

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

SUPERIOR COURT

_____)
M.M-W., f/k/a M.W.,)
))
Plaintiff,)
))
v.)
))
Cleve Brown,)
))
Defendant,)
))
and)
))
Newburyport Five Cents Savings Bank,)
))
Trustee Defendant.)
_____)

DOCKET #: 218-2019-CV-00400

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

NOW COMES the plaintiff, M.M-W., f/k/a M.W., by and through her attorneys, Rilee & Associates, P.L.L.C., and respectfully submits the following Complaint and Demand for Jury Trial, stating in support thereof as follows:

PARTIES

1. Plaintiff M.M-W., f/k/a M.W., is an individual who resides at 61 Buffumsville Road, Town of Somersworth, County of Strafford, State of New Hampshire 03878.

2. Defendant Cleve Brown is an individual with a last known mailing address of 114 South Main Street, Town of Seabrook, County of Rockingham, State of New Hampshire 03874, and a current physical address of Rockingham County Department of Corrections, 99 North Road, Town of Brentwood, County of Rockingham, State of New Hampshire 03833.

3. Trustee Defendant Newburyport Five Cents Savings Bank is a corporation doing business in the State of New Hampshire with an office located at 254 State Street, City of Portsmouth, County of Rockingham, State of New Hampshire 03801.

JURISDICTION AND VENUE

4. This Honorable Court may properly exercise personal jurisdiction over the defendant because, at all times relevant to the allegations contained herein, the defendant committed tortious acts in the State of New Hampshire.

5. Pursuant to N.H. R.S.A. 491:7, this Honorable Court has subject matter jurisdiction over this action because this is a civil personal injury action arising out of acts that occurred in the State of New Hampshire.

6. Pursuant to N.H. R.S.A. 507:9, this Honorable Court is a proper venue for this action because, at all times relevant to the specific allegations contained herein, the plaintiff was a resident of the County of Rockingham, State of New Hampshire, and the defendant was and is a resident of the County of Rockingham, State of New Hampshire.

FACTUAL ALLEGATIONS

7. The plaintiff was born on August 7, 1989.

8. At all times relevant to the allegations contained herein, the defendant was the plaintiff's stepfather.

9. Between the years of 1995 and 2002, when the plaintiff was between the ages of six (6) and thirteen (13) years old, the defendant repeatedly sexually assaulted the plaintiff by (a) rubbing a hairbrush on her vagina, (b) intentionally touching her genitalia on more than one occasion, (c) intentionally having her touch his penis on more than one occasion, (d) inserting his

finger into her genital opening on more than one occasion, and (e) intentionally pressing his erect penis against her body while she sat on his lap on more than one occasion.

10. As a direct result of these repeated sexual assaults, the plaintiff has suffered and continues to suffer severe and permanent physical and emotional harm, trauma, and injuries.

11. On June 5, 2018, the defendant was indicted on seven (7) counts of aggravated felonious sexual assault and one (1) count of felonious sexual assault, all in violation of RSA 632-A:2,III. See Exhibit 1 – State of New Hampshire v. Cleve Brown, #218-2018-CR-849 (Rockingham Superior Court) – Indictments.

12. On March 15, 2019, following a jury trial during which the plaintiff testified for a day and a half, the defendant was convicted of all eight (8) counts, for which he is awaiting sentencing on May 20, 2019.

13. Pursuant to RSA 508:4-g, the plaintiff has until twelve (12) years after her eighteenth (18th) birthday, or until August 7, 2019, to bring a lawsuit arising out of these sexual assaults, all of which constitute violations of RSA 632-A. See Exhibit 2 – RSA 508:4-g.

COUNT I – SEXUAL ASSAULT AND BATTERY

14. The plaintiff hereby repeats, realleges, and incorporates by reference each and every factual allegation set forth in the preceding Paragraphs as though fully and completely set forth herein.

15. Between the years of 1995 and 2002, when the plaintiff was between the ages of six (6) and thirteen (13) years old, the defendant repeatedly sexually assaulted the plaintiff by (a) rubbing a hairbrush on her vagina, (b) intentionally touching her genitalia on more than one occasion, (c) intentionally having her touch his penis on more than one occasion, (d) inserting his

finger into her genital opening on more than one occasion, and (e) intentionally pressing his erect penis against her body while she sat on his lap on more than one occasion.

