



# 2016 Annual Report

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Prosecutor

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# MESSAGE FROM PROSECUTOR, Michael H. Robertson



This 2016 Annual Report of the Somerset County Prosecutor's Office has been prepared in accordance with the requirements of N.J.S.A. 52:17B-111. As Prosecutor for Somerset County, it is my honor to submit this Report to the Honorable Christopher S. Porrino, Attorney General for the State of New Jersey. It is further my honor to share the information contained herein with the citizens of Somerset County in order for them to better understand the functions of the law enforcement community as well as the level of professionalism and pride with which the members of this Office, the Sheriff's Office and our local police departments perform their duties.

On December 19, 2016, I was confirmed by the Senate Judiciary Committee to be the Somerset County Prosecutor. I am extremely honored to be the Somerset County Prosecutor for the next five years. I would like to thank Governor Chris Christie for giving me this opportunity and having the

confidence in me to lead this Office as we move forward. I would also like to thank Senator Christopher Bateman, Senator Bob Smith and Senator Kevin O'Toole for their support and advice as I went through the confirmation process. Last but not least, I would like to thank my family, especially my wife and my two children. My successes and accomplishments are a result of your love and support and I would not be where I am today if it were not for each of you.

Over the next five years I plan on working diligently to make the Somerset County Prosecutor's Office the best it can be and continuing the tradition of providing outstanding service to our community. As part of that process, I promoted Lt. John Fodor to Chief of Detectives. Chief Fodor has a wealth of law enforcement experience; he is smart; he is progressive; he is trustworthy; he is fair and has all the qualities of a great leader. I am confident in Chief Fodor's ability to lead the Detective Bureau; he will be an outstanding representative for this Office. This past year we also added four detectives, who all come with a wealth of experience and knowledge and who are great additions to our already outstanding detective bureau. Kathryn Kutepow joined our office in September 2016; she was previously a detective with the Morris County Prosecutor's Office and is currently assigned to our Sex Crimes Unit. Kenneth Drews, a police officer with Raritan Borough Police Department, joined us in September 2016 and is currently assigned to our Narcotics Unit. Detective Drews is also a member of the Somerset County SWAT team. In November 2016, Sean Fraser joined our office, also a former detective with the Morris County Prosecutor's Office and is currently assigned to our Special Investigations Unit. Lastly, Michael Grosso joined our office in March 2017, he was previously a Bernardsville police officer and is currently assigned to our Narcotics Unit. Detective Grosso is also a member of the Somerset County SWAT team. I welcome Kathryn, Kenneth, Sean and Michael to our detective bureau and anticipate great work from all of them.

This past year, I also hired three talented attorneys who likewise are a great addition to the pool of outstanding Assistant Prosecutors in this Office. Perry Farhat joined the office in September 2016 and was previously the law clerk for the Honorable Deborah Silverman Katz, Assignment Judge of Camden County. Lauren Casale joined the office in October 2016 and was previously at the law firm of Carey and Grossi. Paul Heinzl joined the office in December 2016 and is currently the Chief of the Appellate Division. Paul has more than 20 years of experience as a prosecutor, where he served as

## LAW ENFORCEMENT OF SOMERSET COUNTY

### LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Section
Victim-Witness

### CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
Operations Section
Fugitive Unit
Forensics Laboratory & Crime Scene Investigation Unit
Criminal Intelligence Section (CIS)
Burglary Task Force
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Arson Task Force
Counter-Terrorism Unit

### ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

### POLICE ACADEMY

Bureau Chief of the Appellate Bureau for the Division of Criminal Justice and more recently, as Senior Litigation Counsel in the Appellate Bureau at the Monmouth County Prosecutor's Office. He has appeared before the New Jersey Supreme Court over twenty times as counsel on behalf of the State of New Jersey. Paul has won awards for excellence in litigation, outstanding advocacy and national appellate advocacy. We are looking forward to Perry, Lauren and Paul being an integral part of this Office.

On January 1, 2017, Criminal Justice Reform took effect and I am proud to say that due to the efforts of this Office, along with our law enforcement partners, the Judiciary, Pre-Trial Services, the Public Defender's office and the Defense Bar, Somerset County was well prepared and will continue to work toward implementing and improving all of the new changes to the criminal justice process. I would like to especially thank the Somerset County Chiefs of Police Association for all of their efforts and hard work in preparing for criminal justice reform. The Chiefs of each municipality worked tirelessly to prepare their respective police departments for this monumental change. Somerset County was consistently number one in the State for being compliant with the new bail reform changes and related criminal justice reforms, and we continue to be number one; this is in large part due to all of the Chiefs and all of the police officers in the County who helped make this transition as smooth as possible. Thank you to all the Chiefs and the officers for their efforts.

In anticipation of criminal justice reform and the introduction of the Honorable Robert A. Ballard, Jr., as a fourth criminal judge to Somerset County, I formed trial teams, consisting of three to four Assistant Prosecutors assigned to a specific court. Much like criminal justice reform, this is a new concept being introduced here in Somerset County; however, my experience has shown that this will further streamline the day-to-day functioning of the criminal justice process and better serve our citizens. My focus will always be on how we can best serve the citizens of this County and I am committed to working with not only my Office but with the Judiciary, the Public Defender's Office and the Defense Bar to achieve that goal.

As I have stated previously, one of my top priorities has been and will continue to be combating the drug problem and in particular the opioid/heroin epidemic that exists in every corner of this County. The Somerset County Prosecutor's Office along with Robert Wood Johnson Hospital-Somerset, Safe Communities Coalition of Somerset County, the Somerset County Association of Chiefs of Police and the Somerset County Sheriff's Office have teamed up and formed the START program (Steps to Action Recovery Treatment) an initiative that was started by my counterparts in Hunterdon County and is proving to be a useful resource in fighting this battle. These agencies are providing packets which list resources available for those dealing with addiction, such as who to call, where to go and how to get help. The materials are in both English and Spanish and contains information about prescription pill safety and disposal. All of this information can be found on the Safe Coalition of Somerset County website at <http://www.safecoalition.org/> under the tab "Somerset County START."

The START packets are being provided by police, first-responders, hospital emergency rooms, and at the jail by the Somerset County Sheriff for those with addiction related issues. Those responsible for providing the START packets have been trained on what is in the packet and how to relay this information to someone who is suffering from addiction. The key here is that this packet is a "start" in the right direction, a way to help those in need, and to provide them resources regarding how to get help. It is anticipated that the next phase of the START initiative will be the introduction of recovery coaches at Robert Wood Johnson Hospital – Somerset to further help those suffering from addiction.

Recently RWJBarnabas Health Institute for Prevention ("IFP") was awarded the Opioid Overdose Recovery Program ("OORP") Grant by the New Jersey Division of Mental Health and Addiction Services for Somerset County. The goal of OORP is to link individuals reversed from an opioid overdose and admitted to Robert Wood Johnson University Hospital, Somerset Emergency Department to recovery support services and substance use disorder treatment. The program utilizes recovery specialists and a patient navigator to engage with individuals at bedside. The recovery specialists are uniquely qualified to provide non-clinical assistance and recovery support to individuals reversed from an opioid overdose as they have at least four years of sobriety and have experience in the principals of recovery. Individuals that express interest in entering into recovery are connected with the patient navigator. The patient navigator links the individual to treatment and other support services while ensuring smooth transitions between levels of care. IFP launched OORP in RWJBarnabas Health Emergency Departments throughout other counties in New Jersey and now will be available here in Somerset.

Again, in order to combat this problem it is going to take multiple people from multiple backgrounds but I am confident that by working together and forming the type of partnerships we have through the START initiative, and with the staff at RWJ Hospital, and Somerset County

**PROSECUTOR'S MESSAGE**

**LAW ENFORCEMENT OF SOMERSET COUNTY**

**LEGAL DIVISION**

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Section
Victim-Witness

**CRIMINAL INVESTIGATION DIVISION**

<b>Criminal Investigation Section</b>
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
<b>Operations Section</b>
Fugitive Unit
Forensics Laboratory & Crime Scene Investigation Unit
Criminal Intelligence Section (CIS)
Burglary Task Force
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
Arson Task Force
Counter-Terrorism Unit

**ADMINISTRATIVE DIVISION**

<b>Administrative Division Summary</b>
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

**POLICE ACADEMY**

Department of Human Services and others we will be successful in helping those suffering from addiction and saving lives.

Other initiatives, which are in progress and will be introduced in the near future are programs directed at protecting our children, including how to address and prevent cyber bullying and cybercrime and the ever growing trend of dating abuse amongst teenagers, in which 1 in 3 is a victim of dating abuse. Our children are arguably our most precious commodity and we in the law enforcement community must do what we can to protect them. I am working with the school districts and those who are experts in these topics on how to best handle and address these issues.

I also plan on rolling out an initiative focusing on preventing elderly fraud. Seniors aged 60 and older comprise approximately 30 percent of fraud victims and with the ever increasing volume of fraud and scams, especially those targeting seniors, we must do what we can to inform our seniors and give them the tools to recognize these dangers and prevent them from becoming victims.

In accomplishing all of these initiatives I can tell you that I have a tremendous amount of support and help from not only the law enforcement community and my office but also from the Somerset County Department of Human Services Division, the staff at Safe Communities and Empower Somerset, the staff at Safe and Sound of Somerset County, the Somerset County YMCA, and grass root initiatives like Community In Crisis as well as other individuals and groups who are all willing to help and provide assistance in any way they can. I can tell you it, it is greatly appreciated and I thank all of them for their efforts.

I look forward to the next five years as Prosecutor of Somerset County and welcome this amazing opportunity to continue the great reputation of this Office. I likewise look forward to working with members of the community on how to best address the concerns and issues that we face in this County to make it the best and safest County in the State of New Jersey.

In the pages that follow, there are highlights of notable investigations and prosecutions of various cases which were originated or culminated in the past year. It is a testament to the relationship between this Office and our local police agencies as well as our state and federal partners. It also highlights the hard work and efforts of the various personnel that comprise the Legal, Criminal and Administrative Divisions of the Somerset County Prosecutor's Office. Many thanks and appreciation are also to be extended to Attorney General Christopher S. Porrino; Director of the Division of Criminal Justice, Elie Honig; Somerset County Freeholder Mark Caliguire, who served as liaison to this Office, and the Board of Chosen Freeholders; Honorable Yolanda Ciccone, Superior Court Assignment Judge of Vicinage 13, and the Judiciary of Somerset County; Michael J. Amorosa, Somerset County Administrator; Chief William Parenti, President of the Somerset County Association of Chiefs of Police, and all of the Chiefs from our municipal police departments; Somerset County Sheriff Frank J. Provenzano; Colonel Rich Fuentes, Superintendent of the New Jersey State Police; and those federal law enforcement agencies with which we have undertaken investigations.



Respectfully submitted,  
*Michael H. Robertson*  
 Somerset County Prosecutor





Prosecutor Michael H. Robertson, Chief of Detectives John W. Fodor, along with First Assistant Prosecutor Thomas J. Chirichella, Jr., Chief Assistant Prosecutors, Litigation Advisor, Paralegal Supervisor, Victim-Witness Coordinator, Members of the Investigation Division Command Staff, and the Office Administrator and Office Manager.



**Law Enforcement of Somerset County**

Michael H. Robertson - Prosecutor  
 Thomas J. Chirichella, Jr. - First Assistant Prosecutor  
 John W. Fodor - Chief of County Detectives

Chief Karl Rock	-	Bedminster Township
Chief Brian Bobowicz	-	Bernards Township
Chief Kevin Valentine	-	Bernardsville Borough
Chief Vito Bet	-	Bound Brook Borough
Chief David Young	-	Branchburg Township
Chief Al Nicaretta	-	Bridgewater Township
Chief Michael DeCarolis	-	Far Hills Borough
Chief Lawrence Roberts	-	Franklin Township
Chief Chirstopher Kurz	-	Green Brook Township
Chief Darren Powell	-	Hillsborough Township
Chief Mark Peltack	-	Manville Borough
Capt. Thomas L. Wain	-	Montgomery Township
Chief William Parenti	-	North Plainfield Borough
Chief Gregory Skinner	-	Peapack-Gladstone Borough
Chief Ray Nolte	-	Raritan Borough
Chief Dennis Manning	-	Somerville Borough
Chief Jeffrey Titus	-	South Bound Brook Borough
Chief William Keane	-	Warren Township
Chief Joseph R. Cina	-	Watchung Borough

Frank J. Provenzano - Sheriff  
 Supervisory Senior Agent James J. Tareco - Federal Bureau of Investigation  
 Lt. Hector Ayala - New Jersey State Police - Somerville Station Commander  
 Lt. Richard Knochel - New Jersey State Police - Hamilton Station Commander

**Municipal Prosecutors**

Miles S. Winder, III	Bedminster Township, Bernardsville Borough & Peapack Gladstone Borough
Brian Glicos	Bernards Township
John E. Bruder	Bound Brook Borough
Christopher S. Bateman	Branchburg Township & Bridgewater Township
Richard Guss	Far Hills Borough, Greenbrook Township, & Watchung Borough
Ericka Inocencio	Franklin Township
Frank A. Blandino	Hillsborough Township, Montgomery Township, Manville Borough & Raritan Borough
Charly Gayden	Millstone Borough
David L. Minchello	North Plainfield Borough
Raymond J. Stine	Rocky Hill Borough
Aravind Aithal	Somerville Borough
Dominic P. DiYanni	South Bound Brook Borough
Brent A. Bramnick	Warren Township

PROSECUTOR'S MESSAGE

**LAW ENFORCEMENT OF SOMERSET COUNTY**

<b>LEGAL DIVISION</b>
Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Section
Victim-Witness

<b>CRIMINAL INVESTIGATION DIVISION</b>
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Sex Crimes & Child Abuse Unit
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Arson Task Force
Counter-Terrorism Unit

<b>ADMINISTRATIVE DIVISION</b>
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**POLICE ACADEMY**

## ROLL CALL

In 2016, Assistant Prosecutor James L. McConnell, Chief of the Appellate Section, retired after 28 years of service. Chief Timothy Fitzgerald also retired after holding that position for 3 years with a total of 27 years of service. Other members of the Detective Staff who retired in 2016 included Deputy Chief Steven Ughetta (25 years of service), Captain Lee Niles (29 years of service) and Lieutenant Robert Bryant (29 years of service). Paralegal Supervisor Sharon Janssen retired after 26 years of service; in addition to serving as the Paralegal Supervisor, Sharon Janssen served in this Office initially in the capacity of secretary, transferring to the Paralegal unit as a Paralegal and then as Paralegal Supervisor.

Joining the Office in 2016 were: Chief Assistant Prosecutor Paul Heinzl, Head of the Appellate Section; Assistant Prosecutor Lauren Casale; Assistant Prosecutor Perry Farhat; Detective Kathryn Kutepow; Detective Kenneth J. Drews; Detective Sean Fraser; Criminal Analyst Trevor Oldenburg; John Anderson, Computer and Information Systems Manager; Lauren Lemma, Paralegal; Victoria Sferra, Victim Advocate; Nicole O'Donnell, Legal Secretary and Lawrence Doyle, Evidence Custodian.

## Somerset County Prosecutors

William Thompson 1830 – 1840 1852 – 1857	J.D. Bartine 1883 – 1884	Frederick A. Pope 1911 – 1916	John H. Beekman 1941 – 1946	Stephen R. Champi 1972 – 1977
John M. Mann 1840 – 1852	W.V. Steel 1884 – 1896	Azariah Beekman 1916 – 1926	T. Girard Wharton 1946 – 1953	David Linett 1977 – 1982
Hugh H. Gaston 1857 – 1872	Nelson Y. Dungan 1896 – 1901	James I. Bowers 1926 – 1927	Leon Gerofsky 1953 – 1959	Nicholas L. Bissell, Jr. 1982 – 1996
John V. Voorhees 1872 – 1877	James L. Griggs 1901 – 1906	Frances L. Bergen 1927 – 1931	Arthur S. Meredith 1959 – 1965	Wayne J. Forrest 1997 - 2010
James Bergen 1877 – 1883	John F. Reger 1906 – 1911	Clarkson A. Cranmer 1931 – 1941	Michael R. Imbriani 1965 – 1972	Geoffrey D. Soriano 2010 – 2016
				Michael H. Robertson 2016 – 2017

# LEGAL DIVISION

## I. Purpose:

The Legal Division is responsible for the prosecution of indictable matters from the 21 municipalities of Somerset County and for providing legal advice during investigations through disposition of the matter. It also handles de novo appeals from 20 municipal courts.

Twenty-two (22) Assistant Prosecutors are available to provide legal advice for the County Prosecutor's Office Detective Division and local police departments 24 hours a day. This includes screening cases for legal sufficiency and suggesting further investigation where warranted. Legal services provided include obtaining court orders for evidence. Typical orders are investigative detention orders, search warrants and communication data warrants. Other typical orders are for wiretaps or other electronic surveillance. Assistant Prosecutors obtain many grand jury subpoenas each year to aid in investigations.

Assistant Prosecutors instruct in-service classes at the Police Academy in criminal law and procedures. Assistant Prosecutors also serve on various committees and commissions in the county to address law enforcement issues. Classes and lectures on criminal law are given to various schools, civic groups and religious organizations.

In 2016, Somerset County continued to process cases through centralized screening. This is a review of every criminal investigation by an Assistant Prosecutor before a complaint charging an indictable offense is filed. The result is an exemplary pre-indictment backlog. A close screening of cases has resulted in greater court efficiency.

## II. The number of personnel assigned to the section or unit:

**A. Legal Staff: 22 Assistant Prosecutors**

**B. Support Staff: 6 Paralegals  
8 Secretaries  
Investigative support as required**

## III. Duties and responsibilities of section or unit personnel:

This division is responsible for prosecuting criminal matters in the Superior Court through indictments or accusations. A vertical prosecution system is used. After a case is screened by an attorney, it is assigned to one attorney whose responsibility it is to handle the case through disposition. This includes grand jury presentation, arraignment/status conference, pretrial conference, motions, and trial. Post-conviction and appellate matters are generally handled by the Appellate Section.

### PROSECUTOR'S MESSAGE

### LAW ENFORCEMENT OF SOMERSET COUNTY

#### LEGAL DIVISION

##### Trial Section

Appellate Section

Intake Screening

Domestic Violence

Juvenile Section

Victim-Witness

### CRIMINAL INVESTIGATION DIVISION

#### Criminal Investigation Section

Major Crimes Unit

Sex Crimes & Child Abuse Unit

Special Investigations Unit

Insurance Fraud Unit

Internal Affairs Unit

Organized Crime & Narcotics Task Force

Polygraph & Computerized

Voice Stress Analysis (CVSA) Unit

Somerset County Emergency Response Teams

#### Operations Section

Fugitive Unit

Forensics Laboratory &

Crime Scene Investigation Unit

Criminal Intelligence Section (CIS)

Burglary Task Force

Crime Stoppers

Computer Crimes / Technical Services Unit

Vehicular Homicide Task Force & Collision

Analysis Reconstruction Team (C.A.R.T.)

Arson Task Force

Counter-Terrorism Unit

### ADMINISTRATIVE DIVISION

#### Administrative Division Summary

D.A.R.E., G.R.E.A.T.

(Gang Resistance Education Training)

Bring Your Child to Work Day

& Community Events

### POLICE ACADEMY

- IV. The Assistant Prosecutor has two primary functions: to provide legal advice, counsel and support to law enforcement during the course of investigations and to prosecute criminal complaints filed through the Prosecutor's Office. The former function involves giving legal guidance during an investigation and providing support in the form of obtaining court orders, wiretaps, search warrants and the like. In addition, legal training for in-service officers is provided. The latter function includes screening complaints, grand jury presentations, and prosecuting indictments through guilty plea or trial
- V. The Paralegal Unit consists of six paralegals, all of whom hold college degrees. The paralegals work with assistant prosecutors to prepare cases for grand jury and trial. Their duties include: follow-up investigation, criminal history and DMV checks, victim/witness contact, name changes and expungements, preparing speedy trial reports and tracking statistics, coordinating trials with the court, and assisting during trial.

In 2016 Somerset County was the only County in New Jersey which employed the case screening system as authorized by the State Supreme Court. That is, an on-call system is in place where any municipal, county or state police officer in Somerset County can contact an Assistant Prosecutor 24 hours a day, 365 days a year, for authorization to file indictable charges against a defendant, to have bail set by a Superior Court Judge, to obtain a search warrant, to obtain authorization by a Prosecutor to conduct consensual recordings, or any other legal assistance. Throughout 2016 the Prosecutor's Office has continued to maintain an excellent pre-indictment case list.

#### **Chief Assistant Prosecutor Robert J. Hawkes**

#### **Assistant Prosecutor Nathan C. Howe**

##### **State v. Felix Graves-Dardon – Indictment No. 12-09-00677-I**

On March 16, 2016, a Somerset County Jury found Felix Graves-Dardon, age 35, of Prospect Place, North Plainfield, New Jersey guilty of the first degree Murder of a 30 year old woman from Brooklyn, and of third degree Possession of a Weapon for an Unlawful Purpose, after a 13- day trial before the Honorable Robert B. Reed, P.J.Cr.

On May 27, 2016, Judge Reed sentenced defendant Graves-Dardon to a life term in New Jersey State Prison. Pursuant to the No Early Release Act, he must serve 63 years and 9 months before he is eligible for parole.

On August 12, 2012, at approximately 12:27 a.m., the North Plainfield Police Department received a 9-1-1 call reporting a suspicious incident within a first floor apartment on Prospect Place, North Plainfield, New Jersey. Responding officers met with the tenant of the apartment who reported that she had observed Graves-Dardon, who sublets a bedroom, standing naked in the kitchen where he was cleaning up a blood covered floor. Upon seeing the tenant, the defendant fled into the basement area of the residence as the tenant notified police. The officers subsequently located defendant Graves-Dardon in the basement wrapped in blood-soaked bedding. There was also blood in various locations in the apartment, including the kitchen, the basement and Graves-Dardon's bedroom.

Officers conducted a canvass around the exterior of the residence where they located the dead body of an Hispanic female in an alley on the east side of the residence. The victim, Yadira Blaimayer-Ortiz, suffered severe and visible trauma to her body. Detectives from the North Plainfield Police Department in conjunction with detectives from the Somerset County Prosecutor's Office Major Crimes Squad and the Crime Scene Investigations (C.S.I.) and Forensics Units responded to conduct the investigation. The New Jersey Regional Medical Examiner's Office and the New Jersey State Police Office of Forensic Sciences also assisted in the investigation and prosecution of the case. The post-mortem examination by the Medical Examiner revealed that the victim had been strangled and also had been stabbed repeatedly to her neck, including severing of the jugular vein, and other areas of her body.

**Chief Assistant Prosecutor Kathleen P. Holly****State v. Luc Cohen****State v. Tyhiem L. Hall****Indictment No. 15-09-00472-I****Indictment No. 15-09-00473-I**

On June 28, 2015 the Bernards Township Police responded to the Highland Village Center at 546 Allen Road in Basking Ridge, N.J. on the report of an armed robbery with a handgun. The victim of the armed robbery, a John Doe with a date of birth 01/08/1969, was a taxi cab driver for the Green Taxi Company. He reported that he was robbed at gunpoint by an individual; the location where it occurred was at the Highland Village Center. Stolen from the victim was his wallet, containing his identification, personal documents, approximately \$87.00 in cash and a cell phone. Defendant also stole the cab fare fee. The victim described the armed robber as a black male, wearing all black, carrying a black handgun, who was accompanied by a male dressed as a woman.

Bernards Township Police Officers believed the description to fit that of Luc G. Cohen and Tyhiem L. Hall. The police were aware that Luc Cohen and Tyhiem Hall lived together at 218 Patriot Hill Drive in Basking Ridge, N.J., which is within walking distance of the Highland Village Center. Luc Cohen was known to frequent that location. The police responded to the Cohen residence. Both Luc Cohen and Tyhiem Hall made admissions to Sergeant Geleta and Officer England regarding the robbery of the taxi cab driver. Luc Cohen admitted to using a black pellet gun to commit the robbery. A search of the residence revealed the proceeds of the robbery in Luc Cohen's bedroom to include the victim's wallet, driver's license, other personal documents, \$87.00 in cash and the cell phone. The black handgun was recovered in Luc Cohen's bedroom. That gun was determined to be operable and is described as follows: a gas operated semi-automatic pistol, CO2, serial number 14J23029. The Operability Report was prepared by examiner Detective Mark Matthews of the Somerset County Prosecutor's Office. The State also received an Affidavit from Detective Sergeant Brett C. Bloom, Firearms Investigation Unit of the New Jersey State Police, which indicated that they caused their records to be searched and the search failed to reveal that Luc Cohen made application for or was issued a permit to carry a handgun, permit to purchase a handgun, firearms identification card or a permit for an assault weapon. More detailed information received from the victim revealed that he picked up a fare in Newark, N.J., who was determined to be Tyhiem Hall. The cab driver described that person as a black male dressed as a woman. Upon arrival at the Highland Village Center, the cab parked in front of a pharmacy. The cab driver indicated that a skinny black male, about 5 foot 10 inches wearing all black came up to the passenger side of the taxi and inquired about the amount of the fare. The cab driver informed him of the price. The black male indicated that was too much and walked over to the driver's side of the window, reached his right hand into a right pants pocket and pulled out a black handgun. The victim reported that the black male pointed the gun at him and said "don't act stupid, I was in the army and I know how to shoot". The defendant then demanded the cab driver's wallet, cell phone and keys. The victim asked the robber not to shoot and he turned over the items. The victim stated the man ordered him out of the taxi and threw the keys. The cab driver reported that the male who robbed him with the gun and the other person dressed as a female ran towards the pharmacy. The victim was able to identify the recovered handgun found in Luc Cohen's bedroom as the gun used during the robbery and identified his cell phone, his wallet, license and personal documents, and verified money was taken.

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Luc Cohen provided a post-Miranda statement to the police confessing that he did not have money to pay for the fare and decided to rob the driver. While the original plan was to “hop” the taxi he changed that plan and instead told Tyhiem Hall that he was going to rob the taxi driver instead. He admitted that he asked the driver for his wallet, cell phone and keys and had used the pellet gun during the robbery and that the gun belonged to him.

Luc Cohen was subsequently charged with Armed Robbery, first degree in violation of N.J.S.A. 2C:15-1, Possession of a Weapon for an Unlawful Purpose, second degree in violation of N.J.S.A. 2C:39-4a and Unlawful Possession of a Weapon, third degree in violation of N.J.S.A. 2C:39-5b.

