victim 2 would have to ride "the motorcycle." Defendant Makos then told Victim 2 to place his back against the wall and assume a sitting position as if he were riding a motorcycle. Defendant Makos then kicked Victim 2 in the chest, which was painful to Victim 2.
- C. In another instance, Inmate 2 was told to hold his hands in the air. When Inmate 2 complied, defendant Makos, at least one other corrections officer, and inmates (including Inmate 1) punched Inmate 2 repeatedly in the ribs.