

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY



UNITED STATES OF AMERICA :  
 : Hon. Leda D. Wettre  
 :  
 v. :  
 : Mag. No. 18-8066 (LDW)  
 :  
 ROGER THEN : **CRIMINAL COMPLAINT**

I, Kelly Blanchfield, 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 ("FBI"), and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

Kelly Blanchfield  
Special Agent  
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence  
on the 29th day of May, 2018  
at Newark, New Jersey

HONORABLE LEDA D. WETTRE  
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

**ATTACHMENT A**

**Count 1**  
**(Conspiracy to Deprive Person of Civil Rights)**

On or about March 5, 2018, in Passaic County, in the District of New Jersey, and elsewhere, defendant

ROGER THEN

and Police Officer 1 did knowingly and willfully conspire and agree with each other to injure, oppress, threaten, and intimidate the Victim in the free exercise and enjoyment of the rights and privileges secured to the Victim by the Constitution and laws of the United States, namely, the Victim's right to be free from the use of unreasonable force by a law enforcement officer.

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

**Count 2**  
**(Misprision of Felony)**

On or about March 5, 2018, in Passaic County, in the District of New Jersey, and elsewhere, defendant

ROGER THEN

having knowledge of the actual commission of felonies cognizable by a court of the United States, that is, a conspiracy to violate the Victim's right to be free from unreasonable force by a law enforcement officer, and the actual deprivation of such right by Police Officer 1's and defendant THEN's assault of the Victim, did knowingly and willfully conceal and did not make known as soon as possible the same to some judge or other person in civil or military authority under the United States.

In violation of Title 18, United States Code, Section 4 and Section 2.

## ATTACHMENT B

I, Kelly Blanchfield, am a Special Agent with the Federal Bureau of Investigation. I am aware of the facts contained herein based upon interviews and briefings with other law enforcement officers. I also have reviewed or been briefed regarding other evidence, including telephone toll records, pen records, witness interviews, and video recordings. 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. 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. All referenced times are approximate and refer to Eastern Time.

1. At times relevant to this complaint:
  - a. Defendant ROGER THEN (“THEN”) was a police officer employed by the Paterson Police Department (“PPD”) in Paterson, New Jersey. THEN utilized a cellular telephone (the “Then Facility”).
  - b. Police Officer 1 was a police officer employed by the PPD. As of April 2018, Police Officer 1 is no longer on active duty with the PPD.
  - c. The Victim resided in Paterson, New Jersey.

2. According to PPD records and witness interviews, on the night of March 5, 2018, the Victim called for help after attempting to commit suicide. The Paterson Fire Department responded to the Victim’s residence and took the Victim to St. Joseph’s Medical Center (the “Hospital”). Defendant THEN and Police Officer 1 initially responded to the Victim’s residence but ultimately met the Victim at the Hospital. Defendant THEN and Police Officer 1 were on police duty and arrived in police uniform.

3. I have reviewed two videos that captured events that took place inside the Hospital on the night of March 5, 2018.

- a. The first video (“Video One”) captured events that occurred in the Hospital’s emergency room waiting area. Video One was captured by surveillance cameras within the Hospital. The Victim was in a wheelchair. Police Officer 1 was standing at the hospital admissions desk. The Victim appeared to throw an object down the hallway. Police Officer 1 appeared to be angry, ran towards the Victim, and cocked his right arm as though he was going to punch the Victim. At that moment, Police Officer 1 did not punch the Victim. Rather, Police Officer 1 pushed the wheelchair with his hands, and Police Officer 1 then used his right hand to punch the Victim in the Victim’s face. As the Victim was falling towards the ground, still in the wheelchair, defendant THEN used his right hand to grab the Victim by the back of the Victim’s neck and further push the Victim to the ground.

b. The second video (“Video Two”) captured events that occurred inside of a Hospital patient room. Video Two was taken by defendant THEN using the Then Facility. In Video Two, the Victim was on his back in a hospital bed. The Victim said, “right here? See my cheek?” Police Officer 1 responded, “you have the right guy.” Defendant THEN appeared to turn the camera toward himself, and he appeared in Video Two with a large smile across his face. Defendant THEN next turned the camera back towards the Victim and Police Officer 1. The Victim said, “ha, ha, bitch.” Police Officer 1 responded, “I’m a what?” The Victim said, “do it.” Police Officer 1 put on a pair of hospital gloves and proceeded to violently strike the Victim twice across the face. Police Officer 1 then stood over the Victim and said, “I ain’t fucking playing with you.” The Victim covered his face with his hands and was silent. Police Officer 1 continued, “calm your ass down.”

4. Defendant THEN and Police Officer 1 filed a police report with the PPD in connection with the events of March 5, 2018. The police report read as follows:

Dispatched to [the Victim’s address] on a report of an attempted suicide. Upon our arrival PFD<sup>1</sup> #94 was already on scene with [the Victim] treating a small laceration to his wrist. PFD advised these officers that the Victim is an EDP<sup>2</sup> and cut his left wrist with a boxcutter. PFD also advised these officers that the injury was non life threatening. [The Victim] was then transported to Saint Joseph’s emergency room. Upon our arrival to Saint Joseph’s ER [the Victim] became combative and began throw medical glove boxes at the staff. [The Victim] was then restrained by these officers and security staff, where he was taken to ER Bed 10 for a psychiatric evaluation.

It should be noted these officers were advised by the medical staff that [the Victim] has a history psychiatric issues.

Defendant THEN and Police Officer 1 omitted material facts from the police report, namely that (a) Police Officer 1 punched the Victim and defendant THEN grabbed the Victim by the neck and pushed the Victim towards the ground, as depicted in Video One; and (b) Police Officer 1 violently struck the victim, twice, in a hospital room, as depicted in Video Two. Moreover, defendant THEN and Police Officer 1 kept Video Two to themselves, and concealed it from law enforcement authorities.

5. As a result of the actions of Police Officer 1 and defendant THEN, the Victim suffered multiple injuries to his face, including an eye injury that required surgery.

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<sup>1</sup> PFD refers to Paterson Fire Department.

<sup>2</sup> EDP stands for Emotionally Disturbed Person.