

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

Robert L. Brown

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Case No.

5:15-mj-1092-PRL

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 1/1/2015 - 6/18/2015 in the county of Sumter, Marion and Orange in the Middle District of Florida, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 201(b)(2)

Receipt of a Bribe by a Public Official

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Wendell M. Dulay  
Complainant's signature

Special Agent Wendell M. Dulay, DOJ OIG

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/19/2015

P. Lammens  
Judge's signature

City and state: Ocala, Florida

Philip R. Lammens, U.S. Magistrate Judge

Printed name and title

**STATE OF FLORIDA**

**MDFL CASE NO. 5:15-MJ-1092-PRL**

**COUNTY OF MARION**

**CRIMINAL COMPLAINT AFFIDAVIT**

I, Wendell M. Dulay, being duly sworn and appointed a Special Agent with the Department of Justice, Office of the Inspector General (DOJ OIG), hereby make the following statement in support of the attached criminal complaint:

1. I am a Special Agent with the DOJ OIG and have been since 2005. I have been employed as a federal law enforcement officer since 1999, previously serving as a Special Agent with the Naval Criminal Investigative Service (NCIS). Additionally, I have five years of local law enforcement experience as a Deputy Sheriff with the Escambia County (FL) Sheriffs Office. I am currently assigned as the Tampa Domicile agent with DOJ OIG.

2. I submit this affidavit based upon my own investigation of this case, as well as on the investigation conducted by other coordinating law enforcement agencies. Because this affidavit is intended to show only that there is probable cause for the arrest of the defendant, it does not contain every fact known to me or developed during the course of this investigation.

**BACKGROUND OF THE INVESTIGATION**

3. On or about April 16, 2015, an inmate at the Federal Correctional Institution, Federal Correctional Complex, Coleman, Florida (FCI Coleman), met with authorities. This federal prison institution is in Sumter County, within the Middle District of Florida. Bureau of Prisons (BOP) investigators and I met with

this individual, Inmate #1.<sup>1</sup> Inmate #1 claimed to have information regarding the defendant, ROBERT L. BROWN (BROWN), a BOP Correctional Officer (CO). A CO, such as BROWN, is a public official as contemplated under Title 18, United States Code, Section 201(b)(2).

4. Inmate #1 explained that BROWN had been providing Inmate #1 with contraband in the form of cellular phones, tobacco, K2 (synthetic marijuana), and unknown pills since January 2015. Brown had provided these items by smuggling them into the FCI Coleman in exchange for monetary payments. Inmate #1 had arranged for a friend (hereafter referred to as CW #1) to send monetary payments for the contraband to BROWN's girlfriend. Further investigation revealed that BROWN's girlfriend is C.A.D. Record checks revealed BROWN and C.A.D. have the same address in Clermont, Florida. Additionally, Florida public records show that BROWN and C.A.D. were married in Clermont, Florida, on May 16, 2015.

5. In May 2015, I interviewed CW #1, regarding the allegations made by Inmate #1. CW #1 confirmed the illegal activity described by Inmate #1. CW #1 added that Inmate #1 told CW #1 that CW #1 would be speaking with a CO and the CO was the person smuggling contraband into FCI Coleman. CW #1 subsequently had telephone contact with that CO (BROWN) in the form of text messages and voice communications. During their communications, the CO directed CW #1 to send monetary bribery payments to C.A.D. in exchange for

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<sup>1</sup> Inmate #1 agreed to cooperate with the investigation in hopes of reducing the sentence Inmate #1 is currently serving at FCI Coleman. Inmate #1 and an associate, CW #1, agreed to cooperate with the investigation in hopes of reducing Inmate #1's sentence. To date, information provided by Inmate #1 and CW #1 has been corroborated by law enforcement and found to be reliable.

contraband which CO had provided to Inmate #1. As requested by the CO, CW #1 had sent C.A.D. MoneyGram transfers. I subsequently subpoenaed MoneyGram records and determined that in March 2015, C.A.D. had received \$1,000 from CW #1.