Tyhiem L. Hall was also charged with Armed Robbery, first degree in violation of N.J.S.A. 2C:15-1. Luc Cohen pled guilty to the entire indictment as charged. In exchange for his plea of guilty on the first degree Armed Robbery charge the State agreed to permit defendant to be sentenced as if for a crime of the second degree with the No Early Release Act to apply. In reference to the second count, the recommendation was 7 years New Jersey State Prison with 42 months to be served without parole concurrent to count one and regarding the third count 5 years New Jersey State Prison flat sentence concurrent to counts one and two. The offer was contingent on both defendants pleading guilty. Tyhiem L. Hall pled guilty to the amended charge of Theft from Person, third degree in violation of N.J.S.A. 2C:20-3a and 2C:20-2b(2)(d).

Luc Cohen was sentenced by the Honorable Bradford Bury, J.S.C. on September 9, 2016 as follows: on the charge of Armed Robbery he was sentenced as if for a crime of the second degree to 7 years in New Jersey State Prison with eighty-five (85%) to be served without parole pursuant to the No Early Release Act. On count two he was sentenced to 7 years in New Jersey State Prison with 42 months to be served without parole concurrent to count one and on the third count he was sentenced to 5 years in New Jersey State Prison, count three to run concurrently to counts one and two.

Tyhiem L. Hall was sentenced by the Honorable Bruce Jones, J.S.C. on August 2, 2016 to the amended count of Theft from a Person in the third degree as follows: time served of 402 days, probation 2 years on the condition that defendant obtain drug / alcohol, and physiological evaluation and treatment and counseling.

### **State v. Andre Quinn**

### **State v. Bradley St. Clair**

#### **Indictment No. 16-04-00259-I**

#### **Indictment No. 16-04-00260-I**

On February 1, 2016 the victim reported that she had been shopping at the Office Depot on 280 Easton Avenue in Franklin Township, New Jersey. Upon her arrival at the store she noticed a dark vehicle parked in the lot with two individuals standing outside of it. After she made her purchases she exited the store and began to walk back to her vehicle. The victim noticed that the two individuals from the vehicle were now standing in front of her vehicle. As she approached her vehicle, they approached her; she was sprayed in the face with a liquid substance that irritated her eyes and face. As she was being sprayed she heard one of the men say “get her purse.” Her purse contained her house and car keys, credit cards and identification, all of which was taken by the two men. As they drove out of the parking lot she observed their license plate, which was a New Jersey registration and was able to note it. She texted her friend; she provided the police with the license plate number along with the description of the two men, who she described as two black males, one wearing a leather jacket. A short time later patrol units located the suspect vehicle with the two occupants and conducted a motor vehicle stop. The officers, as they approached the vehicle, saw items scattered in the vehicle and observed the driver was wearing a black leather jacket. Both suspects, who were determined to be Andre Quinn and Bradley St. Clair, were transported to Franklin Township Police Department. In a post-Miranda statement, Andre Quinn stated that he and Bradley St. Clair came up with the idea to rob someone because they needed money. The two traveled to Office Depot, saw the victim and decided that she would be the target. Andre Quinn admitted that he sprayed the victim with mace and that Bradley St. Clair took her pocketbook. Andre Quinn indicated as they left the area and traveled Northbound on Easton Avenue to Franklin Boulevard, they noticed that the police were following them and pulled into an unknown driveway. Additionally, a small amount of marijuana was located on Andre Quinn’s person. Subsequently,

Bradley St. Clair was charged with second degree Robbery in violation of N.J.S.A. 2C:15-1a(1) and second degree Conspiracy to Commit Robbery in violation of N.J.S.A. 2C:5-2a(2) in Indictment No. 16-04-00260-I. Andre Quinn was also charged with second degree Robbery in violation of N.J.S.A. 2C:15-1a(1) and second degree Conspiracy in violation of N.J.S.A. 2C:5-2a(2) in Indictment #16-04-00259-I. Thereafter Andre Quinn pled guilty to second degree Robbery. In exchange for his plea of guilty the State agreed to dismiss the second degree Conspiracy and the disorderly persons marijuana charge. The plea agreement included that defendant enter and complete the Drug Court Program. The alternative sentence if defendant did not complete the program was 5 years New Jersey State Prison with eighty-five percent (85%) to be served without parole. This sentence was to run concurrently to an unrelated pending indictment for Andre Quinn. Bradley St. Clair also pled guilty to the charges of second degree Robbery. In exchange for his plea of guilty, the State agreed to dismiss second degree Conspiracy and disorderly persons marijuana. His plea agreement required 5 years of Drug Court probation. The alternative sentence was 5 years New Jersey State Prison with eighty-five percent (85%) to be served without parole. Both defendants were sentenced on August 19, 2016 to the Somerset County Drug Court Program in accordance with the plea agreements by the Honorable Kathy C. Qasim, J.S.C.

### **Chief Assistant Prosecutor Merrill Mezzacappa**

#### **State v. Timma Kalidindi – Indictment No. 14-01-00065-I**

On April 14, 2016, a jury convicted Bridgewater resident, Timma Kalidindi, of first degree Murder and third degree Possession of a Weapon for an Unlawful Purpose. The charges were contained in Indictment number 14-01-00065-I, which encompassed the day of November 14, 2013, where the defendant murdered his wife by strangulation with a rope. Defendant was 48 years old at the time of the crime. The Honorable Angela Borkowski, J.S.C. presided over the trial. The State was represented at trial by Chief Assistant Prosecutor Merrill Mezzacappa.

During the time period of November 2013, the defendant's wife was in the process of divorcing the defendant. Defendant was restrained by a civil order from entering the marital home located in Bridgewater, N.J. and from having contact with his wife and their 16 year old daughter. Defendant had relocated to the State of Oregon, however he returned to New Jersey in November 2013 to sign divorce documents and to collect his belongings from the marital home, at an arranged time.

Instead of abiding by the restraining order, the defendant deliberately and secretly went to the marital home on November 14, 2013 with the intent of confronting and murdering his wife. He traveled to the residence in a rental car, which he parked approximately ½ mile away from the home so that nobody would be alerted to his presence. Defendant entered the house before his wife came home from work and before his daughter came home from an afterschool activity. Defendant brought to the house a rope, knotted on both ends. He also kept another identical rope inside his rental car, along with two wooden stakes that were each three feet long.

After defendant entered the Bridgewater home on November 14, 2013, the next person to arrive there was the defendant's 16 year old daughter. Defendant met the daughter at the garage door entrance to the house, angrily yelling at her and declaring that only one parent would survive that night. Defendant ushered his daughter upstairs, where he told her to remain even if she heard

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screaming or fighting coming from downstairs. The victim, defendant's wife, indeed came home at about 7:45 p.m. on November 14, 2013. Defendant rushed to confront his wife at the garage entrance into the house. The victim began screaming at the sight of defendant. The teenage daughter called 9-1-1. The daughter also remained upstairs in a bedroom, as defendant had directed her to do. She did not witness the murder of her mother although she did hear her mother screaming.

Police arrived at the Bridgewater residence shortly before 8:00 p.m. By that time, the defendant had strangled his wife with the rope that was knotted at each end. He had dragged her into the garage and placed her on the garage floor, near the rear passenger door of her motor vehicle. The backseat passenger door to that motor vehicle was open. It was so observed and photographed by police upon their arrival. Defendant was found by the police, sitting in the dark garage.

The victim was legally dead at the murder scene even though resuscitating lifesaving measures were employed by members of the Bridgewater Police Department and paramedics. The victim regained a pulse by the time she arrived at Robert Wood Johnson Medical Center in Somerville. Notwithstanding her pulse, the victim was unresponsive to all stimuli. She was pronounced dead at the hospital in the early morning hours of November 16, 2013. A physician from the State Medical Examiner's Office declared the victim's cause and manner of death to be homicide by asphyxiation due to near strangulation.

Defendant admitted to law enforcement officers from the Bridgewater Township Police Department and the Somerset County Prosecutor's Office in a recorded statement that he strangled his wife with his hands. He stated he went to the residence to convince his wife to drop the divorce and to allow him back into the marriage. He said that when his wife began screaming, he placed his hands around her neck and squeezed to keep her quiet. Defendant did not admit to the police to bringing a rope to the residence. At trial, defendant interposed a diminished capacity defense. An expert in the field of psychiatry testified for the defendant, explaining that defendant did not act knowingly or purposely at the time of the crime because defendant was suffering from a mental disease called Psychosis, Not Otherwise Specified. The defendant's attorney argued at trial that defendant should be convicted of manslaughter - not murder - due to defendant's diminished mental state. A psychiatric expert for the State testified that defendant had a personality disorder which did not rise to the level of legal diminished capacity and did not impact defendant's ability to act knowingly or purposely at the time of the crime. Defendant did not testify at trial. The jury deliberated for less than one day before reaching its verdict.

Defendant was sentenced by the Honorable Angela Borkowski on June 16, 2016 to 55 years in New Jersey State Prison with 85 % of that prison term to be served without parole, namely 46 years 9 months and 3 days without parole.

### **Chief Assistant Prosecutor W. Brian Stack**

#### **State v. Brian Niziolek – Indictment No. 15-02-00110-I**

#### **Indictment No. 15-02-00111-I**

On June 1, 2016, a Somerset County Jury convicted Bloods gang member Brian Niziolek, age 29, of Basking Ridge, N.J., of second degree Unlawful Possession of a Handgun following a 5 day trial in Somerville. On August 9, 2016, The Honorable Angela Borkowski, J.S.C., granted the State's persistent offender extended term application and sentenced Niziolek to 15 years New Jersey State Prison, with 7½ years to be served without parole.

The defendant's conviction stemmed from an incident that occurred at 3:30 a.m. on March 8, 2014, when Hillsborough Police Officers Andrew Chudy and John Carney responded to a single car motor vehicle accident with injuries in the area of New Center Road and Orchard Drive in Hillsborough. Upon their arrival, they observed a vehicle with heavy front end damage, and found the three occupants of the vehicle (including Niziolek) seated outside the vehicle. EMS personnel from the Hillsborough Rescue Squad responded and treated the occupants. While investigating the accident, Officer Chudy observed a handgun on the ground near the passenger door of the damaged vehicle (ultimately determined to be a .25 caliber semi-automatic handgun). Immediately upon finding the handgun, Officer Chudy placed Niziolek in handcuffs, and Officer Carney secured the handgun. Niziolek was later transported by ambulance to Robert Wood Johnson Hospital in New Brunswick for treatment, but attempted to remove himself from the stretcher twice during the trip.

The gun was processed for fingerprints and DNA evidence by members of the Hillsborough Township Police Department, the Somerset County Prosecutor's Office, and DNA Laboratory of the New Jersey State Police Office of Forensic Sciences. Forensic Scientist Christopher Szymkowiak analyzed the evidence and determined that Niziolek's DNA was present at four locations on the handgun.

Following his conviction by the jury on the Unlawful Possession of a Handgun charge, Niziolek waived his right to be tried by a jury and agreed to a bench trial on a related indictment charging second degree Certain Persons Not to Possess Firearms. At the second trial, the State introduced into evidence Niziolek's prior convictions for Sexual Assault, Aggravated Assault, Possession of a Weapon for an Unlawful Purpose, Unlawful Possession of a Weapon, Aggravated Assault on a Law Enforcement Officer, Burglary, Possession with Intent to Distribute a Controlled Dangerous Substance, Possession with Intent to Distribute a Controlled Dangerous Substance within 1000 feet of a school, Possession with Intent to Distribute a Controlled Dangerous Substance within 500 feet of a public park and Possession of a Controlled Dangerous Substance. Defendant was found guilty of the second degree Certain Persons Not to Possess Firearms charge by the Honorable Angela Borkowski, J.S.C., following the bench trial.

### **Assistant Prosecutor John Ascione**

#### **State in the Interest of R.M.**

R.M., a juvenile high school student, was charged with fourth degree Criminal Mischief as a result of an incident in which she used a paper clip to gouge the paint of another student's car in the student parking lot, causing approximately \$1,500.00 in damage. The juvenile was interviewed by the vice principal of the school. R.M. denied causing the damage. However, video footage from the school showed R.M. leaving the building and going toward the student lot. Text messages between R.M. and the victim, and R.M. and a mutual friend demonstrated that R.M. was angry with the victim. R.M. also specifically stated she intended to leave a note on the victim's car that day. A trial was held before the Honorable Anthony F. Picheca, Jr., J.S.C. The victim testified, along with the vice principal, the officer who took the report, and employees of two auto body repair shops who established that repairs could cost nearly \$1,500.00. After trial, Judge Picheca found R.M. guilty and adjudicated the juvenile as charged. R.M. was sentenced to 1 year of probation, anger management counseling, 60 hours of community service, and ordered to pay restitution to the victim.

#### **In re Weapons Forfeiture of H.R., FO-18-106-17**

In July 2016, H.R., his wife, his parents, and his two younger siblings were on a family vacation in Canada. An argument occurred during which H.R. struck his father, mother, and younger brother. When H.R.'s father told H.R. to leave, H.R. threatened that he would return to New Jersey, destroy his parents' home, and shoot the rest of the family when they returned. H.R.'s younger brother and sister received a Temporary Restraining Order, however a Final Restraining Order was denied. As a result, police seized H.R.'s handgun and firearms identification card. The State moved for forfeiture of the firearm and H.R.'s firearms identification card on the grounds that it was not in the interest of the public health, safety or welfare per N.J.S.A. 2C:58-3c(5). A forfeiture hearing was held before the Honorable Anthony F. Picheca, Jr., J.S.C. There, H.R.'s younger siblings testified that H.R. had several violent outbursts over the years, including incidents where H.R. threatened to break his sister's

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legs, punched his brother, grabbed his mother, punched a hole into the wall, and retrieved a large kitchen knife and threatened to attack his brother. H.R.'s siblings testified that H.R. was capable of further violence and they feared for their safety. The Court agreed that these incidents constituted proof by preponderance of the evidence that H.R.'s continued possession of a firearm was not in the interest of the public health, safety or welfare. The Court ordered that H.R. forfeit his handgun and his firearms identification card.

### **Assistant Prosecutor Jamin Cooper**

#### **State v. Dario Camino – Indictment No. 13-09-00517-I**

After a 7-day trial in February ended in a hung jury, defendant ultimately pled guilty on August 1, 2016 to second degree Possession with Intent to Distribute a Controlled Dangerous Substance. The relevant facts of this case showed that on June 27, 2013 members of the Somerset County Prosecutor's Office Organized Crime and Narcotics Task Force, working on information obtained from a confidential source, stopped defendant's motor vehicle in North Plainfield. After obtaining consent to search from defendant (the driver and sole occupant of the vehicle), detectives seized over 1400 wax folds of heroin from a bag located on the passenger side floor of the vehicle. Defendant was sentenced on September 30, 2016 to a mandatory extended term of 10 years in the New Jersey State Prison with 40 months of parole ineligibility.

#### **State v. Jose Lozada-Rojas – Indictment No. 15-08-00410-I**

After a 7 day trial before the Honorable Angela F. Borkowski, J.S.C., defendant was convicted of second degree Distribution of a Controlled Dangerous Substance. The relevant facts showed that on July 16, 2015 defendant sold over ½ ounce (approximately 66 grams) of cocaine to a detective from the Somerset County Prosecutor's Office Organized Crime and Narcotics Task Force who was working in an undercover capacity. On November 17, 2016, defendant was sentenced to 7 years in the New Jersey State Prison.

### **Assistant Prosecutor Rory Eaton**

#### **State in the Interest of S.H., Jr.**

At some point in the late morning or early afternoon of December 23, 2015, 13-year-old Juvenile S.H., Jr. sexually assaulted 5-year-old victim J.D. while the boys were alone in the Juvenile's bedroom at his Franklin Township residence. Specifically, the Juvenile repeatedly digitally penetrated J.D.'s anus. Around midnight on the night of December 23-24, 2015, after returning to his residence, J.D. asked his father if he could sleep with him. J.D.'s father thought this was odd, but obliged. While J.D. was playing in his father's bed, J.D. asked if anyone was supposed to touch his private area. J.D. then disclosed to his father that the Juvenile "put his finger in [J.D.'s] bottom." Shortly thereafter J.D. elaborated on the incident to his mother. On December 28, 2015, J.D. described the incident to Detective Iris Reyes of the Somerset County Prosecutor's Office during a video-recorded forensic interview. The Juvenile was subsequently charged with first degree Aggravated Sexual Assault, N.J.S.A. 2C:14-2(a)(1).

Pretrial the State moved to admit the victim's statements made to his parents and Detective Reyes, pursuant to N.J.R.E. 803(c)(27). During a subsequent testimonial hearing, J.D.'s parents and Detective Reyes testified to the circumstances of J.D.'s statements. Following testimony, the State argued that J.D.'s statement to his father was extremely spontaneous given the circumstances. The State noted that J.D.'s ensuing description of the incident to his mother followed shortly after the initial disclosure to his father. His report of the incident to Detective Reyes occurred five days later in an interview that lacked any overly suggestive questioning. The State contended that all of the foregoing statements were trustworthy as there lacked evidence of a motive to fabricate; the victim's language and affect was appropriate; and all accounts were consistent. The Honorable Anthony F. Picheca, J.S.C. agreed and deemed all three statements admissible. On the day trial was to commence, the Juvenile pled guilty to an amended charge of third degree Endangering the Welfare of a Child, N.J.S.A. 2C:24-4(a).

#### **State in the Interest of S.J.P.**

On June 24, 2015, the Juvenile threw an empty used iced tea bottle at the victim, who was driving his motorcycle on Bound Brook Road in Middlesex. The victim pulled his motorcycle to the curb near the Juvenile's location and a verbal altercation ensued. At some point during the argument, the Juvenile walked 15 feet back from his position near the curb, passed the entryway to his friend's apartment, and entered his friend's brother's car to retrieve a samurai sword. The Juvenile then returned to the curb and brandished it at the victim, who at some point during the argument displayed a small pocket knife. The Juvenile was charged with fourth degree Unlawful Weapon Possession, N.J.S.A. 2C:39-5d.



At trial the Juvenile argued self-defense. The State contended that the Court should credit the victim's testimony that the Juvenile displayed the sword first. The State further argued that the relative timing of the weapon display was irrelevant. Relying on *State v. Kelly*, 118 N.J. 370 (1990), the State argued that self-defense did not apply because the Juvenile's retrieval of the sword constituted precautionary arming during a non-emergency situation—the type of conduct the Legislature sought to interdict under section 5. In essence, the Juvenile escalated a volatile situation rather than retreating to safety and contacting the authorities. The Honorable Anthony F. Picheca, J.S.C. agreed with the State, adjudicated the Juvenile delinquent for the charged offense, and imposed fines.

### **Assistant Prosecutor Perry Farhat**

#### **State v. Johanna Ramos Grande – Post- Conviction Relief Petition.**

Defendant went to the Motor Vehicle Commission in Somerville and attempted to apply for a registration card by using a false Social Security card. On the same day, she presented a false resident alien card to a Somerset County Sheriff's Officer and had used the fraudulent documents to gain employment in New York City. Defendant was thereafter indicted for fourth degree Exhibiting a Simulated Document in violation of N.J.S.A. 2C:21-2.1(c), and third degree Exhibiting a Simulated Document in violation of N.J.S.A. 2C:21-2.1. Defendant pled guilty to all counts of the indictment in exchange for the State's recommendation for non-custodial probation and community service.

Defendant filed a Petition for Post-Conviction Relief, twelve years later, alleging that her defense counsel was ineffective because (1) he failed to advise her of the deportation consequences of her guilty plea, and (2) failed to apply for PTI. The State countered that defendant's application was out of time, that her guilty plea colloquy demonstrated that the defendant understood the immigration consequences of her guilty plea - acknowledging question 17A on the plea form - and had an interpreter at the hearing and while filling out the plea form with her attorney. The State argued that *State v. Nunez-Valdez*, 200 N.J. 129 (2009) applied, stating that, only when counsel provides false or affirmatively misleading advice about the deportation consequences of a guilty plea, and the defendant demonstrates that she would not have pled guilty if she had been provided with accurate information, an ineffective assistance of counsel claim has been established. The State also argued that the new standard on deportation consequences as articulated by *Padilla v. Kentucky*, 599 U.S. 130 (2010), could not be applied retroactively as mandated by *State v. Gaitan*, 209 N.J. 339 (2012). Finally, the State argued that consideration into PTI was at the discretion of the Prosecutor, and that although Defendant's record did not demonstrate any criminal history, however PTI preclusion of an illegal alien - 2 years removed from 9/11 and involved in a crime of deception - was appropriate and was not an abuse of the Prosecutor's discretion. In a written opinion and order by the Honorable Robert A. Ballard, J.S.C., the Court agreed with the State's arguments, denied defendant's request for an evidentiary hearing, and denied defendant's Petition for Post-Conviction Relief.

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**Assistant Prosecutor Kimberly Savino French****State v. Luis Flores – Indictment 15-04-00223-I**

On April 1, 2015, defendant shoplifted various items at Zapolitian Grocery Store in Bound Brook, N.J. When confronted by the store owner, defendant produced an opened folding knife, pointed it at the victim, and lunged toward him. The victim moved aside and defendant left the store. Moments later, the defendant tried to return to the store. The victim pushed him out of the store and onto the ground. Witness Angel Rosado was walking in the area at the time. The victim asked him to call the police. When Mr. Rosado attempted to call the police, defendant knocked the phone out of his hand. Mr. Rosado helped the victim hold the defendant down until the police arrived.

Defendant was indicted by a Somerset County Grand Jury on April 23, 2015 with the first degree Robbery in violation of N.J.S.A. 2C:15-1a and third degree Possession of a Weapon for an Unlawful Purpose in violation of N.J.S.A. 2C:39-4d. Defendant filed a motion to suppress his statement. The motion was denied by the Honorable Robert B. Reed, P.J.Cr.

The case was tried before a Somerset County Jury and on June 21, 2016, the jury found defendant guilty of first degree Robbery in violation of N.J.S.A. 2C:15-1a and third degree Possession of a Weapon for an Unlawful Purpose in violation of N.J.S.A. 2C:39-4d. Thereafter, defendant filed a motion to be sentenced one degree lower. The Honorable Robert B. Reed, P.J.Cr. denied the motion and he sentenced defendant to 10 years New Jersey State Prison with 85% to be served without parole pursuant to the No Early Release Act.

**In the Matter of a Registrant – Megan’s Law**

Registrant sexually assaulted his cousin repeatedly for a period of 6 years beginning when the victim was 10 years old. The assaults included digital penetration, oral sex, and vaginal intercourse. On August 18, 2010, Registrant pled guilty to second degree Sexual Assault, third degree Endangering the Welfare of a Child, and fourth degree Criminal Sexual Contact. He was sentenced by the Honorable John Pursel, J.S.C. to 7 years New Jersey State Prison, Megan’s Law, and Parole Supervision for Life.

On June 15, 2015, the State proposed a Tier II sex offender classification with traditional Tier II notification and internet publication. Defendant opposed this classification and moved for a Tier I classification (no public notification) with no internet publication. After hearing oral argument and the testimony of Dr. Mark Frank, who testified as an expert witness on behalf of the registrant, the Honorable H. Matthew Curry, J.S.C. denied defendant’s motion to designate registrant’s tier classification as a Tier I.

On January 5, 2016, in a 15 page written opinion, the Honorable H. Matthew Curry, J.S.C. designated registrant’s Tier classification as Tier II sex offender with traditional Tier II notification and internet publication. Thereafter, on January 26, 2016, the registrant filed an emergent appeal to the Appellate Division. The underlying tier notification was stayed pending the appeal. Oral argument was heard on March 11, 2016. On March 28, 2016, the Appellate Division denied the registrant’s motion and upheld the Tier II designation with traditional Tier II notification and internet publication.

**Assistant Prosecutor William Guhl****State v. Abhinaba Barthakur – Indictment No. 14-12-797-I**

On October 12, 2014, the Hillsborough Township Police were called by a neighbor of defendant Abhinaba Barthakur. The neighbor reported to police that the defendant had been firing a gun on his property, and that this concerned him as there were children in the area. Hillsborough Township Police Officers Robert Fariello and Jason Beverett went to Mr. Barthakur’s house as a result of that report. As the officers exited their patrol vehicle to question Mr. Barthakur about the incident he approached the officers in an aggressive manner while his dog was barking and roaming the perimeter of the house. Both officers testified at the trial that the defendant appeared agitated by the appearance of police at his residence and stepped close enough to the face of Officer Beverett that the officer had to use his hand to move Mr. Barthakur back and create space between the two of them. Mr. Barthakur continued screaming threats at the officers even after Fariello and Beverett made a number of attempts to calm him down. At that point Mr. Barthakur told the officers he was going to get them off his property and he threatened to let his

dog loose on them. He then told them he was going back to his house to get his gun and turned to do so. Both officers, fearing for their personal safety from either a dog attack or Mr. Barthakur's threat to retrieve his firearm, placed the defendant under arrest. His verbal threats to officers continued once he was back at police headquarters where he was charged.

The Somerset County Grand Jury returned Indictment 14-12-797-I charging Barthakur with third degree Terroristic Threats in violation of N.J.S.A. 2C:12-3a. On June 22, 2016, following a 1- day bench trial in this matter, the Honorable Robert B. Reed, P.J.Cr., returned a verdict of guilty on the sole count of this indictment convicting defendant Abhinaba Barthakur of third degree Terroristic Threats. The trial was prosecuted by Assistant Prosecutor William A. Guhl. On September 19, 2016 Judge Reed sentenced Barthakur to 2 years of probation with a condition that he first serve 180 days in the Somerset County Jail.

#### **State v. Hector L. Cruz, Jr. – Indictment Nos. 14-04-215-I and 14-04-216-I**

On January 31, 2014 police were called to the Extended Stay America in Franklin Township for a report of a girl possibly being held against her will. The alleged victim's mother had called 9-1-1 and reported that her daughter had called and asked that her sister pick her up from the hotel where she was being held against her will. Upon arrival, the Franklin Township Police located a girl in the lobby whom they confirmed was the individual who had called her family. She insisted she was fine, and she just wanted a ride home from her sister. Another witness on the scene tells police he was in the room as well and that there may be other girls in the hotel room. He also told police that the guy staying in the room has a gun. Police proceeded to that hotel room and entered the room at which time they performed a quick protective sweep to determine if anyone was present or in danger. The room was found to be unoccupied at that time so police immediately left the room and obtained a Superior Court Search Warrant to re-enter the room and perform a search for evidence.

The hotel room was registered to Hector L. Cruz Jr. and some of his paperwork and clothing were found in the room. Police also located a Ruger Rifle wrapped in a pillow case located behind a dresser in the room. Police, later that afternoon, received a tip that Cruz had fled the hotel in Franklin when police arrived and was now located at a hotel in South Plainfield. Franklin Township Police responded to that hotel and Cruz jumped out his hotel window where he was apprehended by police and taken into custody. Post-Miranda the defendant admitted that the gun belonged to him and to nobody else in the room. He had no permit or purchaser ID card for the gun and it was determined that due to his prior conviction from 2005 for Distribution of a Controlled Dangerous Substance in a School Zone that he was prohibited by law from owning and/or possessing firearms.

