

FILED

OCT 31 2013

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ644-13-13

Superior Court

Docket Number 13-10-00204-5

STATE OF NEW JERSEY)

v.)

INDICTMENT

MARC BRANCH)

FRANCIS FORVOUR)

and)

SHAUN HUSSEY)

The Grand Jurors of and for the State of New Jersey, upon their oaths, present that:

COUNT ONE

(Conspiracy - Second Degree)

MARC BRANCH

and

FRANCIS FORVOUR

between on or about January 1, 2011, and on or about October 20, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere and within the jurisdiction of this Court, with the purpose of facilitating the commission of the crimes of Human Trafficking, Aggravated Sexual Assault and Promoting Prostitution did agree that:

A. One or more of them knowingly would engage in conduct

which would constitute the aforesaid crimes, or

B. One or more of them knowingly would aid in the planning, solicitation or commission of said crimes, that is:

1. Knowingly hold, recruit, lure, entice, harbor, transport, provide or obtain, by any means, another, to engage in sexual activity, by threats of physical restraint against the person, contrary to the provisions of N.J.S.A. 2C:13-8; and

2. Knowingly commit an act of sexual penetration on R.M., when R.M. was physically helpless and/or mentally incapacitated, contrary to the provisions of N.J.S.A. 2C:14-2a(7); and

3. Knowingly promote prostitution by owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business, and/or by encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute, contrary to the provisions of N.J.S.A. 2C:34-1b(2).

All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Human Trafficking - First Degree)

MARC BRANCH

between on or about January 1, 2011, and on or about October 20, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did hold, recruit, lure, entice, harbor, transport, provide or obtain, by any means, R.M., and other persons, to engage in sexual activity, by threats of physical restraint against the person, and/or did receive anything of value from participation as an organizer, supervisor, financier or manager in a such a scheme or course of conduct, contrary to the provisions of N.J.S.A. 2C:13-8a(1) and (2), and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Promoting Organized Street Crime - Second Degree)

MARC BRANCH

between on or about January 1, 2011 and on or about October 20, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did conspire with others as an organizer, supervisor, financier or manager to promote prostitution, by owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business, and/or encouraging, inducing or otherwise purposely causing another to become or remain a prostitute, contrary to the provisions of N.J.S.A. 2C:33-30, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Promoting Prostitution - Third Degree)

MARC BRANCH

between on or about January 1, 2011, and on or about October 20, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did promote prostitution by owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business, and/or encouraging, inducing or otherwise purposely causing another to become or remain a prostitute, contrary to the provisions of N.J.S.A. 2C:34-1b(2), and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Maintaining a Nuisance - Fourth Degree)

MARC BRANCH

between on or about January 1, 2011, and on or about October 20, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did maintain a premise, place or resort, to wit: 4 North Newport Avenue, Ventnor, New Jersey, as a house of prostitution, contrary to the provisions of N.J.S.A. 2C:33-12, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Aggravated Sexual Assault - First Degree)

FRANCIS FORVOUR

and

MARC BRANCH

between on or about June 1, 2011, and on or about October 20, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did commit an act of sexual penetration upon R.M., and FRANCIS FAVOUR was aided or abetted by MARC BRANCH, and R.M. was one whom FRANCIS FAVOUR and MARC BRANCH knew or should have known was physically helpless and/or mentally incapacitated at the time, contrary to the provisions of N.J.S.A. 2C:14-2a(7) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Aggravated Criminal Sexual Contact - Third Degree)

FRANCIS FORVOUR

between on or about June 1, 2012, and on or about October 20, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did commit an act of sexual contact upon J.B., and J.B. was one whom FRANCIS FAVOUR knew or should have known was physically helpless at the time, contrary to the provisions of N.J.S.A. 2C:14-3a, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(Sexual Assault - Second Degree)

FRANCIS FORVOUR

between on or about June 1, 2011, and on or about January 28, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did commit an act of sexual penetration upon R.M., when R.M. was at least 13 but less than 16 years old and FRANCIS FAVOUR was at least four years older than R.M., contrary to the provisions of N.J.S.A. 2C:14-2c(4), and against the peace of this State, the government and dignity of the same.