6. Inmate #1 also identified a second inmate, Inmate #2<sup>2</sup>, who also was aware of BROWN's illegal activity. According to Inmate #1, Inmate #2 helped arrange for the introduction of contraband into the prison and for BROWN to receive additional bribery payments. In May 2015, I interviewed Inmate #2 at the FCI Coleman. Inmate #2 confirmed the illegal activity as described by Inmate #1. Inmate #2 added that Inmate #2 had arranged for an associate (hereafter referred to as CW #2) to meet with BROWN for the purposes of providing BROWN with certain contraband to smuggle into the FCI Coleman and also to make bribery payments to BROWN. According to Inmate #2, CW #2 met with BROWN in Orlando, Orange County, Florida, to give BROWN K2 (commonly referred to as "synthetic marijuana") and prescription pills (Percocet) to be smuggled into FCI Coleman. After BROWN had provided the K2 and pills to Inmate #1, BROWN had met with CW #2 in Ocala, Florida, where BROWN had received a partial cash bribery payment of \$2,400. According to both Inmates #1 and #2, BROWN was supposed to be paid a total of \$5,000 for smuggling the K2 and pills into FCI Coleman.

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<sup>2</sup> Inmate #2 agreed to cooperate with the investigation in exchange for Inmate #2 not being charged for his role in introducing contraband into FCI Coleman. An associate, CW #2, agreed to cooperate with the investigation in exchange for the potential consideration of not being charged for CW #2's role in supplying BROWN with the contraband that subsequently was introduced into FCI Coleman. To date, the information provided by Inmate #2 and CW #2 has been corroborated and found to be reliable.

7. In June 2015, Federal Bureau of Investigation (FBI) Special Agent James Raby and I interviewed CW #2. CW #2 verified his involvement as described by Inmate #2. CW #2 had telephone contact with the CO in the form of text messages and voice communications. CW #2 verified that CW #2 met with the CO in Orlando and provided him with a package to be provided to FCI Coleman inmates. CW #2 said the package contained K2 and Percocet pills. CW #2 said approximately a few weeks after providing the CO with the package, CW #2 and the CO agreed that the CO would come to CW #2's residence in Ocala, Florida to pick up \$2,400 in cash as payment for smuggling the K2 and Percocet pills into the FCI Coleman.

8. FBI Special Agent James Raby later provided CW #2 with a photographic line-up that included a picture of BROWN. CW #2 identified BROWN's image as that of the person with whom CW #2 had previously met to provide contraband that was smuggled into FCI Coleman and with whom CW #2 had paid \$2,400 for introducing the contraband into FCI Coleman.

RECORDED CONVERSATION WITH AN INMATE

9. In June 2015, Inmate #2 met and spoke with BROWN at the FCI Coleman. At the direction of law enforcement, Inmate #2 wore concealed equipment during the meeting that allowed any conversation between Inmate #2 and BROWN to be recorded. Once Inmate #2 met with BROWN that day, Inmate #2 and BROWN discussed BROWN's prior introductions of contraband into the prison as well as the bribery payments that BROWN had received. Specifically, BROWN and Inmate #2 discussed how BROWN still was owed

\$2,600 for having previously provided contraband to Inmate #1. BROWN said that he would contact CW #2 in order to receive the remaining balance of \$2,600. After speaking with Inmate #2 at the prison, BROWN then called CW #2 and scheduled a meeting with CW #2 for June 18, 2015. BROWN indicated that he would pick up the \$2,600 bribery payment at the meeting.

#### ARREST AND CONFESSION

10. On June 18, 2015, BROWN met with CW #2 at CW #2's Marion County residence. Covert recording equipment (audio and video) was placed at the meeting location to preserve any conversation between CW #2 and BROWN. During the meeting, CW #2 and BROWN discussed BROWN's previous introductions of contraband into FCI Coleman as well as BROWN's receipt of past bribery payments. Additionally, BROWN accepted \$2,600 from CW #2 as a bribe for having previously introduced contraband for Inmate #1 and Inmate #2.

11. Once BROWN departed the residence, law enforcement stopped his car and placed him under arrest. BROWN was advised of his constitutional rights, which he freely and voluntarily waived. BROWN also completed a waiver of constitutional rights form. Afterward, BROWN admitted to agents that he had been smuggling contraband into FCI Coleman since January 2015. BROWN admitted that he had used his position as a corrections officer to facilitate the crime. The contraband consisted of cellular telephones, tobacco, K2, and narcotics (prescription pills). In exchange for smuggling these items into FCI Coleman for inmates, BROWN acknowledged that he had negotiated for bribery payments in the amount of \$7,100.

CONCLUSION

12. Based on the above, I submit there is probable cause to believe that between January 1, 2015, and June 18, 2015, the defendant, ROBERT L. BROWN, committed the criminal offense of bribery of a public official in violation of Title 18, United States Code, Section 201(b)(2).

This concludes my affidavit.



Wendell M. Dulay  
Special Agent  
Department of Justice  
Office of the Inspector General

Subscribed and sworn to before me  
this 19th day of June, 2015.



The Honorable Philip R. Lammens  
United States Magistrate Judge