The Somerset County Grand Jury returned Indictments 14-04-215-I and 14-04-216-I charging Cruz with third degree Unlawful Possession of Rifle in violation of N.J.S.A. 2C:39-5c and second degree Certain Persons Not to Possess Firearms in violation of N.J.S.A. 2C:39-7b. Cruz' attorney filed several pre-trial motions including motions to suppress his confession and motions to suppress the evidence police found in the hotel room. Those motions were both denied after two testimonial hearings. On May 19, 2016 defendant entered a guilty plea to both charges before Somerset County Superior Court Judge Robert B. Reed. On July 29, 2016 the Honorable Robert B. Reed, P.J.Cr., sentenced Cruz to 5 in New Jersey State Prison, all 5 years to be served without eligibility for parole.

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**Assistant Prosecutor Frank P. Kolodzieski, II****State v. Lawrence Davies – Indictment No. 16-06-00409-I**

On August 12, 2016, defendant appeared before the Honorable Kathy C. Qasim, J.S.C. and entered a guilty plea to charges of second degree Possession of a Firearm for an Unlawful Purpose, third degree Terroristic Threats (2 counts), and fourth degree Aggravated Assault (2 counts). In exchange for his guilty plea, defendant was admitted into the Somerset County Pre-Trial Intervention Program (PTI) for a period of 36 months, the maximum period allowed under the Rules of Court. Defendant is to comply with the following special PTI conditions: 1.) continue with mental health treatment; 2.) attend AA meetings; 3.) refrain from possessing firearms; 4.) refrain from illegal drugs and alcohol; 5.) defendant barred from applying for any firearm permits; 6.) defendant to consent to revocation of any firearm permits; 7.) defendant to forfeit all firearms. At the State's request, Judge Qasim entered an order directing that the mental health facility provide the Court with any indicia of defendant's decompensation. If defendant violates the terms of PTI, he is to be brought back for sentencing and face the alternate sentence of 5 years in State Prison with a 42-month Graves Act period of parole ineligibility.

The facts that gave rise to the indictment and the aforesaid disposition are as follows: On April 23, 2016 at 10:51 p.m., the Hillsborough Township Police Department responded to 233 Fairfield Lane on the report that defendant had threatened his wife and adult son with a .357 Magnum handgun. On arrival, police learned that defendant was barricaded in the residence, his wife and son already having exited safely. Victims indicated that defendant had pointed the firearm at them, threatened to kill them and was holding the firearm to his own head at times. The Somerset County SWAT Team responded as well, since defendant was armed and unwilling to come out of the residence. No one was injured or taken hostage. No shots were fired. SWAT Team members and police entered the residence and took defendant into custody without incident. Defendant has a history of mental health issues coupled with alcohol abuse. Defendant is currently receiving mental health treatment. The handgun was recovered and was unloaded. The victims supported defendant's PTI application. The State gave due consideration to the victims' support for his PTI application under New Jersey Statutes governing PTI admission and the Crime Victims Bill Of Rights. The State analyzed the PTI statutory factors and concluded he was eligible for admittance into PTI. Defendant was admitted into PTI after entering a mandatory, non-waivable guilty plea to the charges in the indictment in accordance with the New Jersey Legislature's recent amendment to New Jersey Statutes governing PTI. The recent statutory amendment, signed into law by the Governor on August 10, 2015, allows certain defendants, assuming they meet the statutory PTI factors, to enter the PTI Program only after a guilty plea is entered with an alternate sentence in the event of termination from PTI. Defendant's case fell within the ambit of the amendment because he was charged with a second degree crime, as well as third and fourth degree crimes involving domestic violence.

**State v. Michael Gill and Casey Giles – Indictment No. 16-09-00687-I**

On December 9, 2016, defendants appeared before the Honorable Kathy C. Qasim, J.S.C. and pleaded guilty. Defendant Gill pleaded guilty to third degree Attempted Possession of a Controlled Dangerous Substance, buprenorphine (suboxone). Defendant Giles pleaded guilty to third degree Distribution of a Controlled Dangerous Substance, buprenorphine (suboxone). In exchange for his guilty plea, which included guilty pleas to charges of fourth degree Driving while Suspended and Violation of Probation, defendant Gill will be admitted into the Somerset County Drug Court Program with an alternate sentence of 5 years incarceration in the event he does not comply with the conditions of his drug court probation. In exchange for her guilty plea to her charge in the indictment and charges of violation of probation, defendant Giles agreed to be placed on probation and serve 270 days in the Somerset County Jail, undergo drug treatment and counselling.

The facts giving rise to the aforesaid indictment are as follows: from June 12, 2016 to June 28, 2016, defendant Giles mailed suboxone strips to defendant Gill while Gill was an inmate in the Somerset County Jail. Gill and Giles are in a relationship. The suboxone strips were clandestinely mailed in envelopes containing what appeared to be children's marker drawings on construction paper. They were intercepted by jail authorities. The suboxone strips were contained on the drawings and suspected by a sheriff's officer to be suboxone strips based on his training and experience. An investigation was conducted. Surveillance footage from the U.S. Post Office in Manville shows defendant Giles mailing one of the envelopes. The State Police Laboratory concluded the strips were positive for buprenorphine, the clinical name for suboxone. Recorded calls were intercepted between defendants evidencing cryptic or coded discussions surrounding the mailed contraband. Both defendants are pending sentencing.



**Assistant Prosecutor James C. Lankford****State v. Rodica Grecea – Indictment No. 14-07-00447-I**

On September 4, 2013, members of the Bridgewater Police Department responded to the Home Depot located at 736 U.S. 202 South in Bridgewater, New Jersey and met with the Home Asset Protection Manager on a report of an employee theft. The employee who was suspected of committing the theft was the defendant, Rodica Grecea. Based on the criminal investigation, defendant was suspected of stealing approximately \$16,365.00 in U.S. Currency. The thefts occurred between March of 2013 and July of 2013. After the presentation of the case, the grand jury returned Indictment 14-07-00447-I, charging defendant with Theft by Deception, third degree in violation of N.J.S.A. 2C:20-4a. Following a 3- day jury trial, defendant was found guilty on May 12, 2016 of Theft by Deception, third degree in violation of N.J.S.A. 2C:20-4a. Defendant was sentenced on August 5, 2016, by the Honorable Bruce A. Jones, J.S.C. Defendant was sentenced to probation for 5 years, with a special condition that defendant serve 364 days in the Somerset County Jail (suspended). Defendant was also ordered to make restitution in the amount of \$16,365.00 to the Home Depot.

**State v. Nestor Crespo and Alfred Lawson – Indictment No. 15-11-00639-I**

On October 24, 2015 at approximately 1:48 a.m. officers from Bound Brook Police Department were dispatched to a fight in progress at the intersection of Talmadge Avenue and Vosseller Avenue in Bound Brook. Upon arrival, officers found the victim, John Doe (DOB 1/10/1980), in the area of 117 Vosseller Avenue suffering from facial injuries. The victim stated that he was assaulted by two males. This information was confirmed by the victim's girlfriend, who was present during the assault. The police located two suspects in the area, matching the description given by the victim. As a result of a show-up, the victim and the victim's girlfriend positively identified both Alfred Lawson and Nestor Crespo as the actors. Defendant Lawson subsequently resisted arrest and fought with the officers. After Lawson was placed in the police vehicle for transport to headquarters, Lawson kicked out the window and attempted to dive out of the moving police vehicle. Police later learned that the victim's cellphone and car keys were taken. Both items were later recovered in the general area of where the defendants were located.

On November 18, 2015, defendants Nestor Crespo and Alfred Lawson were indicted and charged with Robbery, second degree in violation of N.J.S.A. 2C:15-1(a). Defendant Alfred Lawson was also indicted and charged with Resisting Arrest, third degree, in violation of N.J.S.A. 2C:29-2a; Attempted Escape, third degree, in violation of N.J.S.A. 2C:5-1a(1) and N.J.S.A. 2C:29-5a; and Criminal Mischief, fourth degree, in violation of N.J.S.A. 2C:17-3a(1).

On October 17, 2016, defendant Lawson pled guilty to an amended charge of Aggravated Assault, third degree, in violation of N.J.S.A. 2C:21-1b(7). Defendant Lawson also pled guilty to Criminal Mischief, fourth degree, in violation of N.J.S.A. 2C:17-3a(1). Defendant also pled guilty to a separate and unrelated indictment, charging him with Possession of a Controlled Dangerous Substance, third degree, in violation of N.J.S.A. 2C:35-10a(1). Pursuant to a negotiated plea agreement, defendant is subjected to 4 years in the New Jersey State Prison. The plea agreement also requires defendant Lawson to make restitution to the damaged police vehicle.

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On October 17, 2016, defendant Crespo pled guilty to an amended charge of Aggravated Assault, third degree in violation of N.J.S.A. 2C:21-1b(7). The negotiated plea agreement subjects defendant Crespo to probation, with a special condition that he serve 180 days in the Somerset County Jail. Defendant Crespo must also perform 50 hours of Community Service. Both defendants pled guilty before the Honorable Edward M. Coleman, J.S.C., (on recall) and are pending sentence.

### **Assistant Prosecutor Lauren Martinez**

#### **State v. Dominick Coleman – Indictment No. 13-04-00210-I**

Tried before a jury in 2013, defendant Dominick Coleman was convicted of second degree Unlawful Possession of a Handgun, N.J.S.A. 2C:39-5(b); third degree Eluding, N.J.S.A. 2C:29-2(b); fourth degree Resisting Arrest, N.J.S.A. 2C:29-2(a)(2); and third degree Hindering Apprehension, N.J.S.A. 2C:29-3(b)(4). The trial judge sentenced defendant to 10 years in New Jersey State Prison on the handgun charge, with a 3-year period of parole ineligibility pursuant to the Graves Act, along with concurrent State Prison terms on the remaining counts.

Defendant appealed, arguing: (1) the trial court erred by admitting into evidence an “impermissible suggestive show-up identification” performed by a police officer who identified defendant after previously seeing him at the scene of the crime an hour earlier; (2) the failure of police to record the details of the “show-up” violated *State v. Delgado*, rendering it inadmissible; and (3) defendant was denied ineffective assistance of counsel because trial counsel failed to conduct a Wade Motion.

The Appellate Division affirmed defendant’s convictions and ruled in favor of the State on all 3 issues. Citing *Henderson*, the Court ruled that “a Wade hearing is only required if there is a proffer of some evidence of impermissible suggestiveness. There is no automatic entitlement to an evidentiary hearing on an out-of-court identification.” Additionally, the Court stated that defendant had not shown the admission of the officer’s out-of-court identification was erroneous under *Delgado*, let alone an error under the “plain review” standard. Finally, the Appellate Division found that defendant’s trial counsel was not ineffective because they are “unconvinced a motion to suppress the officer’s identification would have been successful.”

#### **State v. Kevin Baxter – Indictment Nos. 06-11-0932-I, 07-04-0231-I**

Following a May 2008 jury trial, defendant was convicted of first degree Robbery, N.J.S.A. 2C:15-1a(2), and first degree Carjacking, N.J.S.A. 2C:15-2a(1). At trial, defendant raised the defenses of insanity and diminished capacity. Defendant was sentenced to 2 concurrent 15- year terms of imprisonment, with an 85 percent period of parole ineligibility. The Court also sentenced defendant on an unrelated fourth degree conviction for Aggravated Assault, N.J.S.A. 2C:12-1b(5)(h), to a concurrent 18 month prison term.

In 2013, defendant filed a Petition for Post-Conviction Relief in which he asserted he was denied the effective assistance of trial counsel because counsel “failed to argue important issues as to his mental health.” Defendant argued that trial counsel failed to provide the discharge summary from defendant’s most recent hospitalization to the defense psychiatric expert, and was inexperienced in qualifying the expert witness at trial. The Superior Court denied defendant’s Petition for an evidentiary hearing.

Defendant then appealed to the Appellate Division, arguing that both his trial counsel and PCR counsel were ineffective. The Appellate Division ruled in favor of the State, stating that defendant failed to make a prima facie showing of ineffective assistance of trial counsel within the *Strickland-Fritz* test, and that an evidentiary hearing was not warranted. Defendant’s additional arguments regarding his PCR counsel were ruled to be meritless. The convictions were affirmed.

#### **State v. Brandon Fregm – Indictment No. 15-05-00250-I**

Defendant was charged in an indictment with second degree Possession of a Handgun, in violation of N.J.S.A. 2C:39-5b. Following a traffic stop in New Jersey, the driver of the vehicle (defendant) informed police that there was a loaded handgun on the back seat. Defendant had a license to carry the gun only in Pennsylvania.

Defendant submitted an application for the PTI program and was denied admittance based on his prior criminal history. Defendant appealed the decision to the Law Division. After oral argument, the judge overturned the Director's determination, finding that "it would be unjust to deny the Defendant admission into Pre-Trial Intervention for an offense he could have easily avoided being charged with if he . . . were not honest."

The State filed an appeal. The Appellate Division ruled in the State's favor, stating "the motion judge did not apply the appropriate standard." The Court further stated, "It is not the place of the judge simply to disagree with the State's decision, but rather the reviewing judge must determine that the prosecutor has gone so wide of the mark sought to be accomplished by PTI that fundamental fairness and justice require judicial intervention." The order was vacated and remanded for the appropriate analysis. On May 5, 2017, defendant was sentenced to 2 years of probation.

### **Assistant Prosecutor Nicole McGrath**

#### **State v. Ryshawn Cromedy – Indictment No. 15-01-00018-I**

On January 8, 2015, a Somerset County Grand Jury returned Indictment No. 15-01-00018 against defendant, Ryshawn Cromedy, charging him with third degree possession of Cocaine with Intent to Distribute and fourth degree Possession of Marijuana with Intent to Distribute. On January 28, 2016, a Somerset County Petit Jury found defendant guilty of the lesser included offenses of third degree Possession of Cocaine and disorderly persons Possession of Marijuana. On March 18, 2016, the Honorable Edward M. Coleman, J.S.C., (on recall) sentenced defendant to serve 5 years in New Jersey State Prison and ordered that the sentence run consecutively to the sentence of imprisonment he was serving as a result of his escape from Kintoch House.

The evidence presented at trial established that on December 5, 2014, Ryshawn Cromedy was arrested by Investigator Jerome Scott of the United State Marshalls Service on an outstanding warrant. Search incident to arrest, defendant was found to be in possession of 11 small plastic bags of cocaine and 30 Ziploc bags of marijuana. During the ensuing trial Officer Scott was called as a witness for the State and testified that in addition to the above-described controlled dangerous substances, defendant was also found in possession of \$575.00 in United States Currency.

Detective Michael Guerra of the Somerset County Prosecutor's Office testified as an expert witness for the State. Detective Guerra opined that the controlled substances seized from defendant's person were for distribution. Detective Guerra based his expert opinion on several factors including the amount, weight, packaging, and length of high of the controlled substances. Detective Guerra further opined that the denominations of United States currency found on defendant's person at the time of his arrest were further evidence of his intent to distribute the controlled substances.

Defendant called David Leff as an expert witness. Mr. Leff testified that the drugs seized from defendant's person were for personal use and not indicative of distribution. Mr. Leff based his opinion primarily on the amount of drugs involved, opining that a heavy drug user could consume the cocaine and marijuana at issue within a short period of time. On March 18, 2016, defendant was sentenced to 5 years in N.J. State Prison.

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**State v. Laura Esposito and Kevin Kurdes – Indictment No. 15-09-00456-I**

On September 2, 2015, a Somerset County Grand Jury returned Indictment No. 15-09-00456-I against Laura Esposito and Kevin Kurdes charging them each with third degree Possession of a Controlled Dangerous Substance. On April 1, 2016, defendant Laura Esposito filed a motion to suppress physical evidence obtained during the course of the investigation that resulted in her arrest. On May 27, 2016, defendant Kevin Kurdes joined in the motion. A testimonial hearing was conducted before the Honorable Kathy C. Qasim, J.S.C., on September 7, 2016. On October 7, 2016, Judge Qasim issued her decision denying defendants' motions to suppress physical evidence.

The facts comprising the Indictment are as follows: On June 11, 2015, at approximately 11:45 p.m., Officer Philip Jasina of the Bernards Township Police Department was monitoring the west-bound traffic on Interstate 78 when he observed a vehicle traveling in the left lane of the highway for a period of time. The officer noted that there were no other vehicles in close proximity to the vehicle at issue.

Officer Jasina positioned his patrol vehicle behind the suspect vehicle and continued to follow it. Soon thereafter, Officer Jasina observed the vehicle quickly travel across 2 lanes of the highway (the center and right lanes) and exit at the Martinsville Road Exit (Exit 33) in Bernards Township. While navigating the exit ramp, the vehicle failed to maintain its lane by crossing the painted white lines with its left wheels. Officer Jasina further observed the vehicle commit several additional violations that led him to believe the operator of the vehicle was possibly under the influence.

Officer Jasina initiated a motor vehicle stop, approached the passenger side of the vehicle and identified the front seat passenger and registered owner as defendant Laura Esposito. The driver of the vehicle was identified as defendant Kevin Kurdes. Officer Jasina's suspicions were further heightened due to the fact that defendant Kurdes admitted to taking suboxone and acknowledged that he was on probation for a controlled dangerous substance offense.

Given the above, Officer Jasina requested and received consent to search the vehicle from the registered owner, Laura Esposito. A search of the vehicle initially revealed a glass pipe with residue in it and Chore-Boy copper cleaner in the center front-seat arm rest. A search of a purse located on the passenger side floor under where defendant Esposito was seated revealed 13 wax folds of suspected heroin, 8 glass vials of suspected cocaine and two plastic straws, along with a Florida nursing license issued to a Laura Esposito. Both defendants denied knowledge of the heroin, cocaine, and paraphernalia found inside the vehicle. Defendants were arrested and transported to police headquarters where they were charged with third degree Possession of a Controlled Dangerous Substance.

In denying defendants' motions to suppress physical evidence, Judge Qasim found that the State satisfied all the elements of the consent exception to the warrant requirement. First, the Court ruled that Officer Jasina had overwhelming reasonable and articulable suspicion that criminal activity was afoot based on the totality of the circumstances at the time of the motor vehicle stop. The Court noted that Officer Jasina's testimony of the events that transpired, forming the basis of his reasonable and articulable suspicion, were corroborated by the patrol vehicle mobile video recording system, which was entered into evidence and viewed by the Court. Second, the Court found that defendant Esposito voluntarily consented to a search of her vehicle. Finally, the Court ruled that defendant had authority to consent to a search of the vehicle because she was a registered owner. Accordingly, the Court denied defendants' motion to suppress physical evidence in the entirety. On March 17, 2017, defendant Esposito was sentenced to 3 years of probation. The charge against defendant Kurdes was dismissed.

**Assistant Prosecutor Michael McLaughlin****State v. Walter Lockwood – Indictment No. 14-00001-01-I**

Defendant's indictment stems from an incident that occurred on November 11, 2013. On that day members of the Somerset County Organized Crime and Narcotics Task Force executed a search warrant on the residence of Walter Lockwood in Manville and upon his person. During the entry into the home, defendant assaulted Det. Selim Senel with a machete. He was soon thereafter taken into custody. During a search of the residence a wax fold of heroin was found along with drug paraphernalia. Defendant gave a post-Miranda statement admitting possession of the heroin and paraphernalia. During trial, defendant testified that he was defending himself because he thought the police were gang members coming

into his house, because he alleged that approximately a year prior to this incident he was shot by gang members outside of his home. Defendant was indicted for third degree Aggravated Assault, third degree Possession of a Weapon for an Unlawful Purpose, and third degree Possession of CDS.

On January 22, 2016, following a jury trial, defendant was found guilty of all counts of the indictment. He was sentenced to 3 years in the New Jersey State Prison.

#### **State v. Cheo Jennings – Indictment No. 13-00010-584-I**

Defendant's indictment stems from an incident that occurred on August 30, 2013. On that day defendant stole a pound of chicken from the International Meat Market in Franklin, N.J. He left the store without paying for the chicken and was stopped by the store owner outside of the store. Defendant pulled out a knife and threatened the store owner with it. The two men got into a tussle and defendant was restrained until the police arrived. Jennings was indicted for first degree Robbery and third degree Possession of a Weapon for an Unlawful Purpose.

On February 5, 2016, following a jury trial, defendant was found guilty of the lesser included charges of third degree Aggravated Assault and disorderly persons Shoplifting. Following an extended term motion, defendant was sentenced to 5 years in the New Jersey State Prison.

#### **State v. Charles Lewis – Indictment No. 16-01-00063-I**

Defendant's indictment stems from an incident that occurred on December 18, 2015. On that date, the Somerset County Organized Crime and Narcotics Task Force executed a search warrant on Lewis' residence in Warren, N.J. Inside, detectives found 10 kilograms of cocaine and 2 kilograms of heroin. In the residence at the time of the search were 2 minor children. Defendant was indicted for 2 counts of first degree Possession with Intent to Distribute a Controlled Dangerous Substance and 1 count of second degree Endangering the Welfare of a Child.

On October 21, 2016, defendant pled guilty to both counts of first degree Possession with Intent to Distribute. The State agreed to dismiss the Endangering charge. The plea offer was for 10 years New Jersey State Prison with 48 months of parole ineligibility. Defendant also forfeited \$291,227.00 in cash that was found in the residence near the cocaine and heroin. Defendant was sentenced on April 21, 2017 to 10 years in State Prison with 48 months of parole ineligibility.

#### **Assistant Prosecutor Alexander Mech**

#### **State v. Julio Freza – Indictment No. 12-07-563-I Post-Conviction Relief Petition**

Armed with a shotgun, defendant entered a residence in Franklin Township on February 28, 2014, pointed his weapon at the victims, and grabbed a victim by her clothing while directing her about the residence. Defendant was thereafter indicted for first degree Robbery, second degree Burglary, second degree Possession of a Firearm for an Unlawful Purpose, third degree Unlawful Possession of a Firearm, third degree Criminal Restraint, and 2 counts of fourth degree Aggravated Assault with a Firearm. Defendant pleaded guilty to all counts of the Indictment in exchange for the State's recommendation of 10 years New Jersey State Prison with an 85 percent period of parole ineligibility. Defendant was sentenced in accordance with the plea agreement.

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Defendant filed a Petition for Post-Conviction Relief, alleging that his defense counsel was ineffective because: (1) he failed to provide an interpreter during pre-plea discussions with defendant, resulting in defendant's failure to understand the immigration consequences of his plea; (2) he did not conduct adequate pretrial investigation, witness preparation, or motion practice, and (3) he pressured defendant into accepting an unfavorable plea agreement. The State countered that defendant's guilty plea colloquy demonstrated that he understood the immigration consequences of his plea. Further, the State asserted that defendant's claims of inadequate pretrial investigation, preparation, and motions were conclusory legal arguments without any specific factual support. Finally, the State contended that defense counsel procured a favorable plea deal which significantly limited defendant's sentencing exposure and that counsel was ethically obligated to be candid in his advice to defendant. In a written opinion and order by the Honorable Bradford M. Bury, J.S.C., the Court agreed with the State's arguments, denied defendant's request for an evidentiary hearing, and denied defendant's Petition for Post-Conviction Relief.

#### **State v. Lashawn Brown – Indictment No. 13-07-423-I Post-Conviction Relief Petition**

Defendant crashed his vehicle in North Plainfield on May 22, 2013, and was stopped shortly thereafter by police. Defendant was found to be under the influence of various narcotics and in possession of heroin. He was subsequently indicted for Possession with Intent to Distribute Heroin and charged with Driving while Intoxicated and other motor vehicle offenses. Following an open plea of guilty, defendant was convicted of third degree Possession of a Controlled Dangerous Substance, Driving while Intoxicated, and the remaining motor vehicle offenses. In exchange for defendant's plea, the State amended the original charge of Possession with Intent to Distribute heroin to simple Possession. Defendant was sentenced to 5 years New Jersey State Prison consecutive to a prison sentence imposed in Union County for other drug offenses.

Defendant filed a Petition for Post-Conviction Relief, alleging that his defense counsel had provided ineffective assistance of counsel by: (1) failing to file a motion to consolidate his matters in Somerset and Union Counties; and (2) promising defendant that he would receive concurrent sentences in Somerset and Union if he pleaded guilty. The State argued that a motion for consolidation would not likely have been granted because the crimes in Union and Somerset were separated by a significant amount of time and because defendant had 5 prior indictable convictions. Thus the sentencing concerns for a first-time offender were not implicated. Additionally, the State maintained that because the courts in both Somerset and Union Counties found the same aggravating factors and no mitigating factors, concurrent sentencing was not likely, even had there been consolidation of the matters. Moreover, the State contended that there was no proof that defense counsel promised defendant that he would receive a concurrent sentence if he pleaded guilty.

An evidentiary hearing was held in which both defendant and his original defense counsel testified. At the hearing, the State elicited testimony from defendant that defense counsel had never discussed concurrent or consecutive sentencing. Defendant's testimony was inconsistent with his certification in support of his petition in which he claimed defense counsel had promised concurrent sentencing. Following the hearing, the Honorable Bradford M. Bury, J.S.C., rendered a detailed oral opinion agreeing with the State's arguments and denied defendant's Petition for Post-Conviction Relief.

#### **Assistant Prosecutor Annemarie L. Mueller**

##### **State v. Daniel Czekaj – Indictment Nos. 15-04-00201-I and 15-12-00689-I**

On December 15, 2016, a jury found defendant guilty on Indictment 15-04-00201-I, which charged fourth degree Operating a Motor Vehicle during a Period of License Suspension, in violation of N.J.S.A. 2C:40-26b. The charges arose out of a November 4, 2014 motor vehicle stop where defendant was driving in Branchburg. Sergeant Manuel Camunas stopped the vehicle after defendant was stopped for a period of time at a stop sign delaying traffic before he exited onto Route 202 South in Branchburg. The registration on the vehicle was also expired. After the motor vehicle stop, Sgt. Camunas learned that defendant's driver's license was suspended for his third Driving while Intoxicated conviction. The Honorable Kathy C. Qasim, J.S.C., found the defendant guilty of the motor vehicle offenses of Driving while Suspended, in violation of N.J.S.A. 39:3-40; Failure to Install an Ignition Interlock Device, in violation of N.J.S.A. 39:4-50.19; and Failure to Comply with the Ignition Interlock Device Restriction, in violation of N.J.S.A. 39:3-11.