COUNT NINE

(Engaging in Prostitution with Person Under 18 - Third Degree)

FRANCIS FORVOUR

and

MARC BRANCH

between on or about January 1, 2011, and on or about October 20, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly engaged in prostitution with a person under the age of 18, and/or solicited or requested a child under the age of 18 to engage in sexual activity, contrary to the provisions of N.J.S.A. 2C:34-1b(7) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TEN

(Endangering the Welfare of a Child - Third Degree)

FRANCIS FORVOUR

and

MARC BRANCH

between on or about June 1, 2011, and on or about January 28, 2012, at the City of Ventnor, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, knowingly did engage in sexual conduct which would impair or debauch the morals of a child under the age of 16, that is, R. M., born on January 29, 1997, contrary to the provisions of N.J.S.A. 2C:24-4a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT ELEVEN

(Conspiracy - Third Degree)

MARC BRANCH

FRANCIS FORVOUR

and

SHAUN HUSSEY

and others whose identities are unknown to the Grand Jurors, between, on or about October 20, 2012, and April 30, 2013, at the Township of Hamilton, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of tampering with a witness and hindering apprehension or prosecution, did agree that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crimes, or

B. One or more of them knowingly would aid in the planning, solicitation or commission of said crimes, that is:

1. Believing that an official proceeding or investigation was pending, or was about to be instituted, knowingly or purposely engaged in conduct which a reasonable person would believe would cause a witness, to wit: J.B. and/or R.M., to either testify or inform falsely or withhold any testimony or information, contrary to the provisions of N.J.S.A. 2C:28-5a.

2. With purpose to hinder the apprehension, prosecution, conviction or punishment of another person, that is, MARC BRANCH, did suppress, by way of concealment or destruction, any evidence of the crime, or tamper with a document or other source of information, which might aid in the lodging of charges against the said MARC BRANCH, contrary to the provisions of N.J.S.A. 2C:29-3a

The Grand Jurors aforesaid, upon their oaths, do further present that:

It was part of said conspiracy that MARC BRANCH, who was an inmate confined in the Atlantic County Justice Center, did direct FRANCIS FORVOUR to make contact with people who were believed to be potential witnesses against MARC BRANCH.

It was further a part of said conspiracy that MARC BRANCH did instruct SHAUN HUSSEY to delete photographs and other information from internet social media websites subscribed to by MARC BRANCH.

OVERT ACTS

The Grand Jurors aforesaid, upon their oaths, do further present that the following Overt Acts, among others, were committed in furtherance of said conspiracy:

1. Between on or about October 20, 2012 and December 31, 2012, MARC BRANCH, FRANCIS FORVOUR and SHAUN HUSSEY engaged in telephone conversations during which the three discussed

deleting materials from MARC BRANCH's social media website and discussed contacting R.M. in an attempt to get R.M. to sign a certification that would exonerate MARC BRANCH.

2. Between on or about October 20, 2012 and December 31, 2012 FRANCIS FORVOUR did place three-way telephone calls with MARC BRANCH to R.M.

3. Between on or about October 20, 2012 and December 31, 2012 FRANCIS FORVOUR did place a telephone call to a relative of J.B., in an attempt to contact J.B.

4. Between on or about October 20, 2012 and November 1, 2012 SHAUN HUSSEY did log in to social media websites subscribed to by MARC BRANCH and delete photographs and other information that HUSSEY believed could incriminate MARC BRANCH.

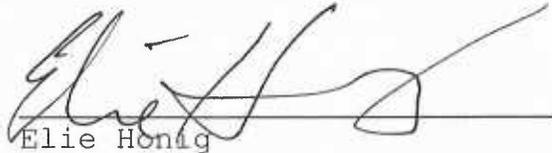
All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT TWELVE

(Hindering Apprehension or Prosecution
of Another Person - Third Degree)

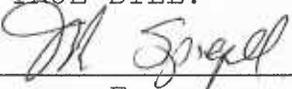
SHAUN HUSSEY

between, on or about October 20, 2012 and November 1, 2012, at the Township of Hamilton, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, with purpose to hinder the apprehension, prosecution, conviction or punishment of another person, that is, MARC BRANCH, did suppress, by way of concealment or destruction, any evidence of the crime, or tamper with a document or other source of information, which might aid in the lodging of charges against the said MARC BRANCH, contrary to the provisions of N.J.S.A. 2C:29-3a, and against the peace of this State, the government and dignity of the same.



Elie Honig
Director
Division of Criminal Justice

A TRUE BILL:



Foreperson

Date: 10/31/13