16. On June 5, 2018, the defendant was indicted on seven (7) counts of aggravated felonious sexual assault and one (1) count of felonious sexual assault, all in violation of RSA 632-A:2,III. *See* Exhibit 1.

17. On March 15, 2019, following a jury trial during which the plaintiff testified for a day and a half, the defendant was convicted of all eight (8) counts.

18. As such, the plaintiff was subjected to unwanted physical touching and the fear of unwanted physical touching by the defendant without legal cause, justification, or excuse.

19. As a direct and proximate cause and result of the foregoing sexual assault and battery, the plaintiff was caused to suffer damages including, but not limited to, substantial personal injuries of a disabling, debilitating, and permanent nature, severe and prolonged pain and suffering, substantial and traumatic emotional distress and injuries of a disabling, debilitating, and permanent nature, loss of enjoyment of life, prolonged and repeated medical procedures and mental health treatment and counseling, medical expenses, and permanent impairment, and will be caused to suffer all of the foregoing losses and damages into the foreseeable future, all to the damage of the plaintiff, as she says, within the minimum and maximum jurisdictional limits of the Superior Court, plus interest and costs.

JURY DEMAND

20. The plaintiff hereby demands a trial by jury.

As discovery is ongoing, the plaintiff hereby reserves the right to amend this Complaint and Demand for Jury Trial in accordance with New Hampshire law and New Hampshire Superior Court Rules, and hereby states that she waives no other and further claims available to her.

Respectfully submitted,

M.M-W., f/k/a M.W.,

By Her Attorneys,

RILEE & ASSOCIATES, P.L.L.C.

Date: March 27, 2019

By: /s/ Cyrus F. Rilee, III
Cyrus F. Rilee, III, Esq., #15881
264 South River Road
Bedford, NH 03110
t. 603.232.8234
f. 603.628.2241
crilee@rileelaw.com

EXHIBIT 1

DOB: 02/18/1950
M/5'06/180/W/BRO/BRO

AFSA - PATTERN SEXUAL ASSAULT
RSA: 632-A:2,III
ELC: ALL

Vartanian

FS

Entries Above This Line Are Not Part of Indictment

The State of New Hampshire
ROCKINGHAM, SS.

SUPERIOR COURT

INDICTMENT

At the SUPERIOR COURT holden at Brentwood, within and for the County of Rockingham, during the March 2019 session of the Grand Jury, the Grand Jurors for the State of New Hampshire, upon their oath, present that

CLEVE BROWN

of

114 South Main Street, Seabrook, NH 03874

committed the crime of

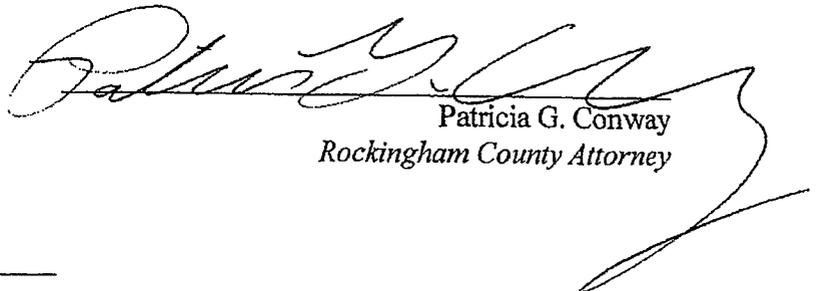
AGGRAVATED FELONIOUS SEXUAL ASSAULT

on or between the 1st day of January 1995 and the 30th day of June 1998
at Seabrook in the County of Rockingham

In that:

1. Cleve Brown purposely,
2. engaged in a pattern of sexual assault with M.W. (Date of Birth: 08/07/89),
3. by inserting his finger into M.W.'s genital opening on more than one occasion,
4. over a period of two months or more and within a period of five years,
5. while M.W. was less than 13 years of age,
6. and Cleve Brown was not the legal spouse of M.W.;

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Patricia G. Conway
Rockingham County Attorney

This is a true Bill.