After the guilty verdict on the first indictment, defendant entered a guilty plea to Indictment 15-12-00689-I, which also charged fourth degree Operating a Motor Vehicle during a Period of License Suspension, in violation of N.J.S.A. 2C:40-26b. The charges arose out of an October 31, 2015 event where defendant was again driving in Branchburg. Sergeant Kenneth Kaczorek was setting up lights for the Halloween event in the Neshanic Station section of Branchburg when defendant pulled up in a vehicle and addressed Sgt. Kaczorek. After Sgt. Kaczorek finished with the lights, he drove to defendant's family's house in Branchburg. Defendant was seen carrying a case of beer into the house. Defendant then exited the house to speak with Sgt. Kaczorek. Defendant was charged with Operating a Motor Vehicle during a Period of License Suspension, in violation of N.J.S.A. 2C:40-26b; and two motor vehicle offenses, Driving while Suspended, in violation of N.J.S.A. 39:3-40, and Failure to Install an Ignition Interlock Device, in violation of N.J.S.A. 39:4-50.19. On December 16, 2016, defendant entered a guilty plea to the indictable charge and the motor vehicle offenses. There was no plea agreement between the defense and the State; therefore, defendant pled open to those offenses. On March 10, 2017, Defendant was sentenced to 18 months in New Jersey State Prison and 1 year without parole.

#### **State v. Pablo Juarez-Ortega – Indictment No. 16-08-00662-I**

An investigation was conducted by the Somerset County Prosecutor's Office Organized Crime and Narcotics Task Force into the distribution of cocaine in Somerset County. An undercover detective met with defendant Pablo Juarez-Ortega on 3 separate occasions between May 12, 2016 and May 31, 2016 to purchase cocaine in exchange for money. The total amount of cocaine seized over the 3 purchases was over 5 ounces. The suspected cocaine was sent to the State Police Laboratory and tested positive for cocaine.

Defendant entered a guilty plea on November 7, 2016 before the Honorable Robert A. Ballard, J.S.C., to Indictment 16-08-00662-I, which charged first degree Distribution of a Controlled Dangerous Substance, in violation of N.J.S.A. 2C:35-5a(1) and 2C:35-5b(1). Defendant will then face deportation. On February 3, 2017 defendant was sentenced to 10 years in the New Jersey State Prison without parole.

#### **Assistant Prosecutor Anthony J. Parenti, Jr.**

#### **State v. Capri Crabbe – Indictment No. 14-09-00603-I**

On August 14, 2014, at approximately 12:32 a.m., Mr. Tomas Arevalo-Vega ("victim"), was attacked by 4 men, whom he described as two black males and two white males. One of the men was wearing a red hooded sweatshirt, another was wearing a gray hooded sweatshirt. The victim related that he was in the area of 198 Main Street in Somerville, and as the men passed by him they began to punch him in the face and when he fell to the ground they kicked him. One of the men rummaged through his pockets and took his cigarettes.

Sgt. Collison was patrolling nearby when the description of the robbers was transmitted over the police radio. At about 12:38 a.m., Sgt. Collison called out with 2 black males, 1 wearing a red hooded sweatshirt ("defendant"), and the other, Taj'mir Jackson who was wearing a gray hooded sweatshirt about 2 blocks from where the robbery had just occurred. At 12:48 a.m., 16 minutes after the robbery, a show-up identification was conducted by Ofc. Sulouff. The victim confirmed that he was positive that both men were among the group of 4 men that had beaten and robbed him.

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Defendant was placed under arrest by Sgt. Collison and transported to Somerville Police Headquarters. Defendant had blood on his sweatshirt, sweatpants, and shoes, and bloody knuckles that were still bleeding. His clothing was taken to the New Jersey State Police Laboratory for DNA testing. Defendant made a post-Miranda statement in which he initially denied being on Main Street, then changed his story to having been with a group of unknown men, whom he saw beating someone, but he continued to deny any involvement with the assault and robbery of the victim. Defendant claimed that he lost his cell phone and had asked his friend Taj'mir Jackson to help him look for it. Police found defendant's cell phone at the scene of the robbery.

The New Jersey State Police Laboratory conducted a DNA analysis of the stains on defendant's clothing and found the victim's blood on defendant's sweatpants. On February 1, 2016 defendant was tried before the Honorable Angela F. Borkowski, J.S.C., and a jury. On February 24, 2016, the jury announced that they were deadlocked and Judge Borkowski declared a mistrial. Subsequently, defendant pled guilty to third degree Theft, in violation of N.J.S.A. 2C:20-3a, and Simple Assault, a disorderly persons offense, in violation of N.J.S.A. 2C:12-1a(1). Pursuant to a plea agreement, defendant was sentenced to serve 364 days in the Somerset County Jail, with 5 years of probation, and to pay the standard minimum fines.

#### **State v. Arismendi Frias – Indictment No. 14-09-000652-I**

On August 11, 2014, police investigated a residential burglary that occurred at 3 Clover Hills Drive, in Franklin Township, New Jersey. The unknown suspect was captured on home surveillance video approaching the home and later is seen on video inside the home. Items stolen from the home included several watches and a laptop computer.

On August 13, 2014, police investigated an armed robbery that occurred at 1991 Rt. 27 in Franklin Township, New Jersey. The victim of the robbery reported that a man wearing a mask entered the business and threatened the victim with a knife. During the robbery the suspect picked up an iPad Mini and a cellular phone. The suspect put down the iPad when the victim told him that he had tracking software installed on the iPad. The suspect took approximately \$100.00 in cash and fled.

The iPad was processed for latent fingerprints, and a match was discovered for Arismendi Frias ("defendant"), through the Automated Fingerprint Identification System ("AFIS"). The police compared a photograph of defendant to the surveillance video of the August 11, 2014, Clover Hill burglary and found that they matched. Moreover, police discovered that defendant had an active warrant for his arrest for a violation of probation.

On August 26, 2014, at approximately 10:10 a.m., police responded to an armed robbery that had just occurred at 2013 Rt. 27 in Franklin Township, N.J. Defendant is seen on store security video walking in and out the store, and then re-entering with his hood pulled up to cover his face. Defendant produced a knife and demanded money from the victim, and then fled from the store with the cash.

A detective, who had just received the AFIS match from the August 13th robbery, responded with other officers to defendant's last known address, 111 Hempstead Drive, Somerset, New Jersey. Police surrounded the home and knocked on the front door. Defendant's family members opened the front door and invited the officers into the home. Once inside the home the police asked if defendant was home, and they were told that he was. Police located defendant hiding in a closet and arrested him.

Police brought defendant outside, and conducted a show-up identification with the victim of the August 26th robbery. The police told the victim that defendant may, or may not, be the person that robbed him. The victim identified defendant as the person who had robbed him, and that he was 100% certain that defendant was the robber.

Police spoke with defendant's mother, and requested permission to search the home. Defendant's mother signed a consent to search form, acknowledging that she had the right to refuse, and that she could revoke her consent at any time during the search. She told the police that because she had company visiting from out of town, that she had placed all of defendant's belongings into the closet where he was found hiding. Police searched the closet and found clothing that matched the description of clothing worn in the robberies, and proceeds from the burglary, including three watches and a Dell laptop computer.

On September 25, 2014, a Somerset County Grand Jury returned an indictment charging defendant with two counts of first degree Robbery, in

violation of N.J.S.A. 2C:15-1, third degree Burglary, in violation of N.J.S.A. 2C:18-2, and third degree Theft, in violation of N.J.S.A. 2C:20-3.

On September 9, 2016, defendant pled guilty to all of the charges in the indictment. On November 7, 2016, defendant was sentenced to 12 years in New Jersey State Prison with 85% to be served without parole subject to the No Early Release Act, pursuant to a supplemental plea form for non-negotiated pleas.

## APPELLATE

In 2016, the Assistant Prosecutors in the Appellate Section wrote ten responses to petitions for certification. Thirty-seven appellate briefs were filed in the Appellate Division of the Superior Court of New Jersey. Additionally, the Assistant Prosecutors in the Appellate Section handled fourteen excessive sentencing appeals in the Appellate Division.

In the Superior Court, Law Division, twenty municipal appeals letter briefs were filed. In eleven of those matters the municipal court convictions were upheld; two convictions were reversed, two were remanded for further proceedings and five matters were pending at the end of the year.

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# INTAKE SCREENING

## I. Purpose:

Somerset County continued in 2016 to use central filing and screening of criminal complaints as a method to expedite prosecutions. The Intake Screening Section is responsible for operating the central complaint filing system. This section consists of Assistant Prosecutors and secretaries. (All Assistant Prosecutors assist in screening cases as the need arises). The attorneys screen cases prior to filing a criminal complaint and provide police officers with supervision, legal advice, and direction as to necessary additional investigation. The Assistant Prosecutors decide what charges will be filed. A primary mission of the section is to have all cases in proper order for assignment to the Legal Division for grand jury presentation as soon as possible. This section handles the file until complaints are filed and first appearance. The file is then reviewed by the Chief Assistant Prosecutor and assigned to a trial attorney.

## II. The number of personnel assigned to the section or unit:

- A. Legal Staff:** **1 Supervisory Assistant Prosecutor**  
**6 Assistant Prosecutors; others as needed**
- B. Support Staff:** **3 Secretaries**

## III. Duties and responsibilities of section or unit personnel:

- A. Legal Staff:**  
Review and authorize any potential indictable complaints with the investigating officer. Supervise investigative procedures to insure that complaints are signed for proper offenses and that sufficient evidence exists to support such charges. Direct investigations that may be necessary. All Assistant Prosecutors assigned to Intake Screening arrange for the setting of bail.
- B. Support Staff:**  
Three secretaries with assistance generate all necessary complaints, reports, forms, and make screening appointments. Screening secretaries also type all juvenile complaints and prepare juvenile files.

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#### IV. Description of unit functions:

##### A. In general:

Whenever a suspect is arrested on an indictable offense, the police officer will bring the defendant to police headquarters for processing. The defendant will be photographed and fingerprinted as per procedures. The arresting officer will then call the Prosecutor's Office (or after hours, the "on call" Assistant Prosecutor) to discuss the case. The Assistant Prosecutor will either direct that the defendant be released to await screening of the case with a summons or determine that a judge should be called to set bail, or release on own recognizance (ROR). The Assistant Prosecutor, if the facts clearly indicate, may suggest that a disorderly persons or petty disorderly persons complaint be filed by the officer directly in the appropriate municipal court.

If the decision is made to call the judge, the Assistant Prosecutor will call the on-call Superior Court Judge and request that bail be set. When bail is set, the judge will also make a determination of whether probable cause to arrest exists. The Assistant Prosecutor will then provide the officer with the bail information. If the defendant appears to be able to make bail, a reasonable opportunity will be given to him/her to do so. If, after a reasonable opportunity, the defendant cannot make bail, the defendant is transported to the Somerset County Jail. The arresting officer(s) will inform the jail of the bail that has been set. A Notice of First Appearance is prepared which includes the Assistant Prosecutor's name authorizing lodging.

If the defendant is in jail, it is the duty of the arresting officer to send all investigative reports and the affidavit of probable cause via email to the Prosecutor's Office by 7:30 a.m. the day after the arrest or by the next business day if the arrest occurs on a weekend or a holiday. If the defendant is released, either with or without bail, the arresting officer will still email all materials by 7:30 a.m.

During the screening process it is the duty of the Assistant Prosecutor to insure that a complaint is signed for an offense supported by the evidence. Additionally, the screening Prosecutor provides legal advice and investigative direction to the officers. A detective from the Somerset County Prosecutor's Office will sign complaints on behalf of the complaining officer.

##### B. Screening Policies:

The following are the general policies of the Intake Screening Section regarding screening potential indictable complaints:

1. Authorize criminal (indictable) complaints only when investigation, including required reports, is complete, or almost complete, and the facts and circumstances mandate an indictable charge.
2. Decline cases where further investigation is required until that investigation is completed, or when no charge is appropriate. Declined cases are filed and recorded in screening.
3. Authorize downgrade charges in cases where the Assistant Prosecutor decides that municipal court action will provide the most appropriate results. Cases that are initially downgraded are filed and recorded in screening.

**C. Citizen Complaints:**

Citizen complaints are made either by telephone or a personal visit to the office. The following are general types of citizen complaints that have often been addressed:

1. Non-criminal matters often relating to governmental agencies;
2. Complaints against police officers;
3. Complaints by emotionally disturbed persons;
4. Complaints regarding personal or business disputes;
5. Disorderly persons complaints where the citizen disagrees with local law enforcement action.

It is the policy of this office that citizen complaints should first be referred to the local police department. An officer should make a preliminary report prior to contacting this office. In no case should a citizen simply be referred to our office by the local department without any initial investigation by the department.

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**D. File Flow through the Screening Process:**

1. A screening memo is completed by a screening attorney indicating what is required to complete the file.
2. A letter is sent by mail or fax to the specific local department Chief describing follow-up investigation needed which is to be completed within a 10 day period.
3. Complaint is docketed by screening secretary and referred to computer supervisor for input into the Promis/Gavel System. All future events are scheduled through the Promis/Gavel System.
4. File is returned to screening room for opening and first appearance.
5. The file is forwarded to the Chief Assistant Prosecutor for attorney assignment and a Grand Jury date.
6. Additional reports received are presented to the computer operator for Promis/Gavel log-in. Reports are then returned and included in the file, if in screening. If the file is not in screening, the reports are given to the paralegal assisting the assigned attorney.
7. Files will remain in the Intake Screening Section until first appearance.
8. All out-of-state fugitive files are given to the Assistant Prosecutor who authorized the charge(s). The Fugitive Unit notifies the Assistant Prosecutor when the fugitive leaves the Somerset County Jail. The file is returned to screening for administrative dismissal when the defendant is picked up by the requesting authority.
9. The Fugitive Unit is notified when bench warrants are requested by the screening attorney and issued by a Superior Court Judge. The Fugitive Unit is given a copy of the complaint and necessary information to open a fugitive file.

## Somerset County Prosecutor's Office Intake Screening Review 2016:

Month	Cases Screened	Cases Accepted	Cases Not Accepted	Defendants Accepted	Complaints Accepted
JANUARY	85	60	25	73	111
FEBUARY	82	62	20	70	136
MARCH	98	72	26	82	158
APRIL	92	63	29	71	113
MAY	101	66	35	78	152
JUNE	98	64	34	70	147
JULY	72	47	25	49	111
AUGUST	72	42	30	62	116
SEPTEMBER	78	55	23	57	126
OCTOBER	52	32	20	35	108
NOVEMBER*	29	15	14	16	99
DECEMBER*	22	6	16	6	67
<b>Total:</b>	<b>881</b>	<b>584</b>	<b>297</b>	<b>669</b>	<b>1444</b>

\* Due to Bail Reform these numbers have changed in comparison to 2015 Stats.

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## POLICE ACADEMY





# DOMESTIC VIOLENCE

## I. Purpose:

The Assistant Prosecutors assigned to this section are responsible for prosecution of all disorderly persons contempt complaints, including trials, plea negotiations, weapon forfeiture applications, weapon forfeiture hearings, and legal advice to police regarding domestic violence matters. The Assistant Prosecutors prosecute those contempt and forfeiture cases to completion. They are also responsible for making recommendations for sentencing.

## II. The number of personnel assigned to the section or unit:

- A. Legal Staff:** **1 Supervisor (Chief Assistant Prosecutor)**  
**3 Assistant Prosecutors**
- B. Support Staff:** **1 Paralegal**  
**1 Secretary**  
**1 Victim-Witness Advocate, assigned to DV Superior Court cases and to DV municipal court cases in certain designated municipalities.**

## III. Duties and responsibilities of section or unit personnel:

- A. Legal Staff:**  
**The Assistant Prosecutors** assigned to this section are responsible for prosecution of all disorderly persons contempt complaints, including trials, plea negotiations, weapon forfeiture applications, weapon forfeiture hearings, and legal advice to police regarding domestic violence matters. The Assistant Prosecutors prosecute those contempt and forfeiture cases to completion. They are also responsible for making recommendations for sentencing.

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**B. Support Staff:**

**The Paralegal** is available to assist the Assistant Prosecutor, regarding collection of discovery, trial preparation and trial where necessary.

**The Victim-Witness Advocate** contacts the victims prior to arraignment to explain the case process. Any additional information learned during those conversations is relayed to the Assistant Prosecutor handling the case. The Victim-Witness Advocate addresses any concerns the victims may have and refers them to special programs, when necessary. The Victim-Witness Advocate also attends court proceedings and keeps the victims updated as the cases proceed.

**The Secretaries** open contempt and weapon forfeiture files, obtain criminal histories and send discovery when necessary. They keep track of the court's calendar regarding scheduled domestic violence matters. The secretaries also send subpoenas to the witnesses.

**IV. Description of the functions of the unit:**

This unit is responsible for the prosecution of all disorderly persons domestic violence contempt complaints and weapon forfeiture applications and hearings. Upon receiving a contempt file, an Assistant Prosecutor reviews the facts and charges, and makes a determination as to what additional investigation is required, if the complaint is sufficient, and what the plea offer will be. Once counsel has been assigned, the Assistant Prosecutor will contact that attorney and engage in plea negotiations. If the plea offer is not accepted, the Assistant Prosecutor will prepare for trial and try the matter.

Upon receiving a weapon forfeiture file, an Assistant Prosecutor reviews the facts and determines whether an application to forfeit the weapon is appropriate. If such application is made, the Assistant Prosecutor will prepare the appropriate pleadings. The Assistant Prosecutor will then prepare for the weapon forfeiture hearing.

This unit also provides legal advice and guidance to local police departments concerning all domestic violence related issues.

**V. Operations and activities, including highlights are as follows:****General Overview of the Domestic Violence Contempt Process:**

Domestic violence cases originate in the local police departments. The local police department is responsible for charging and filing contempt complaints. The complaints and accompanying police reports are then forwarded to the S.C.P.O. for prosecution. Once the case is received at the S.C.P.O., a file is opened and an Assistant Prosecutor is assigned the case. The Family Court assigns court dates where the case proceeds to court. There it is either dismissed, resolved by way of a plea or tried.

The Honorable Anthony Picheca, J.S.C., presides over the disorderly persons domestic violence contempt calendar. All matters are scheduled weekly on Thursdays beginning at 1:30 p.m. The first appearance is similar to a criminal arraignment. At this time, the charges are read, the defendant enters a "not guilty" or "guilty" plea, the plea offer is put on the record, and in cases where a "not guilty" plea was entered, the case is assigned a trial date. On the day of trial, the defendant may enter a guilty plea or proceed to trial. Immediately after entry of a "guilty plea" or a finding of guilt after trial, the judge will sentence the defendant.

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**Goals for the Domestic Violence Unit, 2016:**

One of the goals of the Domestic Violence Unit is to maintain the current status of moving cases through the Family Court in an efficient and expeditious manner. Additionally, it is also this unit's goal to continue in our efforts of training the local police in the area of domestic violence.

**General Highlights:**

The Supervisor of the Domestic Violence Unit attends important meetings of various professionals, both on the County and the State level, concerning issues of domestic violence and communicates those issues to others within the unit and within the municipal police departments.

The Somerset County Prosecutor's Office is also represented at the quarterly Somerset County Working Group meetings and at the quarterly Attorney General Domestic Violence Unit Chiefs meeting by the Supervisor of the unit.

This unit provides in-service training to police officers in the area of Domestic Violence.



# JUVENILE SECTION

## I. Purpose:

The Assistant Prosecutors assigned to this section are responsible for the prosecution of all juvenile complaints. They provide legal advice to the police regarding juvenile matters, including applications for fingerprinting and photographing juveniles, investigative detention applications, and search warrants. The attorneys prosecute the cases to completion. They are responsible for making recommendations for disposition of cases, including transfer to another jurisdiction, stationhouse adjustment, deferral, plea, trial or waiver.

## II. The number of personnel assigned to the section or unit:

- |                          |  |
|--------------------------|--|
| <b>A. Legal Staff:</b>   | <b>1 Supervisor (Chief Assistant Prosecutor)</b><br><b>3 Assistant Prosecutors</b> |
| <b>B. Support Staff:</b> | <b>1 Paralegal</b><br><b>1 Secretary</b><br><b>1 Victim-Witness Advocate</b>       |

## III. Duties and responsibilities of section or unit personnel:

### A. Legal Staff:

**The Assistant Prosecutors** screen cases with various police departments, authorize appropriate charges as well as determine potential pre-trial disposition of cases. The Assistant Prosecutors represent the State at weekly plea hearings, preliminary hearings, trial conferences, detention hearings, disposition hearings and waiver hearings that involve transfer of jurisdiction to the Law Division. The Assistant Prosecutors also prosecute those cases that proceed to trial.

### B. Support Staff:

**The Paralegal** assists the Assistant Prosecutor in handling a given case by making sure the case is complete and contains all necessary police reports and related information. The Paralegal will also accompany the Assistant Prosecutor at trial.

**The Secretaries** open files and track their progression, inputting information into the juvenile module of the Infoshare Computer Case Management System as well as copying and forwarding discovery to Family Case Management and defense attorneys. They subpoena any witnesses where necessary.

**The Victim-Witness Advocate** contacts the victims prior to court proceedings to explain the case process. Any additional information learned during those conversations is relayed to the Assistant Prosecutor handling the case. The Victim-Witness Advocate addresses any concerns the victims may have and refers them to special programs when necessary. The Victim-Witness Advocate also attends all court proceedings and keeps the victims updated as the cases proceed.

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**IV. Description of the functions of the unit:**

This unit is responsible for the disposition of all juvenile complaints. Upon receiving a file concerning a juvenile, an assistant prosecutor reviews the facts along with the arresting agency and makes a determination of the appropriate charges. The assistant prosecutor also assists the agency in determining whether to contact Family Case Management for detention. If charges are filed, the case is then prepared for appropriate disposition, such as transfer, deferral, plea, trial or waiver. This unit also provides legal advice and guidance to local police departments concerning all juvenile related issues.

**V. Operations and activities of the Juvenile Unit for 2016:****General Overview of the Juvenile Process**

Juvenile cases primarily originate in the local police departments. Generally, after law enforcement's contact with a juvenile, the police reports are sent to the S.C.P.O. for formal screening of charges. The S.C.P.O. policy requires the police to send copies of their reports to this office within three days. Some complex cases, however, may take more time. Once the reports are received at the S.C.P.O., a file is opened and an Assistant Prosecutor reviews the file for appropriate disposition. S.C.P.O. policy requires that most cases be screened by an Assistant Prosecutor within five (5) days of receipt by that attorney. After the case is screened, if charges are authorized, a complaint is signed and discovery is sent to the Family Court. The Family Court assigns a date and the case is scheduled for the first appearance. Approximately one week later, the case proceeds to a preliminary hearing and if the juvenile does not enter a guilty plea, the matter is scheduled for trial. Although there are several other paths a juvenile case can take, this is the most common.

The Honorable Anthony F. Picheca, Jr., J.S.C. (Family), hears most juvenile cases. Weekly, the attorney for the State and the juvenile's attorney appear for the juvenile's first appearance, preliminary hearing or disposition. The first appearance is similar to adult arraignment. At this time, the charges are read, the juvenile enters a "not guilty" plea, the plea offer is put on the record, and the case is assigned a preliminary hearing and trial date. At the preliminary hearing, if the juvenile does not change his or her plea to guilty, discovery and motion issues are discussed and an order is entered concerning the disposition of any pre-trial issues. Generally, all juvenile motions are heard on the day of trial. At the conclusion of the trial, if the juvenile is adjudicated delinquent, he or she proceeds to disposition. At disposition, the equivalent of adult sentencing, the Judge sentences the juvenile.

Juvenile trials are scheduled for Wednesdays each week. On average, 5-10 juvenile cases are listed for trial each week. Of these listed trials, only one may actually proceed to trial. Approximately three-quarters of all trial cases result in a finding of delinquency. Generally, the Judge tries to resolve juvenile cases in a way that avoids sending the juvenile to a detention center. In the Juvenile Justice system, the focus is on the non-custodial methods of rehabilitation where appropriate.

**General Highlights**

The Supervisor of the Juvenile Unit attends important meetings of various professionals, both on the County and the State level, concerning issues pertaining to Juvenile Justice.

This unit also provides in-service training to police officers to update personnel on the relevant case law in the area of Juvenile Justice.

# VICTIM-WITNESS

## I. Purpose:

County Offices of Victim-Witness Advocacy were established in 1985 to ensure the rights of crime victims as stated in the Crime Victims' Bill of Rights (N.J.S.A. 52:4B-36 amended 10/6/2012) with the primary focus to inform crime victims and witnesses of the criminal justice process, advise victims and witnesses of case progress and final disposition and ensure that victims are treated with dignity and compassion by the criminal justice system.

## II. Personnel assigned to the unit:

**Deborah McGowan**  
**Bobbi Mowery**  
**Melissa Underwood**  
**Victoria Sferra**  
**Ileana Cosme**

**Coordinator**  
**Victim Advocate (part-time)**  
**Victim Advocate**  
**Victim Advocate (5-23-16 start date)**  
**Secretary**

### Student Interns

**2 student interns volunteered 204 hours to Victim Witness Unit activities**

## III. Data Collection for Victims Services and the Number of Victims by Crime Type

In the Fall of 2016 the State Office of Victim Witness Advocacy began collecting victim services data via the Office of Justice, Office For Victims of Crime Performance Measurement Tool (PMT). In order to comply with the Federal PMT reporting requirements the New Jersey VATS (Victim Assistance Tracking System) was informally adapted to meet the Federal reporting categories. I am not reporting the 2016 victim services statistics for this report due to the imperfect and unreliable nature of the numbers.

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#### IV. Services Provided:

In accordance with the Crime Victims' Bill of Rights as well as the Attorney General's Standards to Ensure the Rights of Crime Victims, staff in the Office of Victim Witness Advocacy is required to provide the following specific services to crime victims/victim survivors and witnesses:

- Crisis intervention and emotional support
- Criminal justice advocacy/support i.e.:
  - Criminal justice orientation and information
  - Inform victims of their rights within the criminal justice system
  - Case status information
  - Assistance completing victim impact statements
  - Referrals for counseling and support services
  - Information concerning transportation, parking and courthouse location
  - Child care
  - Information and assistance in filing claims with the Victims of Crime Compensation Office
  - Assistance in applying for restitution
  - Employer/creditor/school intercession
  - Court accompaniment
  - A secure, but not necessarily separate waiting area in the courthouse
  - Assistance with the return of property
  - Information and assistance regarding the NJ VINE system
  - In sexual assault cases, assistance in obtaining HIV/AIDS testing results of the defendant
  - Assistance with the Parole Board victim input process

#### V. Case Status - Letter Notification

The Victim Witness Unit secretary Ileana Cosme sends (via email and mail) victim and witness case status letters generated from Promis Gavel. Ms. Cosme also hand-generates the following letters to victims and witnesses: bail reduction hearings, pre-grand jury remand/decline, inmate parole eligibility/release, parole denial notification, release at maximum time served, fugitive arrest, change in Krol status, consideration of inmate community release application, release to ISP, Collision Analysis Reconstruction Team charge decisions, condolence letters and VINE letters. During 2016, a total of 24,339 case status letters, both Promis Gavel and hand-generated were sent to victims and witnesses.

In January of 2014 Juvenile case status letters, case specific Victim Impact Statements and Plea Negotiation Forms were generated via the Info Share juvenile module in the Info Share computer program. In 2016 191 case status letters were mailed to victims.

## VI. Victim-Advocate Accompaniment

In addition to providing court accompaniment at trials, status conferences, sentencing hearings, Krol hearings and motions in the Criminal Court, advocates also accompany victims at trial-prep meetings with the assistant prosecutors, during conference calls with assistant prosecutors, at Juvenile Court, with domestic violence victims at four municipal courts as well as in Family Court at weapon forfeiture and contempt hearings.

### Noteworthy Trials:

- In January Bobbi Mowery provided court accompaniment to the victim during the criminal trial of Thomas Canales.
- In April Deborah McGowan provided court accompaniment to the victim's family during the jury selection and murder trial of Timma Kalidindi.
- In April and May Deborah McGowan provided court accompaniment to the victim's family during the murder trial of Antwan and Zaire Cromedy.
- In September Deborah McGowan provided court accompaniment to the victim's family during the re-trial of Antwan and Zaire Cromedy.

## VII. Crisis intervention

Victim Advocates Melissa Underwood and Bobbi Mowery and Coordinator Deborah McGowan are certified by the New Jersey Certification Board as Disaster Response Crisis Counselors.

## VIII. Training Conducted by Advocate Staff:

March	Deborah McGowan provided an overview of victim services/rights information at a criminal justice internship class at Rutgers University
March	As a member of the County Elder Abuse Awareness Project, Deborah McGowan provided information of victim services to the Somerset County Caregivers Coalition
April	Deborah McGowan provided information about victim services/rights at a Seton Hall University Crime Victim's Rights Week program
July	Deborah McGowan provided an orientation to the services of the Office of Victim Witness Advocacy to a newly hired detective
July	Deborah McGowan provided an overview of victim services/rights information at a criminal justice internship class at Rutgers University
September	Melissa Underwood provided an overview of victim services for sexual assault victims at a SART Law Enforcement training
November	Deborah McGowan provided an overview of victim services/rights information at a criminal justice internship class at Rutgers University

## VI. Crime Victims' Rights Week Program

During April of 2016 in commemoration of National Crime Victims' Rights Week Bobbi Mowery attended a Crime Victims' Rights Week Department of Correction sponsored event at Edna Mahon Correctional Facility where she spoke with inmates about the impact of crime on victims. Deborah McGowan attended a Seton Hall University Crime Victims' Rights Week event speaking with students about crime victim services.

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**X. Other Victim Related Programs**

In 2016 the domestic violence palm card program initiated in 2015 was continued with the distribution of a total of 200 palm cards to the Somerset County Library System and the Somerville Episcopal Church. The cards are placed in the men's and women's bathroom stalls of both the church and libraries.

# CRIMINAL INVESTIGATION DIVISION

The Somerset County Prosecutor's Office Criminal Investigation Division is headed by the Chief of Detectives and the Deputy Chief of Detectives who oversee the following:

## CRIMINAL INVESTIGATION SECTION:

- Major Crimes Unit
- Sex Crimes & Child Abuse Unit
- Special Investigations Unit
- Insurance Fraud Unit
- Internal Affairs Unit
- Organized Crime & Narcotics Task Force
- Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
- Somerset County Emergency Response Teams

## OPERATIONS SECTION:

- Fugitive Task Force
- Forensics Laboratory & Crime Scene Investigation Unit
- Criminal Intelligence Section (CIS)
- Burglary Task Force
- Crime Stoppers
- Computer Crimes / Technical Services Unit
- Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
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- Sex Crimes & Child Abuse Unit*
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# MAJOR CRIMES UNIT

## I. Purpose:

The Major Crimes Unit (1 Sergeant and 2 Detectives) investigates crimes such as homicides, aggravated assaults and armed robberies. The Unit works with and assists the state, local and other county agencies throughout Somerset County with a wide array of criminal investigations. The Major Crimes Unit opened 62 criminal investigations resulting in 20 arrests. 3 homicides occurred in Somerset County during 2016. The Unit also investigated, aggravated assaults and armed robberies. The Unit investigates all unsolved homicides throughout Somerset County as well as any suspicious deaths and suicides.

## II. The number of personnel assigned to the section or unit:

- |                                |   |
|--------------------------------|---|
| <b>A. Investigative Staff:</b> | <b>1 Captain (Commander of CID)</b><br><b>1 Lieutenant (Deputy Commander of CID)</b><br><b>1 Sergeant (Commander of Major Crimes Unit)</b><br><b>2 Detectives</b> |
| <b>B. Legal Staff:</b>         | <b>1 Assistant Prosecutor – Primary</b><br><b>1 Assistant Prosecutor – Secondary</b>  |
| <b>C. Support Staff:</b>       | <b>2 Clerical (shared)</b>  |

## III. Duties and responsibilities of section or unit personnel:

- |                                |   |
|--------------------------------|---|
| <b>A. Legal Staff:</b>         | Provides legal supervision of investigations in preparation for prosecution and provides legal advice as needed.  |
| <b>B. Investigative Staff:</b> | The Sergeant commands the unit members who are on-call 24 hours a day, seven (7) days a week to respond to investigative Major Crime incidents throughout the County. |
| <b>C. Support Staff:</b>       | Shares clerical and data entry responsibilities.  |

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**IV. Investigations, activities and accomplishments for 2016:**

In 2016, the Major Crimes Unit opened 62 criminal investigations, which resulted in 20 arrests. Included among those cases were:

- 2 Homicide investigations to include 1 double homicide investigation
- 20 Death investigations
- 1 Infant Death investigation
- 5 Drug Induced Death investigations
- 4 Aggravated Assault investigations
- 6 Armed Robbery investigations
- 4 Robbery investigations
- 1 Bank Robbery investigation
- 1 Police Shooting investigation
- 3 Arson investigations
- 5 Terroristic Threats investigations
- 1 Attempted Abduction investigation
- 2 Carjackings
- 1 Endangering the Welfare of a Child investigation
- 1 Suicide investigation
- 1 Vehicular Homicide investigation
- 1 Resisting Arrest investigation
- 3 Miscellaneous investigations
- 1 Terror related investigation
- 3 Missing Persons investigations
- 2 Prohibited Devices or Weapons investigations

The Major Crimes Unit tracked 13 suicides, 31 drug related overdose deaths, 359 unattended deaths, and is actively investigating 10 cold case homicides within Somerset County.

The Major Crimes Unit was also involved in 7 Child Abduction Response Team (CART) activations with 7 successful recoveries.

**V. Case Highlights for 2016:****Case #1 – Murder**

On February 13, 2016 at approximately 6:37 a.m. the Branchburg Township Police Department and the Readington Township Police Department (Hunterdon County) responded to 115 Readington Road, Branchburg, N.J. for a welfare check. The welfare check was in response to a 9-1-1 call from Ezra Simon-Daniels, age 20, who was in the parking lot of Walmart, Route 22, Readington Township, N.J. advising that he was covered in blood and was unable to tell the dispatcher from where the blood came. Upon the arrival of patrol officers at Walmart they determined that Ezra Simon-Daniels resides at 115 Readington Road, Branchburg Township, N.J.

After being unable to awaken anyone at 115 Readington Road officers gained entry to the residence and discovered Beatrice Simon, age 65, and Louis Simon, age 78, bludgeoned to death in their second floor bedroom. Investigating officers learned that Ezra Simon-Daniels is the grandson of Beatrice Simon and her husband, Louis Simon.

Ezra Simon-Daniels was charged and indicted with 2 counts of Murder and 1 count of Possession of a Weapon for Unlawful Purpose. The matter is pending in Somerset County Superior Court.

**Case #2 – Murder**

On September 5, 2016 at approximately 11:23 a.m. the Franklin Township Police responded to Pickering Place Somerset, N.J. for a report of gun shots. Upon the arrival of patrol a single car motor vehicle crash was observed on Route 27 in the area of Westminster Road. Officers investigating the single car crash identified the driver of the vehicle as James Kargbo, age 25, whose chest was bleeding profusely. James Kargbo was transported to Robert Wood Johnson University Hospital in New Brunswick, N.J. where he was pronounced deceased.

Patrol officers investigating the reported gun shots on Pickering Place learned from witnesses that two separate vehicles stopped on Pickering Place and the male occupants from both vehicles exited their respective vehicles and began to fight. Officers determined that one of the vehicles involved was the same vehicle involved in the single car motor vehicle crash which had occurred on Route 27. Officers learned that the second vehicle sped away after the fight occurred.

Investigating detectives determined through various sources that the vehicle which sped away was occupied and driven away by Isaiah Bell, age 21. As a result of the statements of witnesses detectives were able to locate a knife which Isaiah Bell had used to stab James Kargbo during the fight and which he later buried in a parking lot off of Route 27. James Kargbo was subsequently charged with Murder.

On September 14, 2016 Isaiah Bell was arrested by members of the New York City Police Department in an apartment complex in Staten Island, New York. Isaiah Bell waived extradition and was brought to New Jersey where the matter is pending in Somerset County Superior Court.

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# SEX CRIMES & CHILD ABUSE UNIT

## I. Purpose:

The Sex Crimes and Child Abuse Unit of the Somerset County Prosecutor's Office is responsible for investigating and preparing for prosecution investigations involving the physical or sexual abuse of children and sexual assault cases involving adult victims throughout the County. In addition to the primary role of investigating and prosecuting these offenses, the Unit takes an active role in providing education and training to local law enforcement agencies, parent groups and various civic organizations.

## II. Number of personnel assigned to the section or unit:

- |                                |  |
|--------------------------------|--|
| <b>A. Legal Staff:</b>         | <p><b>1 Assistant Prosecutor assigned as Supervisor of the Sex Crimes and Child Abuse Unit.</b></p> <p><b>1 Assistant Prosecutor assigned to advise and prosecute as needed.</b></p> |
| <b>B. Investigative Staff:</b> | <p><b>1 Captain (Commander of CID)</b></p> <p><b>1 Lieutenant (Deputy Commander of CID)</b></p> <p><b>1 Sergeant</b></p> <p><b>3 Detectives</b></p>                                  |
| <b>C. Support Staff:</b>       | <p><b>1 SANE Coordinator</b></p> <p><b>1 Victim-Witness Unit Advocate</b></p> <p><b>Shared Secretary</b></p> <p><b>Shared Data Entry</b></p>   |

## III. Duties and responsibilities of section or unit personnel:

### A. Assistant Prosecutors:

The unit legal supervisor reviews all cases and provides supervision and legal support on a daily basis.

### B. Investigative Staff:

The Sex Crimes/Child Abuse Unit has a Captain and a Lieutenant who oversee the Criminal Investigation Division and a Sergeant who commands the unit of three detectives. The staff is on-call 24 hours a day, 365 days a year, and provides direction and assistance to the local police, the Division of Child Protection and Permanency (DCP&P), and any member of the public reporting a sexual assault and/or a child abuse allegation. They conduct complete investigations, including the interview of victims, witnesses and suspects.

### C. Support Staff:

The Victim-Witness Unit provides support and referral services. Shared secretarial and data entry responsibilities.

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- Sex Crimes & Child Abuse Unit**
- Special Investigations Unit
- Insurance Fraud Unit
- Internal Affairs Unit
- Organized Crime & Narcotics Task Force
- Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
- Somerset County Emergency Response Teams
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- Forensics Laboratory & Crime Scene Investigation Unit
- Criminal Intelligence Section (CIS)
- Burglary Task Force
- Crime Stoppers
- Computer Crimes / Technical Services Unit
- Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
- Arson Task Force
- Counter-Terrorism Unit

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**IV. Description of the functions of the unit:**

The Sex Crimes and Child Abuse Unit is a reactive, investigative unit. Upon receiving a complaint from the Division of Child Protection and Permanency (DCP&P), a police agency, or any other source, the unit reviews the data received, and takes the appropriate action.

This action could include immediate response by investigative unit personnel, or the matter may be referred to a municipal police department or other law enforcement agency for investigation. In cases where the victim is a child and the alleged suspect is a parent or caretaker the matter is also referred to DCP&P, or one of their subdivisions (e.g., the Institutional Abuse Unit). Upon completion of the investigation, the facts are screened with an Assistant Prosecutor and a determination is made regarding prosecution of the case.

In physical or sexual abuse investigations dealing with children, DCP&P or the local police usually refer cases. Additionally, but to a lesser degree, our office receives cases reported to us directly. A case file is opened as warranted and the victim is then interviewed as soon as possible. In cases when the victim is very young or has developmental disabilities, the interview is usually recorded on videotape. In all cases, if a complaint is substantiated through investigation, the case is processed and forwarded to the legal staff for prosecution.

**V. Investigations, activities, and accomplishments for 2016:****Investigations:**

- 88 referrals were processed in the unit and assistance given to local police, DCP&P and the Institutional Abuse Unit;
- There were also 58 additional referrals that resulted in an investigation conducted by the Prosecutor's Office;
- 18 of the 58 cases resulted in arrests;
- 2 bilingual detectives remain in the unit out of a total of 3 investigators; and
- There have been 29 adult/adolescent Sexual Assault Response Team (SART) activations plus 6 pediatric cases for the year.

**Megan's Law:**

- Sex offenders were served with Megan's Law Tier Notification as well as schools, daycare centers and community agencies being given Megan's Law Notification.

**Education and Training:**

- The unit continues to provide countywide training for police, dispatchers, rape care advocates, DCP&P, Institutional Abuse and Robert Wood Johnson Hospital at Somerset medical staff on procedures for investigating sex crimes and child abuse;
- The unit continues to provide in-service training to police officers within the County and State on the process of investigating sex crimes and child abuse.

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**Milestones Met in 2016:**

- The Somerset County Prosecutor's Office maintains a seat as Chair on the executive board of the New Jersey Sex Crimes Officers Association (NJSCOA);
- The unit is a member of the Somerset County Multi-Disciplinary Team (MDT) and meets once a month to discuss and resolve cases.
- 51 new cases were reviewed by the County MDT in 2016.
- The unit meets quarterly on the Sexual Response Team Advisory Board to discuss countywide Sexual Assault Response Team (SART) activations and discuss ways to improve the program.
- 5 Forensic Nurses – Certified in Sexual Assault (FN-CSA) are on staff/on-call to respond to Sexual Assault Response Team (SART) activations.
- 3 SANE nurses have completed certification to conduct pediatric examinations.

**2016 Case Summaries:**

- In January 2016, Franklin Township Police received a report that a 13- year old female was sexually assaulted by Gary Smith. The Somerset County Prosecutor's Office Sex Crimes/Child Abuse Unit detectives were involved in interviewing the victim. Gary Smith was interviewed and admitted to detectives that he digitally penetrated the victim. Gary Smith was arrested and charged with second degree Sexual Assault and third degree Endangering the Welfare of a Child.
- In April 2016, detectives from the North Plainfield Police Department received a report of a 9- year old who was sexually assaulted by Marvin Lewis. The Somerset County Prosecutor's Office Sex Crimes/Child Abuse Unit conducted an interview with the child. Marvin Lewis was interviewed and admitted to rubbing his penis on the child's buttocks. DNA evidence was also obtained. Marvin Lewis was arrested and charged with second degree Sexual Assault and second degree Endangering the Welfare of a Child.
- In September 2016, it was reported to Bound Brook Police Department that an 11- year old was sexually assaulted. The Somerset County Prosecutor's Office Sex Crimes/Child Abuse detectives interviewed the victim. Detectives from both departments interviewed Antonio Gaspar who admitted to sexually assaulting the victim. Antonio Gaspar was charged with first degree Aggravated Sexual Assault and second degree Endangering the Welfare of a Child.

**CRIMINAL INVESTIGATION DIVISION****Criminal Investigation Section**

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<i>Special Investigations Unit</i>
<i>Insurance Fraud Unit</i>
<i>Internal Affairs Unit</i>
<i>Organized Crime &amp; Narcotics Task Force</i>
<i>Polygraph &amp; Computerized Voice Stress Analysis (CVSA) Unit</i>
<i>Somerset County Emergency Response Teams</i>
<b>Operations Section</b>
<i>Fugitive Unit</i>
<i>Forensics Laboratory &amp; Crime Scene Investigation Unit</i>
<i>Criminal Intelligence Section (CIS)</i>
<i>Burglary Task Force</i>
<i>Crime Stoppers</i>
<i>Computer Crimes / Technical Services Unit</i>
<i>Vehicular Homicide Task Force &amp; Collision Analysis Reconstruction Team (C.A.R.T.)</i>
<i>Arson Task Force</i>
<i>Counter-Terrorism Unit</i>

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# SPECIAL INVESTIGATIONS UNIT

## I. Purpose:

The Special Investigations Unit (SIU) handles all cases involving official corruption, government integrity, high profile white-collar crimes (over \$75,000.00 loss), insurance fraud, environmental crimes, illegal documents, bias and hate crimes, computer crimes, technical services and background investigations.

In 2016, the Special Investigations Unit handled a total of 135 cases.

Investigations conducted by the Special Investigations Unit during 2016:

Criminal Investigations:	135
Background Investigations:	30
Search Warrants:	4
Arrests:	17

## II. Number of personnel assigned to the section or unit:

- A. Legal Staff:** **6 Assistant Prosecutors**
- B. Investigative Staff:** **1 Captain (Commander, Criminal Investigative Division)**  
**1 Lieutenant (Deputy Commander, CID)**  
**1 Sergeant**  
**6 Detectives**  
**1 Criminal Analyst**
- C. Clerical Staff:** **1 Secretary**

## III. Duties and responsibilities of section or unit personnel:

### A. Investigative Staff:

9 investigative personnel staffed the SIU in 2016: a Captain and Lieutenant who oversaw the Criminal Investigations Division and a Sergeant who commanded the unit of 6 Detectives and 1 Criminal Analyst.

### B. Legal Staff:

Legal guidance was provided on a case-by-case basis by 6 Assistant Prosecutors assigned as legal advisors: one for bias and hate crimes, one for insurance fraud matters, one for general investigations, and three for computer related crimes.

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#### **IV. Highlighted Cases:**

The Special Investigations Unit charged the following individuals in 2016:

##### **State v. Mike Karapiperis**

The Special Investigations Unit investigated a million dollar theft investigation involving an employee that remained in his position at the onset of the case. The investigation involved a complex scheme by the suspect, Mike Karapiperis, that spanned the course of several years. The investigation involved time sensitive matters and telephonic consensual intercepts. On August 1, 2016, Mike Karapiperis was arrested and charged with second degree Theft by Unlawful Taking/Disposition of movable property.

##### **State v. Drew Robinson**

On December 8, 2016 Drew Robinson was charged with Possession of Child Pornography, third degree in connection with a referral received from the National Center for Missing and Exploited Children. The Somerset County Prosecutor's Office was contacted by the National Center for Missing and Exploited Children through the New Jersey State Police ICAC Task Force. This referral exhibited the downloading of child pornography which occurred at Raritan Valley Community College located in Branchburg Township, N.J. Through a vigorous and remarkable approach, detectives from the Special Investigation Unit were able to identify Drew Robinson as the person responsible for downloading the child pornography. During the execution of a search warrant, detectives seized laptop computers, flash drives and cellular phones. Forensic extractions of this evidence revealed that Robinson had child pornography in his possession. Detectives conducted an interview with Robinson which resulted in his confession. Robinson provided a detailed account of the downloading of child pornography.

# INSURANCE FRAUD UNIT

## I. Purpose:

The Insurance Fraud Unit (IFU) handles all cases involving insurance fraud related matters in Somerset County. In 2016, the Insurance Fraud Unit handled a total of 17 cases.

Investigations conducted by the Insurance Fraud Unit during 2016:

Criminal Investigations:	17
Search Warrants:	0
Arrests:	4

## II. Number of personnel assigned to section or unit:

<b>A. Legal Staff:</b>	<b>1 Assistant Prosecutor</b>
<b>B. Investigative Staff:</b>	<b>1 Captain (Commander, Criminal Investigative Division)</b> <b>1 Lieutenant (Deputy Commander, CID)</b> <b>1 Sergeant</b> <b>2 Detectives</b> <b>1 Criminal Analyst</b>
<b>C. Clerical Staff:</b>	<b>1 Secretary</b>

## III. Duties and responsibilities of section or unit personnel:

### A. Investigative Staff:

6 investigative personnel staffed the IFU in 2016: a Captain and Lieutenant who oversaw the Criminal Investigations Division, and a Sergeant who commanded the unit of 2 Detectives and 1 Criminal Analyst.

### B. Legal Staff:

Legal guidance was provided on a case-by-case basis by 1 Assistant Prosecutor assigned as legal advisor: 1 for insurance fraud matters.

## IV. Highlighted Cases:

The Insurance Fraud Unit charged the following individuals in 2016:

**Glenn Long** A referral from a local attorney's office was received regarding the mishandling and improper distribution of an estate account. Long of Hillsborough Township, N.J. had been named as executor of an estate account valued at approximately \$250,000.00. The investigation revealed that Long had used the estate money to pay off his mortgage, purchase a new vehicle, and make numerous personal purchases. Long failed to properly disperse any of the money to the other heirs of the estate. Detectives interviewed Long who admitted to the crime. He was charged with Theft by Failure to Make Proper Disposition, and Misapplication of Entrusted Property, both second degree charges. This matter is still pending.

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**Thomas Tsakalagos** The Office of the Insurance Fraud Prosecutor made a referral of a possible fraudulent insurance claim regarding damage to a residence. Defendant Tsakalagos submitted a claim through a public adjuster in the amount of \$54,516.00 for wind related damage to his residence. Investigation revealed that the damage to the residence pre-dated the insurance claim. A sub-contractor interviewed by our Criminal Analyst provided a statement that Tsakalagos had asked him to change his estimate to reflect that the damage was from a recent storm so he could make an insurance claim. Tsakalagos was ultimately charged with third degree Insurance Fraud and has since pled guilty.

# INTERNAL AFFAIRS UNIT

## I. Purpose:

The Internal Affairs Unit of the Somerset County Prosecutor's Office is responsible for conducting internal affairs investigations of police officers from 19 municipal police departments, in addition to the Somerset County Sheriff's Office and Somerset County Prosecutor's Office. The unit also investigates discharge of weapons by police officers and police pursuits which result in accidents with injuries to the operators of the vehicles. Additionally, the unit handles police procedure reviews for all 19 municipal police agencies.

## II. Number of personnel assigned to section or unit:

- A. **Legal Staff:** 1 Assistant Prosecutor
- B. **Investigative Staff:** 1 Sergeant  
1 Detective
- C. **Clerical Staff:** 1 Secretary

## III. Duties and responsibilities of section or unit personnel:

- A. **Legal Staff:**  
Provides legal supervision of investigations in preparation for prosecution and provides legal guidance on a day-to-day basis.
- B. **Investigative Staff:**  
Conducts investigations concerning complaints made against police officers and police operations within Somerset County.

## IV. Description of the functions of the unit:

The unit not only conducts all internal investigations within the Prosecutor's Office but it also works cooperatively with local internal affairs officers in cases where serious allegations of improper conduct are alleged against county and municipal officers. It is also the responsibility of this unit to review policy and procedures for municipal police departments upon request. The unit supervisor reports directly to the Chief of Detectives.

- V. For the year 2016 there were 280 investigations of police misconduct in Somerset County. Of those, 35 cases were exclusively investigated by the Prosecutor's Office Internal Affairs Unit, 4 of which were pending from 2015.
- VI. Of the 35 investigations, none resulted in a criminal charge or conviction. However, there was 1 sustained case that resulted in departmental disciplinary action. Of the remaining 34 dispositions; 3 were classified as exonerated, 3 were classified as not sustained, 4 were unfounded and 24 were administratively closed. The remaining 4 cases were pending into the new year.

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# ORGANIZED CRIME & NARCOTICS TASK FORCE

## I. Purpose:

The Organized Crime and Narcotics Task Force of the Somerset County Prosecutor's Office is responsible for the detection, investigation, apprehension and prosecution of those individuals who violate the drug laws of the State of New Jersey. It is further responsible for the investigation of other forms of organized criminal activity, gangs, gambling and prostitution.

## II. The number of personnel assigned to the section or unit:

### Personnel during January 2016 to December 2016

- |                                |  |
|--------------------------------|--|
| <b>A. Legal Staff:</b>         | <b>2 Assistant Prosecutors</b>   |
| <b>B. Investigative Staff:</b> | <b>1 Captain</b><br><b>1 Lieutenant</b><br><b>2 Sergeants</b><br><b>11 Detectives</b><br><b>6 Task Force Investigators from local police departments</b> |
| <b>C. Support Staff:</b>       | <b>1 Clerical</b>  |

## III. Duties and responsibilities of section or unit personnel:

- |                                |  |
|--------------------------------|--|
| <b>A. Legal Staff:</b>         | Provides legal supervision of investigations in preparation for prosecution and gives legal guidance on a daily basis.   |
| <b>B. Investigative Staff:</b> | Conducts narcotic and organized crime investigations throughout Somerset County. Detectives work in an undercover capacity and are responsible for all organized crime and narcotics related electronic surveillances. |
| <b>C. Clerical Staff:</b>      | Prepares reports and completes paperwork to place into case files.   |

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**IV. Description of the functions of the unit:**

This Task Force uses a wide variety of investigative techniques to combat the use and sale of drugs as well as to pursue other forms of organized criminal activity. These techniques include undercover or plainclothes operations, physical surveillance, electronic surveillance, intelligence gathering and the investigative follow-up of referrals from other law enforcement agencies.

Case preparation is developed by members of the Organized Crime & Narcotics Task Force with the supervision and guidance of the legal staff of the Office of the Prosecutor.

**V. Investigation, activities, and accomplishments for 2016:**

Arrests	131
Weapons Seized	19
Vehicles Seized	4 automobiles & 4 motorcycles
Currency Seized	\$307,794.63
Narcotics Seized:	
Cocaine	2,227 grams
Cannabis	254 pounds
Synthetic Marijuana	33 grams
THC Wax	2,044 grams
Edible Marijuana	1,414 grams
Heroin	5,180 decs
Raw Heroin	41 grams
Fentanyl	113 grams
Methamphetamine	236 grams
Misc. Prescription Pills	326 doses (variety)
Bath Salts	200 grams
Molly	142 grams
LSD	645 grams
Psilocybin Mushrooms	18,120 grams
<b>Value of Narcotics Seized</b>	<b>\$1,534,330.00</b>

## VI. Highlighted Cases for 2016:

### A. March 16, 2016

On March 16, 2016, members of the Somerset County Prosecutor's Office Organized Crime and Narcotics Task Force were conducting a narcotic investigation in the area of 114 Mount Horeb Road, Warren Township, New Jersey. Information was received that Defendant Peter would be leaving 114 Mount Horeb Road driving a grey Dodge Ram 1500 with a New Jersey registration. As a result of receiving this information, Task Force members established surveillance in the area of 114 Mount Horeb Road. Task Force members observed Peter enter the grey Dodge Ram 1500 and leave the residence. At approximately 8:30 p.m., a motor vehicle stop was conducted on the grey Dodge Ram 1500 in the area of King George Road, Warren Township, N.J.