Grand Jury Foreman

218-2018-CR 849

Charge ID: 1599854C

DOB: 02/18/1950
M/5'06/180/W/BRO/BRO

AFSA - PATTERN SEXUAL ASSAULT
RSA: 632-A:2,III
ELC: ALL
Entries Above This Line Are Not Part of Indictment

Vartanian

FS

The State of New Hampshire
ROCKINGHAM, SS. SUPERIOR COURT

INDICTMENT

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CLEVE BROWN

of

114 South Main Street, Seabrook, NH 03874

committed the crime of

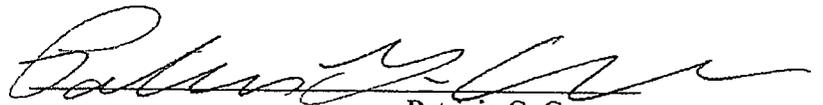
AGGRAVATED FELONIOUS SEXUAL ASSAULT

on or between the 1st day of January 1995 and the 30th day of June 1998
at Seabrook in the County of Rockingham

In that:

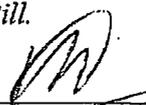
1. Cleve Brown purposely,
2. engaged in a pattern of sexual assault with M.W. (Date of Birth: 08/07/89),
3. by intentionally touching the female juvenile's genitalia with his hand on more than one occasion, directly, through clothing or otherwise,
4. this contact being reasonably construed as for the purpose of sexual arousal or gratification,
5. over a period of two months or more and within a period of five years,
6. while M.W. was less than 13 years of age,
7. and Cleve Brown was not the legal spouse of M.W.;

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.



Patricia G. Conway
Rockingham County Attorney

This is a true Bill.



Grand Jury Foreman

218-2018-CR 849

Charge ID: 1599955C

DOB: 02/18/1950
M/5'06/180/W/BRO/BRO

AFSA - PATTERN SEXUAL ASSAULT

RSA: 632-A:2,III

ELC: ALL

Vartanian

FS

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The State of New Hampshire
ROCKINGHAM, SS.

SUPERIOR COURT

INDICTMENT

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CLEVE BROWN

of

114 South Main Street, Seabrook, NH 03874

committed the crime of

AGGRAVATED FELONIOUS SEXUAL ASSAULT

on or between the 1st day of January 1995 and the 30th day of June 1998
at Seabrook in the County of Rockingham

In that:

1. Cleve Brown purposely,
2. engaged in a pattern of sexual assault with M.W. (Date of Birth: 08/07/89),
3. by intentionally having the female juvenile touch his penis on more than one occasion, directly, through clothing or otherwise,
4. this contact being reasonably construed as for the purpose of sexual arousal or gratification,
5. over a period of two months or more and within a period of five years,
6. while M.W. was less than 13 years of age,
7. and Cleve Brown was not the legal spouse of M.W.;

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Patricia G. Conway
Rockingham County Attorney

This is a true Bill.



Grand Jury Foreman

218-2018-CR 849

Charge ID: 1544956C

DOB: 02/18/1950
M/5'06/180/W/BRO/BRO

FSA - SEXUAL CONTACT - VICTIM <13
RSA: 632-A:3,III
ELC: ALL

Vartanian

FB

Entries Above This Line Are Not Part of Indictment

The State of New Hampshire
ROCKINGHAM, SS.

SUPERIOR COURT

INDICTMENT

At the SUPERIOR COURT holden at Brentwood, within and for the County of Rockingham, during the March 2019 session of the Grand Jury, the Grand Jurors for the State of New Hampshire, upon their oath, present that

CLEVE BROWN

of

114 South Main Street, Seabrook, NH 03874

committed the crime of

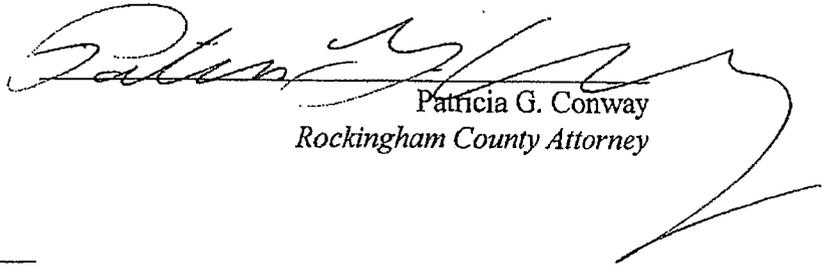
FELONIOUS SEXUAL ASSAULT

on or between the 1st day of January 1995 and the 1st day of July 1998
at Seabrook in the County of Rockingham

In that:

1. Cleve Brown purposely,
2. engaged in sexual contact with M.W. (dob 08/07/89),
3. by rubbing a hairbrush on her vagina,
4. contact which can be reasonably construed as being for purposes of sexual arousal or gratification,
5. while M.W. was less than 13 years of age,
6. and Cleve Brown was not the legal spouse of M.W.;

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Patricia G. Conway
Rockingham County Attorney

This is a true Bill.