At this time, Task Force members approached Peter and advised him of the on-going narcotics investigation. The Somerset County Sheriff's Department K-9 Unit responded to the scene and K-9 "Apex" conducted an exterior sniff of the grey Dodge Ram 1500. K-9 "Apex" gave a positive indication for the presence of narcotics. A Superior Court search warrant was obtained for the grey Dodge Ram 1500 and 114 Mount Horeb Road. Task Force members searched the grey Dodge Ram 1500 and located a yellow bag in the back seat containing 8 pounds of marijuana.

Task Force members executed the search warrant at the residence and located 98 pounds of marijuana, 4 1/2 pounds of hashish and 3 pounds of hashish candy in multiple locations of the residence. Task Force members located an indoor grow for Psilocybin Mushrooms and germinating Psilocybin Mushroom seeds in a refrigerator and in multiple locations in the residence. Task Force members located a packaging area for marijuana and hashish in the basement of the residence that was equipped with a heat sealer, heat sealer bags and scales and an air filtration system throughout the residence. In addition, Task Force members located a Mossberg .22 long rifle in the basement of the residence.

Drug paraphernalia located in the residence included: heat sealer, heat sealer bags, scales, baggies, lights, grow pots, hygrometer, mason jars, candy, pots, grinder, gloves, dehumidifier, fans, flexible ducting, and filters .

Kai Peter was charged with Possession of Controlled Dangerous Substance (marijuana) with Intent to Distribute, first degree, Possession of Controlled Dangerous Substance (hashish) with Intent to Distribute, first degree, Maintaining a Controlled Dangerous Substance Production Facility, first degree, Possession of a Firearm while Committing a Controlled Dangerous Substance offense, second degree, Possession of Controlled Dangerous Substance (Psilocybin Mushroom) third degree, Possession of Drug Paraphernalia, DP.

### B. April 2016

In the latter part of April 2016, members of the Somerset County Prosecutor's Office Organized Crime & Narcotics Task Force and the Franklin Township Police Department were conducting a narcotics investigation into the distribution of Controlled Dangerous Substance (Heroin) by an unidentified Hispanic male, known only by the street name "Squeeze," from his residence located on Park Street in Somerset, N.J. "Squeeze" was later identified by investigators as Luis Carreon. As a result of this investigation, a Superior Court Search Warrant was obtained for Carreon and his residence.

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**C. May 4th, 2016**

On May 4th, 2016, Task Force personnel along with members of the Franklin Township Police Department executed the Superior Court Search Warrant. Shortly after making entry into the residence, Carreon attempted to elude Task Force members by jumping from the third story roof of the dwelling. Carreon was subsequently apprehended by police on the ground while trying to escape. As a result of the Superior Court Search Warrant Task Force members seized 1,064 folds (over 1 ounce) of heroin, a plastic bag containing approximately 8 pounds of heroin, 8 marijuana plants, packaging and processing materials and drug paraphernalia from Carreon's residence. Task Force members also recovered \$1,570.00 of U.S. currency.

Carreon was charged with first degree Maintaining a Controlled Dangerous Substance Production Facility, first degree Possession with Intent to Distribute Controlled Dangerous Substance (Heroin), third degree Possession with Intent to Distribute (Marijuana), fourth degree Resisting Arrest by Flight, Possession of Paraphernalia (Disorderly Persons Offense).

**D. October 31, 2016**

On October 31, 2016, the Somerset County Organized Crime & Narcotics Task Force received information that an unknown Hispanic male would be arriving in the area of Willow Avenue being driven by a taxi driver with New York license plates. Further information was received that the unknown Hispanic male would be in possession of a large quantity of cocaine.

Upon receiving this information Task Force members established surveillance in the area of Willow Avenue. Subsequent to establishing the surveillance Task Force members observed a green Toyota Highlander with New York taxi commission license plates arrive and park on Willow Avenue. At this time Task Force members, who identified themselves as police, approached the green Toyota Highlander for questioning. Upon approaching and removing the front seat passenger, who was later identified as Inoel Antonio Acosta, an object fell out of his lap and onto the ground. Task Force members later recovered the object that had fallen from Acosta's lap and identified it as 1 kilogram (1,000 grams) of cocaine. Defendant Acosta was later arrested and charged with first degree Possession of Controlled Dangerous Substance (Cocaine) with the Intent to Distribute.

# POLYGRAPH & COMPUTERIZED VOICE STRESS ANALYSIS UNIT

## I. Purpose:

The Polygraph Unit and CVSA Unit are responsible for conducting examinations to test the veracity of statements given to investigative units and local departments when needed.

## II. Number of personnel assigned to the section or unit:

<b>A. Legal Staff:</b>	<b>Assistant Prosecutors as needed</b>	
<b>B. Certified Examiners:</b>	<b><u>Polygraph</u></b>	<b><u>CVSA</u></b>
	<b>1 Chief</b>	<b>1 Captain</b>
	<b>1 Detective</b>	<b>1 Sergeant</b>
		<b>3 Detectives</b>

## III. Duties and responsibilities of section/unit personnel:

### A. Legal Staff:

Assistant Prosecutors provide legal guidance as needed on a case-by-case basis. All agreements and stipulations are reviewed and approved by the Assistant Prosecutors.

### B. Certified Examiners:

Polygraphists and CVSA Examiners conduct examinations as needed. Polygraph and CVSA examinations are a collateral responsibility of the members of this unit based on their specialized training in this area.

## IV. Description of the functions of the unit:

The requests for in-county Polygraph and CVSA examinations must be reviewed and approved by the unit commander. Any request for an examination for an out-of-county agency must be approved by the Chief of Detectives.

During 2016, the total number of Polygraph/CVSA examinations was 2, resulting in 2 deceptive findings.

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# SOMERSET COUNTY EMERGENCY RESPONSE TEAMS (SCERT)

**I. Purpose:**

The Somerset County Emergency Response Teams (SCERT) are responsible for responding immediately to incidents of a critical nature where specially trained personnel are required to assist in disturbances or other life-threatening situations, such as hostage incidents, barricaded persons, high risk warrant service, civil disturbances, suicidal subjects, search/rescue, dignitary protection, crowd control, evidence/area searches, and water related rescue/recovery operations. The SCERT are comprised of the SWAT Team, Crisis Negotiations Team (CNT), Dive-Rescue Team and Tactical Emergency Medical Services Team (TEMS).

**II. Number of personnel assigned to the section or unit:**

**A. Legal Staff:** **Chief Assistant Prosecutor W. Brian Stack**

**B. Sworn Personnel:**  
**Chief John Fodor SCPO  
 SCERT Commander  
 Lieutenant Edward Ciempola North Plainfield P.D.  
 SWAT Commander  
 Detective Herbert Foster SCPO  
 CNT Commander  
 Detective Mark Matthews SCPO  
 Dive – Rescue Team Commander**

**80 additional law enforcement officers are trained and assigned to various teams.**

**C. Civilian Personnel:** **A contingent of 18 paramedics from Robert Wood Johnson University Hospital-Somerset, and Robert Wood Johnson University Hospital-New Brunswick, 2 civilian divers, and a Mental Health Specialist are team members.**

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### III. Duties and responsibilities of section/unit personnel:

#### A. Legal Staff:

Provides legal assistance as the need and situation requires.

#### B. Sworn Personnel:

Assigned to the teams from the Office of the County Prosecutor, Sheriff and municipal law enforcement agencies within Somerset County.

#### C. Civilian Personnel:

Assigned as team members based on their particular expertise in the medical or mental health field.

### IV. Description of the functions of the teams:

**A. SCERT** is comprised of 4 essential components. The first is the Special Weapons and Tactics (SWAT) component, the second is the Crisis Negotiations Team (CNT), the third is the Dive-Rescue Team and the fourth is the Tactical Emergency Medical Services Team (TEMS). When an incident occurs that requires mobilization of any of the SCERT components, notification is made activating all members of the required component(s) to respond. Team members have specific responsibilities within each component.

**B. The SWAT team** consists of 53 full-time officers from 17 different law enforcement agencies within Somerset County. This team is a specially trained group of police officers who are equipped to handle extraordinary situations necessitating a specialized police response anywhere within Somerset County.

**C. The Crisis Negotiations Team (CNT)** is comprised of 15 full-time officers from 7 different law enforcement agencies within Somerset County. Each of these specially trained officers is required to minimally attend the FBI's 40 hour "Crisis Negotiations Training" course. Since 1987, the team has the added support and resources of a Mental Health Specialist, Mr. Paul Mahaffey, M.S., M.A.

**D. The Dive-Rescue Team** is comprised of 15 full-time law enforcement officers and 1 retired law enforcement officer from 12 different law enforcement agencies within Somerset County. The members are trained in various aspects of water rescue, underwater search and rescue, crime scene processing, ice-dive rescue, flood water rescue and surface swift water rescue operations.

**E. The Tactical Emergency Medical Services Team (TEMS)** consists of 18 paramedics from Robert Wood Johnson University Hospital-Somerset, and Robert Wood Johnson University Hospital-New Brunswick Mobile Intensive Care Unit. The members of TEMS provide tactical medical services to both Somerset County SWAT and Middlesex County SWAT. The members of TEMS are required to attend Tactical Medic training and actively train with other SCERT components.

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**V. 2016 Training Summary:**

- A.** The SWAT team conducted 12 regularly scheduled session monthly drills throughout 2016, including 2 joint training sessions with the Crisis Negotiations Team.

During the training year, the team trained in the following functional areas: operational planning, building clearing, tactical movement, use of distraction devices, building approach, perimeter control, self-defense techniques, civil disturbance, firearms training, (including qualifications in assault rifles, sniper rifles, and sub-machine gun), and breaching and response to active shooters. Members were also given instruction on field treatment of traumatic injuries, downed officer extraction, deployment of chemical agents, and crowd control. Physical training and a P.T. assessment was also conducted.

- B.** The members of the CNT participate in monthly drills. During each of these drills all the crisis team equipment is checked for accountability, serviceability, and is charged as required. Additionally the drills include classroom presentations from assigned members or guest presenters on the various themes associated with the science and art of negotiations. Drills also include scenario and role play trainings in order to keep the negotiators skilled in their trade. Tactical trainings are also included, so that negotiators can continue to develop their associated tactical skill sets to better serve the team, and ultimately the citizens serviced by the team.

During the month of February, CNT members attended 2 days of case study and classroom training which was held in Baltimore County, Maryland. Baltimore County has conducted this training for over 35 years, and it is recognized as the largest and most comprehensive crisis negotiations training on the East Coast, with attendance often exceeding 700 officers from around the world.

In October 2013 the CNT developed a one day training called "The Best of the Best". This training placed crisis negotiations teams from across N.J. in competition against other teams to refine each team's crisis response performance. The training was repeated in 2016 with an overall attendance of 75 negotiators participating.

In May 2016, the CNT hosts an annual CNT conference at the Raritan Valley Community College. This event is sponsored through a partnership consisting of the Somerset County Prosecutor's Office (CNT), the Hunterdon County Prosecutor's Office (CNT) and the Newark Office of the FBI (Crisis Negotiations Unit (CNU)). This event has attendance of approximately 225 negotiators and police officers. It involves classroom blocks on the science of negotiations as well as Negotiation/SWAT case studies. This annual training was attended by officers/negotiators from throughout New Jersey, Pennsylvania, New York and Washington, D.C.

The CNT participated in 2 combined drills with SWAT and TEMS personnel in 2016. The purpose of the combined drills is to ensure inter-discipline cooperation, coordination and overall enhanced effectiveness when the multi- team SCERT is activated.

- C. The SCERT Dive-Rescue Team conducted 12 regularly scheduled monthly drills throughout 2016. During the training year, the team trained in the following functional areas: operational planning, ice rescue operations, rappelling, hoisting and lowering systems, rescue boat operations, swift water operations, diving in deep water, black water diving, night diving, underwater search patterns, underwater crime scene searches, and underwater crime scene processing. Members of the team also perform in-house VIP inspection of all SCUBA bottles.
- D. The TEMS Team actively trains every month with SWAT and on all joint drills.

## VI. Joint Training

Part of the training included 2 joint, SWAT and CNT, training sessions. The 2 teams held large scale rehearsals for hostage situations including crisis negotiation. In addition, SWAT and CNT conducted an active shooter response drill at Robert Wood Johnson University Hospital -Somerset.

- A. On September 1, 2016 the Somerset County SWAT team and Crisis Negotiations team conducted a joint training operation at the Somerset County Vocational and Technical School. The event was a mock active shooter/mass casualty scenario. Nearly 100 staff members from the vocational school participated in the event. Municipal officers from Bridgewater and Somerville Police Departments; the Somerset County Sheriff's Office Special Response Team; medics from local rescue squads and Robert Wood Johnson Medical Center Somerset also participated in the training. Several table top exercises were conducted prior to the training operation.
- B. On December 16, 2016 the Somerset County SWAT team and Crisis Negotiations team conducted a joint training operation at Robert Wood Johnson Medical Center Somerset. This was another AS/MCI scenario that turned into a hostage situation. It involved an initial response by the Somerville Police Department; RWJ security and other hospital staff. Members of the Somerset County OEM incident support team also participated in the event. Several table top exercises were conducted prior to the training operation.

## VII. Brief synopsis of SCERT 2016 call-outs (3):

**February 6, 2016** – Dive/Rescue Team activated to Davidson Avenue and Easton Avenue, Somerset, N.J. for a vehicle in the canal.

**April 23, 2016** – SWAT/CNT activation for a barricaded suspect in Hillsborough Township.

**October 30, 2016** – SWAT/CNT activation for a barricaded suspect in Hillsborough Township.

## VIII. Training provided by SCERT

### Response to Active Shooter Instructor Course

In the Spring of 2016 the SWAT Team, CNT Team and the Somerset County Police Academy joined to offer a 40 hour block of in-service training entitled "Patrol Response to an Active Shooter Instructor Course".

The course allowed the SWAT, CNT and TEMS teams to share their expertise on this topic with police instructors from around the county and adjoining counties. The school was a great success and will appear annually in the Somerset County Police Academy Catalog.



**IX. Community Outreach**

**SWAT team members participated in the following special events:**

- Somerville Police Department Youth Week
- National Night Out in North Plainfield and Somerville
- Bring Your Child to Work Day – Somerset County
- Somerset County Association of Chiefs of Police Annual Police Youth Week Program
- Somerville Flag Day

**CNT members participated in the following special events:**

During 2016 the CNT provided demonstrations of equipment and personnel as requested by community groups and events, allowing the citizens of Somerset County to recognize the professionalism of their law enforcement community, as well as the many specialty resources available here in Somerset County.

The CNT assists Centenary College each semester, as requested with role players who have expertise relative to an undergraduate Criminal Justice course offering titled: “Crisis Negotiations in Police and Corrections”.

**DIVE – RESCUE team members participated in the following special events:**

- Bring Your Child to Work Day – Somerset County

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# FUGITIVE UNIT

## I. Purpose:

The Somerset County Prosecutor's Office Fugitive Unit is comprised of county detectives whose primary responsibilities are to locate and apprehend wanted fugitives.

## II. Number of personnel assigned to section or unit:

- A. **Legal Staff:** **1 Assistant Prosecutor**
- B. **Investigative Staff:** **1 Lieutenant**  
**2 Sergeants**  
**3 Detectives**
- C. **Clerical Staff:** **1 Secretary**

## III. Duties and responsibilities of section or unit personnel:

- A. **Legal Staff:**  
Provides legal supervision and guidance to investigative staff relating to legal issues concerning fugitive cases and other matters as needed.
- B. **Investigative Staff:**  
This unit is on-call 24 hours a day, 7 days a week. The Fugitive Unit travels throughout various jurisdictions within New Jersey and outside state boundaries to pursue persons wanted for various criminal offenses, violations of parole, and failure to comply with bail tracking. These efforts require extensive cooperation between the Fugitive Unit and law enforcement agencies from local, state and federal sectors.
- C. **Support Staff:**  
Secretary provides data entry and updates files.

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**IV. Description of the functions of the unit:**

Since 1997, this unit averages approximately 300-400 arrests per year. An additional function includes the arrest and incarceration of the individuals located within Somerset County who are wanted as fugitives from out-of-state authorities. All wanted fugitives arrested outside of New Jersey must be extradited to New Jersey. It is the responsibility of the Fugitive Unit to apply for a Governor's Warrant within 90 days to bring the wanted individuals back to New Jersey.

In 2016 the Fugitive Unit joined forces with the following agencies:

- In August and September of 2016, Somerset County Sheriff's Office, Somerset County Corrections, New Jersey State Police, Middlesex County Prosecutor's Office, Union County Sheriff's Office, United States Marshall Service, United States Immigration and Customs Enforcement, and the Plainfield Police Department for a 3 day, around the clock round-up of persons who failed to appear or had violations of probation warrants.
- In 2016, the Fugitive Unit extradited several fugitives from numerous states including: New York, Pennsylvania, Maryland, Connecticut, Delaware, Virginia, and Alabama.

In addition to the out-of-state extraditions and in-state transports the Fugitive Unit was able to proactively work with local law enforcement agencies to attempt service on outstanding active warrants on numerous occasions.

**V. Investigative activities for 2016 are as follows:**

- **531 New warrants were received**
- **629 Warrants were satisfied by arrest, vacated or dismissed.**
- **782 Active warrants at start of 2016**
- **1 Governor's Warrant**
- **5 Interstate Agreement on Detainers (IAD)**

**VI. Fugitive Unit - 2016**

	Arrests	Vacates	Dismissed	Totals
January	25	12	0	37
February	31	8	0	39
March	21	11	0	32
April	21	11	0	32
May	33	17	17	67
June	31	11	8	50
July	32	18	29	79
August	36	22	0	58
September	36	11	5	52
October	24	18	59	101
November	33	11	1	45
December	24	13	0	37
<b>Totals</b>	<b>347</b>	<b>163</b>	<b>119</b>	<b>629</b>

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# FORENSICS LABORATORY & CRIME SCENE INVESTIGATION UNIT

## I. Purpose:

The Forensics Laboratory and Crime Scene Investigation Unit of the Somerset County Prosecutor's Office utilizes the most current technology and equipment to obtain and analyze physical evidence for use in criminal investigations.

## II. Forensics Laboratory:

Staffed by 5 investigative personnel, 2 civilian personnel, 1 Ballistics Examiner from the Somerset County Prosecutor's Office, and 1 Ballistics Examiner from the Middlesex County Prosecutor's Office.

During the course of 2016 the Forensics Laboratory opened 207 cases that were either submitted by local Police Departments, County Prosecutor's Offices, Federal Agencies or generated as a result of the Crime Scene Unit processing a scene.

Among the items the Forensic Laboratory may be requested to collect, analyze, process or compare include, but are not limited to:

1. Biological or serological evidence (blood, semen, saliva, etc.). These items are collected and submitted to other laboratories for analysis. The Somerset County Prosecutor's Office Forensics Laboratory does not conduct biological or trace evidence analysis;
2. Latent finger and palm print development and comparisons;
3. Impression evidence such as tire impressions, footwear impressions, glove and fabric impressions and bite mark evidence;
4. Hairs, fibers and other trace evidence;
5. Firearms, ammunition, projectiles and shell casings;
6. Gunshot residue;
7. Tool marks;
8. Accelerants from fire scenes.

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### III. Firearms and Ballistics Unit:

The Firearms and Ballistics Unit is responsible for the following examinations:

1. Operability to determine if a weapon is readily capable of firing;
2. Serial number restoration utilizing mechanical and chemical processes to restore defaced serial numbers;
3. Microscopic comparisons of projectiles and casings in an attempt to identify weapons used in a specific crime and to determine if there is any correlation between the weapon, projectiles or casings with any other crimes;
4. Gunshot distancing: used to determine the distance between the muzzle of the firearm and the point of impact of the projectile;
5. Trajectory analysis to determine the path that a projectile takes after it exits the barrel to where it comes to rest. This is most commonly used to determine from where the weapon was fired.

The Somerset County Prosecutor's Office in partnership with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives and the Middlesex County Prosecutor's Office operate the Integrated Ballistics Identification System, (IBIS). IBIS is a computerized imaging system where projectiles and casings are received in the laboratory, analyzed for forensic value, weighed, measured and entered into the IBIS database. The items are searched against the database and potential matches or "hits" are reported. The "hits" are then microscopically compared for verification. In 2016, a total of 392 items were entered by the Firearms and Ballistics Unit resulting in 11 cold case "hits".

### IV. Crime Scene Investigation (CSI) Unit:

The Crime Scene Unit responds to the scene of various crimes and is responsible for processing the scene for potential physical evidence. The most common types of scenes processed include homicides, death investigations, aggravated assaults, robberies, burglaries and sexual assaults. During the course of 2016, the Crime Scene Unit was called on to process 48 crime scenes within Somerset County.

In addition to scene processing, the Crime Scene Unit assists all other units of the SCPO as well as local, county, state and federal law enforcement agencies as needed. The Crime Scene Unit is a participating member of a statewide Major Crimes Task Force that is able to respond anywhere in the state to assist with processing major crime or disaster scenes.

The Crime Scene Unit also provides the following services for the Somerset County Prosecutor's Office:

1. Attends autopsies in cases of homicide or suspicious deaths;
2. Prepares crime scene diagrams and other documents for court presentation;
3. Utilizes various photography techniques to document crime scenes, evidence and public relations events;
4. Collects and submits DNA and other trace evidence specimens for laboratory analysis;
5. Provides training classes on various crime scene and evidence related topics to in-service police.
6. Conducts presentations to a wide variety of public groups including high school and college classes on general crime scene and laboratory processing techniques;
7. Conducts blood stain pattern analysis at scenes and on clothing.

**V. Forensics Unit:**

The Forensics Unit is responsible for processing all items of evidence submitted to the laboratory for latent fingerprints. The unit is also responsible for the collection, preservation and submission of biological evidence, hairs, fibers or other trace evidence to other laboratories for analysis. During 2016 the Forensics Unit processed 2,877 individual items of evidence.

The Forensics Unit has the responsibility of operating the Automated Fingerprint Identification System or AFIS Terminal, which directly accesses the NJSP AFIS fingerprint database. Latent prints developed at crime scenes, in the laboratory or submitted by local agencies are input into the SCPO terminal and searched through the state database in an attempt to find a match or "hit". In 2016, 392 spent casings were input into AFIS resulting in 11 "hits" identifying suspects.

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# CRIMINAL INTELLIGENCE SECTION

## I. Purpose:

The Criminal Intelligence Unit (CIU) provides the Somerset County Prosecutor's Office with the knowledge and recommendations to allow for effective management of its resources. Criminal Intelligence is a process involving planning and direction, collection, evaluation, collation, analysis, dissemination, and re-evaluation of information on suspected or known criminals and/or organizations operating within our jurisdiction.

The focus of the CIU resources consist of but are not limited to the following criminal activities: violations of New Jersey Statutes pertaining to controlled dangerous substances, gambling, traditional and non-traditional organized crime, burglary/theft, street gangs, strategic threat groups and violent crimes.

Information received is maintained and secured in a computerized database. This information or data that is maintained in the database is restricted to criminal intelligence and related information from public records, media sources, and substantiated information received from citizens and law enforcement agents which adheres to the Criminal Intelligence Systems Operating Policies (28 C.F.R. § 23 (2017)).

## II. Number of personnel assigned to unit:

**A. Investigative Staff: 1 Detective**

## III. Duties and responsibilities of unit personnel:

The CIU investigative staff is composed of a career law enforcement professional, who is also a Certified Criminal Analyst with 17 years experience in the Intelligence field. The CIU is responsible for the collection, collation, evaluation, analytic review, dissemination, and re-evaluation of the data maintained in the Infoshare Intelligence database. It is the duty of the CIU to educate, train, and monitor users of the Infoshare Intelligence database, making sure its users comply with the federal intelligence standards of 28 C.F.R. § 23 (2017). In 2016, the CIU maintained the Intelligence database entries as well as vetting its users within Somerset County. All users of the Intelligence Database are required to complete 28 C.F.R. § 23 (2017) training to gain access to the system.

Data collected by the CIU is entered into the Infoshare Intelligence database and maintained by the CIU. Data collected consists of, but is not limited to the following items: information received from confidential informants, probation and parole updates for Somerset County residents, Narcan deployments and heroin overdoses in Somerset County, as well as intelligence gleaned by members of Somerset County Local municipalities.

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The CIU receives and evaluates hundreds of intelligence emails on a daily basis to include monitoring the Critical Reach / TRAK system. Information collected from various sources is then disseminated to intelligence liaisons throughout Somerset County, various law enforcement contacts in the State of New Jersey, surrounding states, and federal agencies.

Any and all intelligence products and emails generated and disseminated by the CIU to law enforcement contain a confidentiality statement. The statement is as follows:

This is a confidential intelligence report and is the property of the Intelligence Unit of the Somerset County Prosecutor's Office. This agency is a "participating agency" within the meaning of [28 C.F.R. § 23 (2017)]. As such, this publication is regarded as a government record exempt from public access or review under O.P.R.A. N.J.S.47:1A-1 et seq. This office further asserts that this publication is exempt on the basis that it constitutes "inter-agency advisory consultative or deliberative material." Further dissemination of this report without the expressed authorization of the Somerset County Prosecutor's Office is strictly forbidden. Unauthorized use or dissemination of this report may result in civil/criminal liability. No enforcement action should take place based solely on the contents of this report. Do not make this report or any portion thereof part of any discovery package. Do not post in a publicly visible area.

In March 2012, the Somerset County Prosecutor's Office Criminal Intelligence Unit began sharing intelligence information with 13 outside law enforcement agencies on the INFOSHARE Network. In 2015, the INFOSHARE Network was connected statewide with 95% compliancy by state law enforcement agencies as well as the majority of County Prosecutors' Offices.

The CIU lends support to all units of the Somerset County Prosecutor's Office as well as for local municipalities and for other SCPO detective staff as requested. On a daily basis the CIU provides timely intelligence to the Narcotics and Organized Crime Unit, Fugitives, and the Burglary / Major Crimes Unit. The CIU continues to lend support by the dissemination of information, case analysis, as well as producing analytical products. Analytical products include mapping, GPS mapping, telephone toll analysis, timelines, and organizational charts.

The CIU is responsible for maintaining and compiling a database comprised of confidential informants who are contracted by SCPO detective staff. The CI files are maintained and updated as requested by the CIU unit.

Lastly, the CIU holds a bi-monthly Roundtable Intelligence meeting which is attended by multiple agencies both in Somerset County, as well as surrounding agencies. It should be noted that the meeting is attended by Municipal, County, State, and Federal agencies in the State of New Jersey.

Other duties:

1. CJIS

- TAC Officer for Somerset County
- Train / Test / Certify Users
- NJSP Audits (every 2 years) Completed 2016

2. Deconfliction

- Lead POC for HIDTA Case Explorer
- Organize / Maintain HIDTA User list

## 3. FBI VICAP

- Lead POC for Somerset County
- Input / Maintain records
- Update Users / Maintain

## 4. Confidential Informant database

- Maintenance of database as well as hard copy of CI files
- Track CDS prices from narcotic vouchers
- Maintain narcotic vouchers in CI files

## 5. Intelligence Officer / Analyst

- Collect, correlate information received
- Analyze data
- Produce tactical and strategic intelligence products
- Publish immediate Intelligence Bulletins, and Monthly Intelligence Briefs
- Disseminate intelligence to Local, County, State and Federal agencies
- Evaluate the intelligence

## 6. Crime Stopper Law Enforcement Liaison

- Disseminate tips received

## 7. Infoshare Intelligence database supervisor

- Input (Narcans deployments, parole notifications, CI intelligence received, gang identifications, Crime Stopper tips)
- Review (all records added by SCPO and local police departments)
- Purge (deletion of outdated records)

## 8. Email Distribution / Dissemination

- Field approximately 100 + emails daily to proper units / supervisors (i.e. APB, NJSP, Pennsylvania Attorney General Intelligence Unit)

## 9. IALEIA

- International Association of Law Enforcement Intelligence Analysts
- President of the Mid-Atlantic Chapter
- Duties to train, educate, host meetings

## PROSECUTOR'S MESSAGE

## LAW ENFORCEMENT OF SOMERSET COUNTY

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 Appellate Section  
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*Sex Crimes & Child Abuse Unit*  
*Special Investigations Unit*  
*Insurance Fraud Unit*  
*Internal Affairs Unit*  
*Organized Crime & Narcotics Task Force*  
*Polygraph & Computerized Voice Stress Analysis (CVSA) Unit*  
*Somerset County Emergency Response Teams*  
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*Fugitive Unit*  
*Forensics Laboratory & Crime Scene Investigation Unit*  
**Criminal Intelligence Section (CIS)**  
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 (Gang Resistance Education Training)  
 Bring Your Child to Work Day  
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## POLICE ACADEMY

10. Statewide Intelligence Commanders meeting

- Lead as of January 2016
- Organize / schedule
- Held 5 times a year (March, May, July, September, November)
- Hosted throughout the State of New Jersey
- May 2016 – hosted by the Somerset County Prosecutor’s Office.
- Maintain email distribution list
- Provide training
- Approximately 120 members

11. Somerset County Intelligence Meeting

- Organize / Schedule
- Every 2 months
- Outlet for detectives, officers to share open case data and network
- Provide training
- Open to SCPO detective staff, Somerset County local police departments, and surrounding counties

12. Attend Intelligence Meetings / Networking opportunities



# BURGLARY TASK FORCE

## I. Purpose:

The Somerset County Prosecutor's Office Burglary Task Force is an investigative unit created to assist municipal, county and state law enforcement agencies in investigating burglaries. The function of the Burglary Task Force is to collect data, analyze crime patterns, and disseminate pertinent information to police agencies affected by common burglary types.

## II. The number of personnel assigned to the unit:

- A. **Legal Staff:** **1 Assistant Prosecutor**
- B. **Investigative Staff:** **1 Detective Lieutenant**  
**1 Detective Sergeant**  
**2 Detectives**

## III. Duties and responsibilities of section or unit personnel:

- A. **Legal Staff:**  
Provides legal supervision in preparation for prosecution and gives legal advice and opinions on a day-to-day basis as needed.
- B. **Investigative Staff:**  
Collects data from local police agencies, analyzes crime patterns, disseminates pertinent information to police agencies affected by common burglary types, and conducts pro-active investigations into burglary suspects.

## IV. Descriptions of the functions of the unit:

In 2016, the Somerset County Prosecutor's Office Burglary Task Force continued to review the past methods of investigation and constantly improve upon how the Burglary Task Force would carry out its mission. In previous years the Burglary Task Force operated as more of a reactive unit. Starting in 2011 the Burglary Task Force established itself as a pro-active intelligence led investigative unit and that concept continued into 2016. The Burglary Task Force was further expanded in 2013 and is now comprised of 1 Detective Lieutenant, 1 Detective Sergeant, and 2 Detectives. The assistance provided by the Burglary Task Force to Somerset County municipalities varies on a case-by-case basis. The Burglary Task Force disseminates the names of burglary suspects obtained from confidential informants and other police agencies to the municipalities within Somerset County. As serial residential burglars often cross county lines and begin working in larger regions, the Somerset County Burglary Task Force saw the need to forge strong relationships with other intelligence and burglary units in our surrounding counties to foster information sharing. The Burglary Task Force also assists by providing physical surveillance of suspects believed to be actively committing burglaries. The Burglary Task Force works closely with the Division of Weights and Measures to insure local precious metal buyers are properly documenting purchases and filling our purchase receipts.

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#### POLICE ACADEMY

In 2016 the Somerset County Burglary Task Force continues to monitor the buying and selling of precious metals throughout Somerset County. As the price of gold remains high, residential burglars targeting gold continue to be on the rise. There are 36 precious metal buyers in Somerset County. To insure uniformity and compliance the Burglary Task Force, along with the Division of Weights and Measures, constructed a uniform receipt to be utilized by each buyer within Somerset County at the time of the purchase. The Burglary Task Force requires that the receipt be forwarded to both the Burglary Task Force and the police department in the town where the buyer resides. The Burglary Task Force provides the information gathered from the precious metal buyers to all sworn law enforcement personnel through a searchable online database. This database allows a detective to search jewelry sold to all buyers across Somerset County from their desktop computer. To date the program dubbed "Operation Gold Rush" assisted the Burglary Task Force and other municipalities that use the system in solving over 422 residential burglaries based solely on the precious metal reporting forms.

In 2016 the Somerset County Burglary Task Force continued to maintain and review a uniform reporting form requiring each municipality to notify the Task Force when a residential or commercial burglary occurs within their jurisdiction. By collecting this information the Burglary Task Force is able to study the methods of entry, times of day, and methods the burglars used to search the house. This information has been useful in spotting patterns and identifying burglary suspects.

In 2016 The Somerset County Burglary Task force began to make the transition in a more advanced precious metal reporting system called Regional Automated Information Database (RAPID). Currently 7 municipalities have passed ordinances to enforce the requirement to use the new precious metal reporting system.

#### V. 2016 Significant Cases:

The Somerset County Prosecutor's Office Burglary Task Force has continued to assist municipal, county and state law enforcement agencies in investigating residential and commercial burglaries. The Somerset County Prosecutor's Office Burglary Task Force made 19 arrests for burglaries and solved 9 residential burglaries. Listed below are highlighted cases for 2016:

- On April 5, 2016 while reviewing intelligence sharing bulletins a detective assigned to the Somerset County Prosecutor's Office Burglary Task Force noticed a reported burglary at 300 Zion Road, Hillsborough Township, N.J. involving the theft of firearms. The burglary seemed unlikely due to the location of the residence and the time of day when the burglary reportedly occurred. The investigating detective also learned from the Hillsborough Township Police Department that the resident, Craig Ocleppo, age 31, was suspected of being involved in the distribution of marijuana.
- On April 6, 2016 a search warrant was obtained and executed at 300 Zion Road, Hillsborough Township N.J. During the course of the search detectives seized 10 pounds of marijuana and an assault rifle. Craig Ocleppo was subsequently charged with Possession of Marijuana with Intent to Distribute first degree and Possession of an Assault Firearm second degree. The matter is pending in Somerset County Superior Court.
- On August 22, 2016 the South Bound Brook Police Department contacted the Somerset County Prosecutor's Office Burglary Unit in reference to a burglary and theft which occurred at a residence on Armstrong Street in South Bound Brook, N.J. During the course of the investigation several items were seized and brought to the Somerset County Prosecutor's Office Forensics Unit where the items were examined for fingerprints. As a result the fingerprints belonging to William Magee, age 38 of Trenton, N.J. were identified.

Detectives subsequently located William Magee in Trenton, N.J where he was arrested and charged with Burglary third degree, Theft third degree, and Unlawful Possession of a Weapon third degree. The matter is pending in Somerset County Superior Court.

## VI. Future

The Somerset County Burglary Task Force will continue to expand investigative techniques and continue to network throughout our bordering counties sharing available intelligence. The Task Force is transitioning to using RAPID for reporting precious metals transactions. The RAPID system is in full use in Maryland and Delaware and is beginning to be used more in New Jersey. The RAPID system records and photographs the purchase of all precious metals at the point of sale which would alleviate the data entry currently being done by police detectives giving them more time to conduct pro-active burglary investigations.

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#### POLICE ACADEMY



# CRIME STOPPERS OF SOMERSET COUNTY

*The Crime Stoppers program was initiated in Somerset County in February of 2004 and it remains a highly successful program in assisting the Somerset County law enforcement community in solving crimes.*

## I. Purpose:

Crime Stoppers of Somerset County, Inc. is a New Jersey 501(c)(3) non-profit corporation and it is funded entirely by tax-deductible donations from the private and corporate sectors. As a community-based program, it brings the public, the media and the police together in a cooperative effort to help prevent and solve crimes, as well as helping law enforcement apprehend fugitives from justice. This is accomplished by offering cash rewards and anonymity to persons who furnish information leading to the arrest and conviction of a criminal offender. The program encourages individuals with knowledge of a crime or whereabouts of a fugitive to call a toll-free hotline 1-888-577-TIPS. Tipsters may also email information via the internet by logging onto [www.577tips.org](http://www.577tips.org). Crime Stoppers has proven to be an effective weapon against crime. There are over 1,000 Crime Stopper programs in the United States, Canada and Europe.

## II. Number of personnel assigned to Crime Stoppers of Somerset County:

**A. Investigative Staff: 1 Detective**

**B. Support Staff: 1 Civilian/Coordinator**

## III. Duties and responsibilities of personnel:

The Coordinator oversees the day-to-day operations of the program and is the liaison between the board of directors, the media and all law enforcement agencies throughout the County.

The Detective is responsible for receiving, analyzing and forwarding tip information to the appropriate law enforcement agency.

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### POLICE ACADEMY



# COMPUTER CRIMES / TECHNICAL SERVICES UNIT

## I. Purpose:

The Computer Crimes Unit of the Somerset County Prosecutor's Office is comprised of a Lieutenant, Sergeant, 2 Detectives, and a Task Force Member. The Unit supports all of the units in the Prosecutor's Office as well as the County's municipal police departments with computer related investigations. The Computer Crimes Unit is responsible for forensically analyzing/previewing computers, which are suspected of being used in the commission of a crime. The Unit is also affiliated with the Internet Crimes Against Children (I.C.A.C.) Task Force. As a member of the I.C.A.C. Task Force, the Unit handles referrals from I.C.A.C. Task Forces across the country in addition to actively investigating online child predators. The Unit also provides local schools and community organizations with internet safety presentations.

## II. The number of personnel assigned to the Unit during 2016:

<b>A. Investigative Staff:</b>	<b>1 Captain</b>
	<b>1 Sergeant</b>
	<b>2 Detectives</b>

## III. Investigations, activities and accomplishments for 2016:

<b>Computer Forensic Examinations/Previews</b>	<b>2</b>
<b>I.C.A.C. Referrals/Investigations</b>	<b>15</b>
<b>Investigations of distribution of child pornography</b>	<b>20</b>
<b>Investigations of possession of child pornography</b>	<b>24</b>
<b>Investigations of enticing/obscenity to a minor</b>	<b>2</b>
<b>Celebrite cell phone examinations</b>	<b>65</b>
<b>Arrest for above offenses</b>	<b>3</b>

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### POLICE ACADEMY



**IV. Accomplishments Made by this Unit during 2016:**

- A.** In July of 2016, defendant Halil Sahin of Somerville, New Jersey, was arrested and charged for second degree Distribution of Child Pornography, third degree Possession of Child Pornography, and third degree Endangering the Welfare of a Child.

In June of 2016 detectives was assigned to investigate a matter involving eMule Peer to Peer file sharing network. Downloads of extensive child pornography were recovered and detectives acquired the I.P. Address of the target and was able to positively identify him as Halil Sahin. Subpoenas were generated that later confirmed the I.P. Address associated with the eMule network returned to subscriber Sahin. Detectives prepared a Communications Data Warrant, which was granted by Judge Yolanda Ciccone.

Detectives then coordinated the efforts of multiple law enforcement agencies including the Somerville Police Department, Federal Bureau of Investigation, and the Office of Homeland Security in the execution of the warrant.

- B.** On December 8, 2016, Drew Robinson was charged with third degree Possession of Child Pornography, in connection with a referral received from the National Center for Missing and Exploited Children.

In August of 2016, the Somerset County Prosecutor's Office was contacted by the National Center for Missing and Exploited Children through the New Jersey State Police I.C.A.C. Task Force. This referral concerned the downloading of child pornography which occurred at Raritan Valley Community College. Detectives were able to identify Drew Robinson as the person responsible for downloading the child pornography. Detectives prepared a Communications Data Warrant, which was granted by Judge Yolanda Ciccone.

During the execution of the warrant, detectives seized laptop computers, flash drives and cellular phones. Extraction of this evidence revealed that Robinson in fact had child pornography in his possession. Detectives conducted an interview with Robinson and obtained a confession and detailed account of Robinson's downloading of child pornography.

# VEHICULAR HOMICIDE TASK FORCE & COLLISION ANALYSIS RECONSTRUCTION TEAM (C.A.R.T.)

## I. Purpose:

The Collision Analysis Reconstruction Team (C.A.R.T.) was established in 1999 to enhance the capacity of Somerset County Law Enforcement agencies to swiftly, efficiently, systematically and professionally investigate motor vehicle crashes resulting in fatal or serious bodily injuries; to determine whether criminal or other related charges are warranted.

The C.A.R. Team makes available to the 21 municipalities of Somerset County and to the New Jersey State Police, a highly trained team of experienced collision investigators from throughout the county who can properly investigate and reconstruct fatal and serious bodily injury motor vehicle collisions and pursue the prosecution of same.

The C.A.R. Team also makes available to all municipalities a response vehicle equipped with state-of-the-art reconstruction equipment maintained and utilized by the Team.

The C.A.R. Team's multi-jurisdictional approach increases dramatically the experience level of its members. It also affords investigative parity to all jurisdictions throughout the County. The Team also assists the New Jersey State Police in investigating certain criteria cases on interstate highways in Somerset County.

## II. Number of personnel assigned to the unit:

The Collision Analysis Reconstruction Team is comprised of 6 Investigators from the Prosecutor's Office and 24 municipal task force officers.

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Somerset County Emergency Response Teams

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Criminal Intelligence Section (CIS)  
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### POLICE ACADEMY

### III. Duties and responsibilities of personnel:

The C.A.R. Team is managed by the Somerset County Prosecutor's Office. However, it is still the responsibility of the local police department for the jurisdiction in which the crash occurred to complete all required reports in a joint investigation with the C.A.R. Team.

#### Team Commander:

The duties and responsibilities of the Team Commander include, but are not limited to:

- Determining when the Team should be activated based upon information received about a serious or fatal crash.
- Determining the scope and degree to which the investigation progresses. Identify circumstances which require immediate criminal charges and then screen those charges.
- Assigning personnel duties and responsibilities during on-scene investigations.
- Making proper notifications to all support services (i.e., Medical Examiner's Office, hospitals, local police departments, emergency services, tow companies, etc.).
- Making notification to superiors advising of Team activations.
- Consulting with the Team's assigned Assistant Prosecutors regarding all legal concerns.
- Serving as liaison between the Team, the SCPO, local police and fire departments, County Chief's Police Association, and the N.J. State Police Fatal Accident Investigation Unit.
- Tracking progress of all open cases and reporting to the Team's assigned Assistant Prosecutor.
- Provide expert reports and testimony in criminal and quasi-criminal proceedings.

#### Total Station Operators:

All C.A.R. Team Total Station Operators must have completed a training course specific to each Total Station and show competency in mapping scenes with that Total Station. All Total Station Operators will be responsible for forensically mapping crash scenes and all relevant evidence. Operators shall be responsible for producing both after-situation and dynamic scale diagrams of the scene and an operator's report in a timely manner.

#### Task Force Members:

The duties of all members of the C.A.R. Team shall include, but are not limited to:

- Crash scene evaluations to identify contributing causes for the crash.
- Interviewing witnesses and participants.
- Photographing scenes and evidence.
- Vehicle inspections.
- Assisting in forensic documentation of roadways, vehicles, and evidence.
- Attending autopsies when necessary.
- Identification, collection, preservation, and analysis of all scene evidence.
- Hand-drawn field sketches of scenes.
- Supplemental investigations (i.e., vehicle inspections, interviews, diagrams, additional photography).
- Timely response to scenes.

#### IV. Highlights of 2016 for C.A.R.T.

##### A. 6 SCPO and 24 municipal members are on the task force

##### B. Responded to 30 callout requests

##### C. Generated 30 cases

- 21 fatalities in 20 fatal crashes
- 10 serious bodily injury crashes
- 4 cases reviewed for criminal charges as requested by Municipal Courts
- Assisted State Police with 7 fatal and/or serious injury crashes
- Assisted/consulted on 2 out-of-county fatalities
- 2 investigations resulted in indictable charges (1 in Hunterdon County)
- 10 crashes involved alcohol/drugs

#### V. Significant Case of 2016

##### State v. Jessica Macario

##### Vehicular Assault

##### Third Degree

Bridgewater Township – 04/24/2016 at 04:02 a.m.

Status – Guilty Plea and sentenced to 5 years of probation.

Defendant was charged with driving a motor vehicle while intoxicated the wrong way on Route 22 east. Defendant struck an approaching vehicle head-on causing serious bodily injuries to herself and the other driver.

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Polygraph & Computerized

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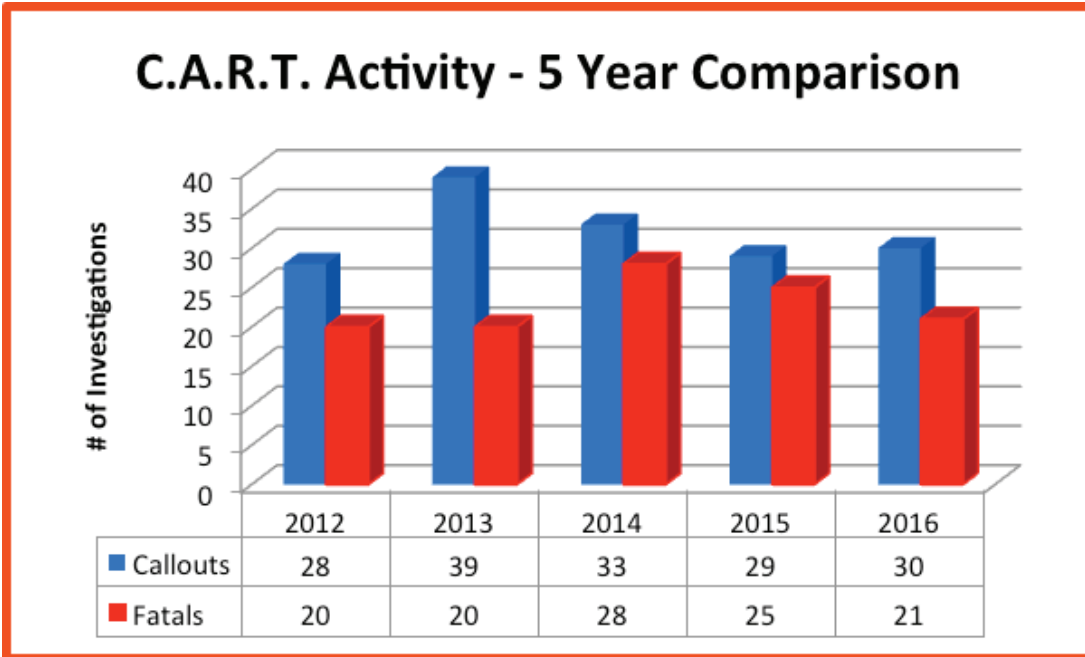
(Gang Resistance Education Training)

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& Community Events

#### POLICE ACADEMY

**VI. Totals since the inception of the Collision Analysis Reconstruction Team in 1999:**

- 647 cases investigated
- 356 fatalities
- 82 crashes that warranted criminal charges
- 77 cases involving assists to other out-of-county agencies.



NOTE – C.A.R.T. response to call-outs increased 3.4% in 2016 and the total number of fatalities decreased by 16% from 2015.

Notwithstanding the year-to-year fluctuation in the number of crashes investigated, an attempt was made to maintain fiscal prudence by keeping to a minimum the number of task force investigators (both county and municipal) that responded to each of the call-outs.

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## POLICE ACADEMY

**Training:**

Twenty-seven members of the unit attended a total 60 weeks of formal training classes during 2016. One of the primary goals for 2016 was to continue to train and develop additional personnel to do forensic mapping and complete computer generated diagrams.

The breakdown is as follows:

Class	# of Attendees	Total training hours
Crash Reconstruction (80 hrs)	4	320 hrs
Adv Recon w CDR Apps (40 hrs)	4	160 hrs
Crash Scene Photography (40 hrs)	11	440 hrs
Event Data Recorder (40 hrs)	8	320 hrs
World Reconstruction Expo (40 hrs)	3	120 hrs
PA State Police Crash Conf. (24 hrs)	1	24 hrs
LifeSavers Conference	1	32 hrs
Basic Crash Investigation (80 hrs)	3	240 hrs
Advanced Crash Invest (80 hrs)	4	320 hrs
Misc. Crash Investigation	9	440 hrs
<b>Totals</b>	<b>48</b>	<b>2,416 hours</b>

The total cost for the 2,416 hours of highly specialized courses was \$0.00 dollars to the County and/or Municipalities. All of the training received this year was either grant-funded or self-instructed. In addition to the classroom training, only 1 Team meeting/practical training day was held due to the investigative and training workload.

Members also attended conference/training events hosted by NYSTARS and NJAARS.

The C.A.R.T. Coordinator is an Adjunct Faculty of Northwestern University, Center for Public Safety in Evanston, Ill. and Kean University in N.J. The C.A.R.T. Coordinator is also co-chair of a curriculum development committee for the State of New Jersey which is actively rewriting all training curricula for the Basic and Advanced Crash Investigation classes, and Collision Reconstruction programs offered in the State. This endeavor is being supported and peer-reviewed by the Criminal Justice and Mathematics & Science departments of Kean University. To date, the Basic and Advanced curricula have been finalized and are being taught. N.J. Collision Reconstruction will be the next endeavor.

**Equipment:**

In addition to annual licensing and computer software updates, several outdated technologies and pieces of equipment were replaced. The total amount spent for the entire year to support the Team for equipment, repairs, recertifications, licensing fees, training, and computer software updates was \$12,261.45. See details below.

<b>Vendor</b>	<b>Expenditure</b>	<b>Cost</b>
Keystone Precision	Measuring wheel	\$113.95
Crash Data Group	Bosch CDR Annual license fee	\$899.00
Keystone Precision	Total Station Data Collector battery	\$149.80
Major Police Supply	Replacement Tower Lights for CART truck	\$3,320.00
Sirchie	Photo barrier and privacy screens	\$610.00
Samzie's	Flashlights and battery replacements	\$1,458.30
Dirigo Software	Computer software update and licensing	\$387.40
4N6XPRT Systems	Computer software update and licensing	\$240.00
Faro Technologies	Computer software update and licensing	\$2,785.00
ePlus	Plotter Printer (replaced original purchased in 1999)	\$2,298.00
	<b>Total</b>	<b>\$12,261.45</b>

**Summary:**

There were 30 motor vehicle collisions this year which required either on-scene or supplemental investigations. There were 20 crashes resulting in 21 fatalities. Each of those fatal crashes received extensive and thorough investigations commensurate with the loss of a human life.

There was an overrepresentation of pedestrian, bicycle, and motorcycle crashes this year. Of the 30 C.A.R.T. cases, 15 involved pedestrians, bicycles, and/or motorcycles. This represents a 66% increase from 2015. There were 3 purposeful pedestrian suicides in the past 2 years.

The presence of alcohol and/or drugs was found to be a factor in 10 of the 30 crashes, equating to 33%.



# ARSON TASK FORCE

## I. Purpose:

The Somerset County Arson Investigation Task Force was formed to provide the 21 municipalities of Somerset County with a professionally staffed team trained and equipped to conduct all phases of fire investigations. The Task Force is comprised of law enforcement officers, municipal fire officials, career and volunteer fire personnel.

## II. Number of personnel assigned to section or unit:

<b>A. Personnel Assigned to Unit:</b>	<b>1 Task Force Commander</b>
	<b>2 Assistant Prosecutors/Legal Division</b>
	<b>Team Members comprised of:</b>
	7 Prosecutor's Office personnel
	6 Municipal Police Officers
	6 Municipal Fire Officials
	1 Fire Service Personnel

## III. Duties and responsibilities of section or unit personnel:

The Arson Investigation Task Force team members are all trained in origin and cause determination. Each team is staffed with personnel from the law enforcement community to handle any and all criminal investigations, and fire officials who are familiar and responsible for the enforcement of the Uniform Fire Safety Act and the Uniform Fire Safety Code.

## IV. Fire Investigations:

**Fire Investigations conducted: 20**

### Types of structures involved:

Multi-Family	3
Single family	4
Motor vehicle	10
Commercial	3

### Fire Causes for the 20 fire investigations:

Careless Smoking	1
Intentional use of ignitable liquid	1 (3 fatalities)
Undetermined non-suspicious	16 (2 fatalities)
Combustibles too close to heat source	1 (1 fatality)
Intentional use of incendiary	1 (1 arrest)

## PROSECUTOR'S MESSAGE

### LAW ENFORCEMENT OF SOMERSET COUNTY

#### LEGAL DIVISION

Trial Section
Appellate Section
Intake Screening
Domestic Violence
Juvenile Section
Victim-Witness

### CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
Major Crimes Unit
Sex Crimes & Child Abuse Unit
Special Investigations Unit
Insurance Fraud Unit
Internal Affairs Unit
Organized Crime & Narcotics Task Force
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
Somerset County Emergency Response Teams
<b>Operations Section</b>
Fugitive Unit
Forensics Laboratory & Crime Scene Investigation Unit
Criminal Intelligence Section (CIS)
Burglary Task Force
Crime Stoppers
Computer Crimes / Technical Services Unit
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
<b>Arson Task Force</b>
Counter-Terrorism Unit

### ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

### POLICE ACADEMY



# COUNTER-TERRORISM UNIT

## I. Purpose:

The Somerset County Prosecutor's Office Counter-Terrorism Unit is an investigative unit created to assist the New Jersey Office of Homeland Security and Preparedness (OHSP) and Federal Bureau of Investigations Joint Terrorism Task Force (JTTF) in investigating possible terrorism suspects and activities. The Somerset County Prosecutor's Office Counter-Terrorism Unit provides manpower and resources to assist OHSP and JTTF in terrorism related cases that originate or fall within the boundaries of Somerset County. The Counter-Terrorism Unit also interacts with businesses and corporations deemed "critical and non-critical infrastructures and facilities" to deter terrorist activity, protect their property, and promote better lines of communication.