Grand Jury Foreman

218-2018-CR 849

Charge ID: 1599957C

DOB: 02/18/1950
M/5'06/180/W/BRO/BRO

AFSA - PATTERN SEXUAL ASSAULT
RSA: 632-A:2,III
ELC: ALL

Vartanian
FS

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The State of New Hampshire
ROCKINGHAM, SS. SUPERIOR COURT

INDICTMENT

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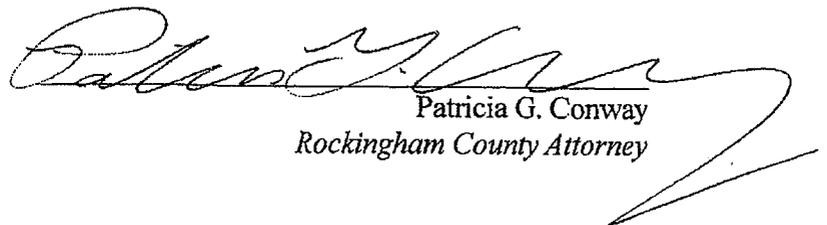
AGGRAVATED FELONIOUS SEXUAL ASSAULT

on or between the 1st day of January 1995 and the 6th day of August 2000
at Seabrook in the County of Rockingham

In that:

1. Cleve Brown purposely,
2. engaged in a pattern of sexual assault with M.W. (Date of Birth: 08/07/89),
3. by intentionally pressing his erect penis against her body while she sat on his lap on more than one occasion, directly, through clothing or otherwise,
4. this contact being reasonably construed as for the purpose of sexual arousal or gratification,
5. over a period of two months or more and within a period of five years,
6. while M.W. was less than 13 years of age,
7. and Cleve Brown was not the legal spouse of M.W.;

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Patricia G. Conway
Rockingham County Attorney

This is a true Bill.


Grand Jury Foreman

218-2017-CR 849

Charge ID: 1599958C

DOB: 02/18/1950
M/5'06/180/W/BRO/BRO

AFSA - PATTERN SEXUAL ASSAULT
RSA: 632-A:2,III
ELC: ALL

Vartanian

FS

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The State of New Hampshire
ROCKINGHAM, SS. SUPERIOR COURT

INDICTMENT

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CLEVE BROWN

of

114 South Main Street, Seabrook, NH 03874

committed the crime of

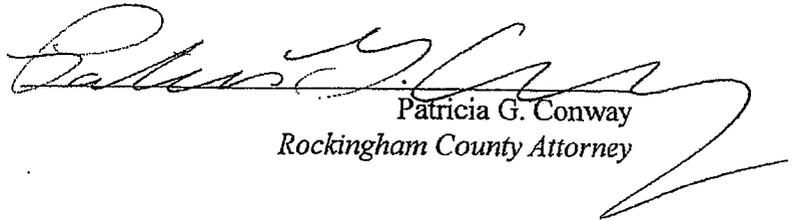
AGGRAVATED FELONIOUS SEXUAL ASSAULT

on or between the 1st day of July 1998 and the 6th day of August 2002
at Seabrook in the County of Rockingham

In that:

1. Cleve Brown purposely,
2. engaged in a pattern of sexual assault with M.W. (Date of Birth: 08/07/89),
3. by intentionally having the female juvenile touch his penis on more than one occasion, directly, through clothing or otherwise,
4. this contact being reasonably construed as for the purpose of sexual arousal or gratification,
5. over a period of two months or more and within a period of five years,
6. while M.W. was less than 13 years of age,
7. and Cleve Brown was not the legal spouse of M.W.;

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Patricia G. Conway
Rockingham County Attorney

This is a true Bill.


Grand Jury Foreman

218-2018-CR 849

Charge ID: 1599959C

DOB: 02/18/1950
M/5'06/180/W/BRO/BRO

AFSA - PATTERN SEXUAL ASSAULT
RSA: 632-A:2,III
ELC: ALL

Vartanian

FS

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The State of New Hampshire
ROCKINGHAM, SS.

SUPERIOR COURT

INDICTMENT

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committed the crime of

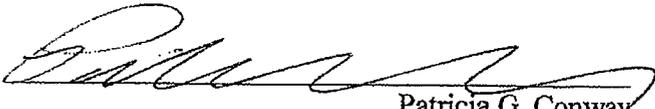
AGGRAVATED FELONIOUS SEXUAL ASSAULT

on or between the 1st day of July 1998 and the 6th day of August 2002
at Seabrook in the County of Rockingham

In that:

1. Cleve Brown purposely,
2. engaged in a pattern of sexual assault with M.W. (Date of Birth: 08/07/89),
3. by intentionally touching the female juvenile's genitalia with his hand on more than one occasion, directly, through clothing or otherwise,
4. this contact being reasonably construed as for the purpose of sexual arousal or gratification,
5. over a period of two months or more and within a period of five years,
6. while M.W. was less than 13 years of age,
7. and Cleve Brown was not the legal spouse of M.W.;

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Patricia G. Conway
Rockingham County Attorney

This is a true Bill.


Grand Jury Foreman

218-2018-CR 849

Charge ID: 1599960C

DOB: 02/18/1950
M/5'06/180/W/BRO/BRO

AFSA - PATTERN SEXUAL ASSAULT
RSA: 632-A:2,III
ELC: ALL

Vartanian

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The State of New Hampshire
ROCKINGHAM, SS.

SUPERIOR COURT

INDICTMENT

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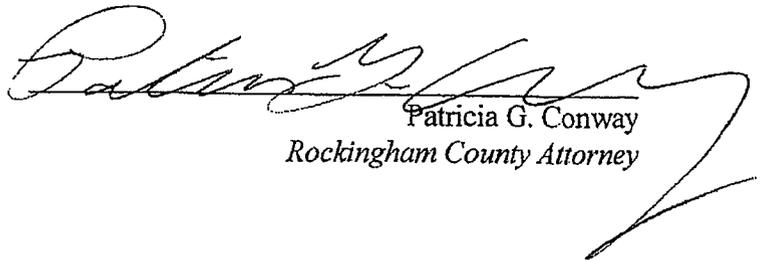
AGGRAVATED FELONIOUS SEXUAL ASSAULT

on or between the 1st day of July 1998 and the 6th day of August 2002
at Seabrook in the County of Rockingham

In that:

1. Cleve Brown purposely,
2. engaged in a pattern of sexual assault with M.W. (Date of Birth: 08/07/89),
3. by inserting his finger into M.W.'s genital opening on more than one occasion,
4. over a period of two months or more and within a period of five years,
5. while M.W. was less than 13 years of age,
6. and Cleve Brown was not the legal spouse of M.W.;

contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.


Patricia G. Conway
Rockingham County Attorney

This is a true Bill.


Grand Jury Foreman

218-2018-CR 849

Charge ID: 1599961C

EXHIBIT 2

[RSA 508:4-g](#)

Statutes current through Act 379 of the 2018 Regular Session.

LEXIS™ New Hampshire Revised Statutes Annotated > Title LII Actions, Process, and Service of Process (Chs. 506 — 513) > Chapter 508 Limitation of Actions (§§ 508:1 — 508:22)

508:4-g. Actions Based on Sexual Assault and Related Offenses.

A person, alleging to have been subjected to any offense under RSA 632-A or an offense under [RSA 639:2](#), who was under 18 years of age when the alleged offense occurred, may commence a personal action based on the incident within the later of:

- I. Twelve years of the person's eighteenth birthday; or
- II. Three years of the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of.

History

[2005, 283:1](#), eff. July 22, 2005. [2008, 193:1](#), eff. January 1, 2009.

Annotations

Notes

Amendment Notes

—2008.

Substituted “twelve years” for “seven years” in I.

Research References & Practice Aids

Hierarchy Notes:

[RSA Tit. LII](#)

[RSA Tit. LII, Ch. 508](#)

LEXIS™ New Hampshire Revised Statutes Annotated
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