## II. The number of personnel assigned to the unit:

**A. Legal Staff:** 1 Assistant Prosecutor

**B. Investigative Staff:** 2 Detectives

**C. Support Staff:** 1 Clerical

## III. Duties and responsibilities of unit personnel:

### A. Legal Staff:

Provides legal supervision in preparation for prosecution and legal advice and opinions on a day-to-day basis as needed.

### B. Investigative Staff:

Conducts thorough investigations concerning terrorism with the assistance of local and federal agencies; maintains open lines of communication between local businesses and corporations.

### C. Support Staff:

Shares clerical and data entry responsibilities.

## IV. Description of the functions of the unit:

In 2016, the Somerset County Prosecutor's Office Counter-Terrorism Unit participated in 5 incidents where suspicious activities were reported. The Counter-Terrorism Unit participated in numerous interviews of suspicious individuals, performed surveillance of residences and vehicles, and spoke to several citizens who observed peculiar activity. All information gleaned as a result of these investigations was forwarded to OHSP and JTTF for review. The Somerset County Prosecutor's Office, working jointly with municipal police departments, OHSP, and JTTF, subsequently confirmed or dispelled all suspicious activities.

## PROSECUTOR'S MESSAGE

## LAW ENFORCEMENT OF SOMERSET COUNTY

### LEGAL DIVISION

Trial Section  
Appellate Section  
Intake Screening  
Domestic Violence  
Juvenile Section  
Victim-Witness

## CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section  
Major Crimes Unit  
Sex Crimes & Child Abuse Unit  
Special Investigations Unit  
Insurance Fraud Unit  
Internal Affairs Unit  
Organized Crime & Narcotics Task Force  
Polygraph & Computerized Voice Stress Analysis (CVSA) Unit  
Somerset County Emergency Response Teams  
**Operations Section**  
Fugitive Unit  
Forensics Laboratory & Crime Scene Investigation Unit  
Criminal Intelligence Section (CIS)  
Burglary Task Force  
Crime Stoppers  
Computer Crimes / Technical Services Unit  
Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)  
Arson Task Force  
**Counter-Terrorism Unit**

## ADMINISTRATIVE DIVISION

Administrative Division Summary  
D.A.R.E., G.R.E.A.T.  
(Gang Resistance Education Training)  
Bring Your Child to Work Day & Community Events

## POLICE ACADEMY

**V. The Counter-Terrorism Unit investigated the following types of cases in 2016:**

- 1 incident pertaining to suspicious activity by several males residing in an apartment complex
- 1 incident pertaining to the discovery of possible bomb making material stored in a garage.
- 1 incident pertaining to threats of violence made via voicemail by a male against a county agency.
- 1 investigation pertaining to theft that occurred at an infrastructure located within Somerset County.
- 1 incident pertaining to a bomb threat made via social media.

The Somerset County Prosecutor's Office Counter-Terrorism Unit is responsible for updating all municipal police on intelligence relating to terrorism. All information sent to the Somerset County Counter-Terrorism Coordinator from OHSP and JTTF is disseminated via e-mail to all local police counter-terrorism coordinators. Local coordinators, in turn, are required to provide the intelligence to the patrolmen in their respective jurisdictions.

The Somerset County Prosecutor's Office Counter-Terrorism Unit is also responsible for maintaining a working relationship with businesses in Somerset County considered to be "Critical and Non-Critical Infrastructures." "Critical Infrastructures" are defined as businesses or structures that, if targeted by terrorists, could severely damage the national or state economy or cause mass civilian casualties. Businesses such as chemical facilities, water treatment plants, malls, insurance corporations, and airports are considered "Critical Infrastructures." "Non-Critical Infrastructures" are businesses such as hotels, storage facilities, car rental agencies, and garden supply stores that are capable of supplying terrorists with supplies, tools, or concealment from which to prepare or launch a terrorist attack.

# ADMINISTRATIVE DIVISION

## I. The number of personnel assigned to the section or unit:

- A. Division Head:** 1 Administrator  
1 Office Manager
- B. Support Staff:** 38 Clerical & Support Staff

## II. Description of the functions of the unit/Mission Statement:

The mission of the Administrative Division of the Somerset County Prosecutor's Office is one of support, assistance and the facilitation of logistical, material and personnel services to the Legal and Investigative Divisions so that they may ensure the effective, efficient and uniform enforcement of the criminal laws and the administration of criminal justice throughout Somerset County.

### The Division's responsibilities include:

- Management of the clerical, secretarial and support staff in addition to computer systems management. In 2016, 2,142 criminal charges were issued and over 3,350 criminal, civil, and juvenile discovery requests were processed. Additionally, our secretarial and paralegal staff generated over 6,500 reports, statements, letters, and various types of legal documents;
- Policies and directives development;
- Data entry;
- Purchasing: 828 purchase orders were processed for the year;
- Budgeting, development and administration of an \$11.5 million + budget;
- Grant management;
- Management of the seized, forfeited, petty cash, confidential fund accounts, and Municipal law enforcement trust accounts;
- Assist in the pre-employment screening and background investigations, and fleet vehicle purchases;
- Liaison to the County Police Chiefs/Director and educational community;
- Logistical support for the Legal and Investigative Divisions;
- Coordination of Community Justice Programs; and
- Administering the Open Public Records Act requests for records and response notifications.

First and foremost, the Administrative Division prides itself on the prompt response to inquiries and timely resolution of office problems and issues.

## PROSECUTOR'S MESSAGE

## LAW ENFORCEMENT OF SOMERSET COUNTY

### LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Section
- Victim-Witness

### CRIMINAL INVESTIGATION DIVISION

- Criminal Investigation Section
  - Major Crimes Unit
  - Sex Crimes & Child Abuse Unit
  - Special Investigations Unit
  - Insurance Fraud Unit
  - Internal Affairs Unit
  - Organized Crime & Narcotics Task Force
  - Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
  - Somerset County Emergency Response Teams
- Operations Section
  - Fugitive Unit
  - Forensics Laboratory & Crime Scene Investigation Unit
  - Criminal Intelligence Section (CIS)
  - Burglary Task Force
  - Crime Stoppers
  - Computer Crimes / Technical Services Unit
  - Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
  - Arson Task Force
  - Counter-Terrorism Unit

### ADMINISTRATIVE DIVISION

#### Administrative Division Summary

- D.A.R.E., G.R.E.A.T.  
(Gang Resistance Education Training)
- Bring Your Child to Work Day & Community Events

## POLICE ACADEMY

The Administrative Division had numerous accomplishments in 2016. First and foremost, was the implementation of the InfoShare Personnel Module. The Personnel Module includes the Fleet Management, Paperless Time-Earned/Time Off, Equipment Inventory and Electronic Policy and Procedure Management components. This Module was a great asset during our agency accreditation and the Fleet Maintenance and Equipment Inventory components give us better control and accountability over our assets. Additionally, we continued a program of upgrading our office computers, cell phones, office furniture, office equipment, photocopiers, and fax machines. In an effort to cut down on paperwork, our Office has been purchasing individual and network scanners as we strive to “go paperless” in the future. Our InfoShare Screening Module kept our Systems Technicians quite busy as we had to revamp the Module to comply with the new requirements of Bail Reform. The Screening Module is scheduled to go live in the second quarter of 2017. All 19 police agencies in Somerset County continue to be connected to our Evidence, Lab and Intelligence Modules through a secured VPN. As we discussed in 2015 report, the InfoShare Dual Authentication Module was purchased and we went live with that in 2016. This Module has allowed our Office an unlimited number of users which can remotely access our InfoShare servers for the purposes of entering items into our Evidence and Lab Modules, and to view current intelligence information, and to add new information into our Intelligence Module.

Government Emergency Telecommunications (GETS) and Wireless Priority Service (WPS) continues to be installed on the cell phones of key SCPO personnel that will provide priority cell phone service during major incidents such as terrorist attacks and natural disasters.

The Administrative Division also serves as the liaison to other County agencies, such as the Facilities & Services Department, Purchasing, Human Resources, Finance, Vehicle Maintenance, MIS Department and Printing & Graphics Departments.

### III. School Based and Community Programs:

#### A. Project D.A.R.E./ G.R.E.A.T. School Resource Officers

In order to ensure continuity and purity of the D.A.R.E. curriculum at the municipal level, the Prosecutor’s Office:

1. Monitors D.A.R.E./G.R.E.A.T. and School Resource Officer Programs within the County of Somerset as needed;
2. Serves as a liaison between the County Superintendent, district superintendents, educators, upper management law enforcement officials, D.A.R.E./ G.R.E.A.T. and School Resource Officers.

#### B. Bring Your Child to Work Day 2016

The 19th Annual Bring Your Child to Work Day (known nationwide as Take Your Daughters and Sons to Work Day) was held on the fourth Thursday in April 2016. This nationwide event is designed to create a day that not only helps educate the children about the world of the workplace but also showcases various career opportunities. These career opportunities are correlated to the relevancy of school to work.

Seventy-two children between the ages of 9 and 14 participated in this year’s various activities and demonstrations, which kicked off at the Emergency Services Training Academy in Hillsborough. A surprise “Bullying Demo” skit by the Law Clerks of Vicinage 13 was performed on the bus ride to the Academy. This “Bullying Demo” would be the topic for the Mock Trial in the afternoon as well as a Powerpoint demonstration about the dangers of bullying and cyber-bullying.

The Fire Academy provided an action packed morning where the children participated in a fire maze, smoke maze, assisted in extinguishing a car fire, and were given rides in the fire truck bucket.

The New Jersey State Police North Star Helicopter made a spectacular landing, and the children were able to climb aboard while the State Police explained their job and duties and showed the children the workings of the helicopter.

Afternoon activities were held outdoors with demonstrations and tours of the Medic Truck, the SWAT truck, the Dive-Rescue vehicle, and Arson truck. The Sheriff’s Office provided the ever popular K-9 demonstrations, and the CNT Robot demonstrated its strength and abilities once again.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

- Trial Section
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- Victim-Witness

CRIMINAL INVESTIGATION DIVISION

- Criminal Investigation Section
  - Major Crimes Unit
  - Sex Crimes & Child Abuse Unit
  - Special Investigations Unit
  - Insurance Fraud Unit
  - Internal Affairs Unit
  - Organized Crime & Narcotics Task Force
  - Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
  - Somerset County Emergency Response Teams
- Operations Section
  - Fugitive Unit
  - Forensics Laboratory & Crime Scene Investigation Unit
  - Criminal Intelligence Section (CIS)
  - Burglary Task Force
  - Crime Stoppers
  - Computer Crimes / Technical Services Unit
  - Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
  - Arson Task Force
  - Counter-Terrorism Unit

ADMINISTRATIVE DIVISION

- Administrative Division Summary
- D.A.R.E., G.R.E.A.T.**  
*(Gang Resistance Education Training)*
- Bring Your Child to Work Day & Community Events**

POLICE ACADEMY

**D. Community Events**

The Somerset County Prosecutor's Office and the Somerset County Traffic Safety Alliance brought the message of traffic safety to the 4-H Fair in 2016. A booth staffed by the County Comprehensive Traffic Safety Program Coordinator (CTSP) and municipal police officers and Prosecutor's staff provided the public with information and assistance with traffic safety related issues. Highlighted was the County's Distracted Driving Initiative, "Put It Down", and Child Passenger Safety. The municipal officers present were all certified Child Safety Seat Technicians.

The CTSP Coordinator and other Prosecutor's staff continued to work with Ridewise and other groups to provide educational presentations throughout Somerset County. During the 2016 calendar year 26 presentations were given by staff. Talks consisted of Distracted Driving Awareness, Avoiding Roadway Hazards and Safe Winter Driving.

In 2016 the Somerset County Traffic Safety Alliance continued to operate a Child Passenger Safety Seat Fitting Station in Somerset County. Added was a Fitting Station in Hunterdon County. The Fitting Stations are free of charge to parents and caregivers. Twice a month on the first Saturday and third Wednesday of each month in Somerset County and on the second and fourth Tuesday in Hunterdon County, Certified Child Safety Seat Technicians are on hand to inspect and teach how to properly install and use child safety seats. During the 2016 calendar year 547 seats were inspected and 80% were found to have some form of misuse or improper installation.





# POLICE ACADEMY

## I. Purpose:

The mission of the Somerset County Police Academy is to offer a comprehensive continuing education calendar each year including both required and elective courses for law enforcement personnel. Included in the continuing education component is the scheduling, maintenance and supervision of the Somerset County Firearms Range, a facility utilized by both County and municipal agencies serviced through the Academy. The Academy provides outreach to the community through its participation in various events and specialty classes.

## II. The number of personnel assigned to the section or unit:

- |                           |   |
|---------------------------|---|
| <b>A. Legal Staff:</b>    | <b>1 Assistant Prosecutor (On-Call)</b><br><b>Others as needed</b>  |
| <b>B. Assigned Staff:</b> | <b>1 Academy Director (Civilian)</b><br><b>1 Detective Sergeant (Commanding Officer)</b><br><b>1 Sheriff's Officer (Range Operations)SCSO*</b><br><b>1 Detective (Training Coordinator/Webmaster)</b><br><i>*Range Operations officer is a full-time temporary assignment to the Academy.</i> |
| <b>C. Support Staff:</b>  | <b>1 Office Manager</b>   |

## III. Duties and responsibilities of section or unit:

- |  |   |
|--|---|
| <b>A. Legal Staff:</b>                 | Requested as needed to instruct and provide legal guidance on a variety of topical issues.  |
| <b>B. Academy Director (Civilian):</b> | The Academy Director provides oversight to the operations of the Somerset County Police Academy.  |
| <b>C. Sworn Personnel:</b>             | The cadre of sworn personnel delivers the day-to-day coordination, facilitation, and supervision consistent with the purpose of the Academy and its identified mission. |
| <b>D. Support Staff (Civilian):</b>    | The Office Manager provides administrative activity and support services to all areas of the Academy.   |

### PROSECUTOR'S MESSAGE

### LAW ENFORCEMENT OF SOMERSET COUNTY

#### LEGAL DIVISION

- Trial Section
- Appellate Section
- Intake Screening
- Domestic Violence
- Juvenile Section
- Victim-Witness

#### CRIMINAL INVESTIGATION DIVISION

- Criminal Investigation Section
  - Major Crimes Unit
  - Sex Crimes & Child Abuse Unit
  - Special Investigations Unit
  - Insurance Fraud Unit
  - Internal Affairs Unit
  - Organized Crime & Narcotics Task Force
  - Polygraph & Computerized Voice Stress Analysis (CVSA) Unit
  - Somerset County Emergency Response Teams
- Operations Section
  - Fugitive Unit
  - Forensics Laboratory & Crime Scene Investigation Unit
  - Criminal Intelligence Section (CIS)
  - Burglary Task Force
  - Crime Stoppers
  - Computer Crimes / Technical Services Unit
  - Vehicular Homicide Task Force & Collision Analysis Reconstruction Team (C.A.R.T.)
  - Arson Task Force
  - Counter-Terrorism Unit

#### ADMINISTRATIVE DIVISION

- Administrative Division Summary
- D.A.R.E., G.R.E.A.T.  
(Gang Resistance Education Training)
- Bring Your Child to Work Day & Community Events

### POLICE ACADEMY

**V. Accomplishments:**

In 2016, we conducted 139 courses, an increase from the 130 courses we conducted in 2015. Attendance for 2016 courses was 2,386 officers, an increase of 29 officers as compared to the 2015 attendance total. This increase in both training programs and associated officer attendance can reasonably be attributed to the new direction of the Academy, and the offering of more Continuing Education Courses.

In 2016, the Academy designed and presented the Mandatory Agency Training Series (MATS), the thirteenth year of this curriculum, which continues a standardized training system throughout Somerset, Hunterdon, and Warren Counties, for all attending officers relative to the use of force, pursuit, and domestic violence. This program remains very well received and has allowed comprehensive and uniform training in the Attorney General's mandated training within Somerset, Hunterdon, and Warren Counties.

In 2016 the Academy continued to make available for all law enforcement agencies located within Somerset and Hunterdon Counties, the Force Analysis System of Training (FAST). This computer-based force simulation trainer provides an additional training step to attending officer's use of force decision-making skills. Additionally, the system includes the software to aid officers with identified shooting deficiencies (marksmanship skills), allowing for a cost effective marksmanship training remedial program. The Academy has established protocols that allow for this training resource to be used by requesting Somerset County agencies on a 24-hour, 7-day-per-week basis. In addition to the 2 counties that we serve, officers from Tinton Falls, Monmouth County participated in scheduled training utilizing this simulator.

In June 2016 the Academy conducted its fourth year of TASER training courses. Officers from the Somerset County Emergency Response Team (SCERT), as well as from the Hillsborough Township Police Department, received their TASER initial or recertification training in 2016. TASER initial and re-certification training will continue into 2017.

In 2016 the Continuing Education Division continued for its fourth year working with the Somerset County Prosecutor's Office Forensics Unit to offer a comprehensive 4-part training in the discipline of Forensics Certification (this program was first offered in 2013). This 160-hour Forensics Certification program is very successful and will be offered again in 2016. In addition to providing this training to our 2 counties detectives from Middlesex, Warren, Union, Hudson, Morris and N.J. Transit attended this training.

PROSECUTOR'S MESSAGE

LAW ENFORCEMENT OF SOMERSET COUNTY

LEGAL DIVISION

Trial Section
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Domestic Violence
Juvenile Section
Victim-Witness

CRIMINAL INVESTIGATION DIVISION

Criminal Investigation Section
<i>Major Crimes Unit</i>
<i>Sex Crimes &amp; Child Abuse Unit</i>
<i>Special Investigations Unit</i>
<i>Insurance Fraud Unit</i>
<i>Internal Affairs Unit</i>
<i>Organized Crime &amp; Narcotics Task Force</i>
<i>Polygraph &amp; Computerized Voice Stress Analysis (CVSA) Unit</i>
<i>Somerset County Emergency Response Teams</i>
Operations Section
<i>Fugitive Unit</i>
<i>Forensics Laboratory &amp; Crime Scene Investigation Unit</i>
<i>Criminal Intelligence Section (CIS)</i>
<i>Burglary Task Force</i>
<i>Crime Stoppers</i>
<i>Computer Crimes / Technical Services Unit</i>
<i>Vehicular Homicide Task Force &amp; Collision Analysis Reconstruction Team (C.A.R.T.)</i>
<i>Arson Task Force</i>
<i>Counter-Terrorism Unit</i>

ADMINISTRATIVE DIVISION

Administrative Division Summary
D.A.R.E., G.R.E.A.T. (Gang Resistance Education Training)
Bring Your Child to Work Day & Community Events

POLICE ACADEMY

**Community Outreach**

In 2016, the Academy provided 37 educational/positive Law Enforcement-Community programs to over 890 participants. Some of those programs are highlighted below:

In July 2016, 46 youths attended the Academy's annual Police Youth Week program, a 5-day summer camp sponsored by the Somerset County Chiefs of Police Association, and coordinated by Academy staff. The objective of this program is to introduce high school students to a career in law enforcement and to develop positive interaction between students and members of the law enforcement community.

Working with the high schools in Somerset County, the Academy provided 2 "Personal Safety for High School Seniors" programs attended by more than 30 high school seniors. This was a program that promoted situational awareness for those students that were potentially advancing to college or others that would be living on their own after high school graduation.

The Academy provided civilian Active Shooter training classes for 723 county and municipal employees and interested citizens. This is a large increase from 2015's total of 300.

The Academy also:

- Provided instructors to Raritan Valley Community College, Branchburg, N.J. supporting their Associate in Arts Criminal Justice Program.
- Provided support to the Raritan Valley Community College, Criminal Justice Club.
- Provided instructors to Centenary College, Hackettstown, N.J. supporting their Undergraduate Criminal Justice Program.
- Provided instruction, interaction and support to the Centenary College, Criminal Justice Club.
- Participated in the Somerset County "Bring Your Child to Work Day" program.
- Worked with various colleges and universities to assist their students interested in a career in Criminal Justice through their specific internship or student learning programs.

**The Somerset County Firearms Range (SCFR):**

The Academy provides oversight, scheduling and maintenance of the Somerset County Firearms Range (SCFR), located on Roycefield Road in Hillsborough, N.J. The Range is used almost daily throughout the year by the Academy for firearms related Continuing Education courses, and by most law enforcement agencies from throughout Somerset County for their New Jersey Attorney General mandated semi-annual firearms qualifications and other agency specific tactical firearms training programs.

The SCFR is a New Jersey Police Training Commission approved firearms training range. The Range is a 50-yard, 16-lane outdoor shooting facility. In addition it has a 100-yard line shooting platform for lanes 1 through 5. This allows agencies to conduct true 100-yard rifle qualifications. It has 2 overhead protected “classroom” or “weapon cleaning” areas, a range tower, 2 storage sheds and portable toilet facilities. The Range is approved for the firing of agency-authorized on- and off-duty handguns, agency-authorized shotguns, and agency-authorized police rifles.

In 2016, with the support of the Somerset County Association of Chiefs of Police, the Academy continued to supervise the Somerset County Firearms Pistol League. This league, providing inter-agency networking opportunities and firearms skills development was well attended by officers from Somerset County. The Pistol League will continue into 2017.

## PROSECUTORIAL SCREENING OF DEFENDANTS

<b>SCREENING OUTCOMES</b>	<b>STAGE OF THE CRIMINAL JUSTICE PROCESS WHEN DECISION OCCURS</b>	
	<b>PRE-COMPLAINT DECISIONS</b>	<b>POST-COMPLAINT DECISIONS</b>
a. Defendants administratively dismissed	0	96
b. Defendants with charges downgraded to disorderly persons offenses	14	5
c. Defendants accepted for pre-trial diversion	0	15
d. Defendants otherwise screened out	297	11
e. Defendants with change of venue	0	10
f. Accusations filed	0	77
g. Defendants with either indictable complaints authorized or charges approved for grand jury	0	181
h. AOC Correction: Defendants who completed grand jury	0	630
<b>TOTAL SCREENING DECISIONS FOR YEAR (add a - h)</b>	<b>311</b>	<b>1,025</b>

## DEFENDANT APPLICATIONS FOR DIVERSION PROGRAM, ACTION TAKEN AND OUTCOME

### Pre-trial Intervention Diversion Program

	Number of DEFENDANT APPLICATIONS FOR PRE- TRIAL INTERVENTION	
	PRE-INDICTMENT	POST-INDICTMENT
1. Applications reviewed	17	206
2. Recommended for acceptance	16	164
3. Recommended for rejection	2	73
4. Accepted into program	15	160

Rev. 1995



**DEFENDANTS PENDING GRAND JURY PROCESS  
(Pre-Indictment Defendant Cases)  
BY AGE OF COMPLAINT**

AGES OF PRE-INDICTMENT DEFENDANT CASES FROM DATE OF COMPLAINT	NUMBER OF DEFENDANTS	
	ACTIVE	INACTIVE/FUGITIVE
1. 0 to 1 month	46	0/0
2. 1+ to 2 months	66	0/3
3. 2+ to 3 months	26	0/1
4. 3+ to 4 months	18	0/0
5. Over 4 months	21	0/0
6. TOTAL defendant cases pending grand jury	177	0/4

## DEFENDANTS COMPLETING THE GRAND JURY PROCESS AND ACTION TAKEN

ACTION TAKEN	NUMBER OF DEFENDANTS
1. Defendants presented to the grand jury	822
2. Defendants indicted	806
3. Defendants no billed and remanded to municipal court	1
4. Defendants no billed/no action	15
5. TOTAL defendants completing the grand jury process	822

## DEFENDANTS CHARGED BY ACCUSATION

	NUMBER OF DEFENDANTS
TOTAL Defendants charged through Accusation	77

## DEFENDANTS PENDING DISPOSITION OF CHARGES BY AGE OF INDICTMENT OR ACCUSATION

AGES OF POST-INDICTMENT DEFENDANT CASES FROM DATE OF INDICTMENT OF ACCUSATION	NUMBER OF DEFENDANTS	
	ACTIVE	INACTIVE/FUGITIVE
1. 0 to 3 months	92	0/6
2. 3+ to 6 months	77	0/17
3. 6+ to 9 months	71	0/15
4. 9+ to 12 months	38	0/20
5. 12+ to 24 months	88	0/48
6. 24+ months	51	1/272
7. TOTAL post-indictment/accusation defendant cases pending	417	1/378

## DEFENDANTS WITH INDICTMENTS/ACCUSATIONS DISPOSED BY OFFENSE CATEGORY AND MANNER OF DISPOSITION

MANNER OF DISPOSITION	OFFENSE CATEGORIES										
	Homicide	Kidnap- ping	Sexual Assault	Robbery	Arson	Assault	Burglary	Bribery	Narcotics	Official Miscon- duct	Perjury/ Falsifi- cation
1. Guilty plea to most serious offense	3	1	12	26	10	29	70	0	252	1	3
2. Guilty plea to lesser indictable offense	0	1	11	8	1	3	2	0	20	0	0
3. Ind. Dism., plea to dis. Persons offense	0	0	1	2	0	3	7	0	25	0	0
4. Guilty at trial, most serious offense											
a. Jury	2	0	0	2	0	1	0	0	2	0	1
b. Non-jury	0	0	0	0	0	1	0	0	0	0	0
5. Guilty at trial, lesser indictable offense											
a. Jury	1	0	0	2	0	0	0	0	1	0	0
b. Non-jury	0	0	0	0	0	0	0	0	0	0	0
6. Guilty at trial, dis. persons offense											
a. Jury	0	0	0	0	0	0	0	0	0	0	0
b. Non-jury	0	0	0	0	0	0	0	0	0	0	0
7. Not guilty at trial											
a. Jury	1	0	1	2	0	0	0	0	0	0	0
b. Non-jury	0	0	0	0	0	0	0	0	0	0	0
8. Acceptance into diversion program	0	1	1	2	4	6	9	0	61	0	2
9. Dismissed over objection of pros.	0	0	0	0	0	0	0	0	0	0	0
10. Dismissed pros. motion or consent	0	0	2	0	3	3	19	0	78	0	1
11. TOTAL dispositions	7	3	28	44	18	46	107	0	439	1	7



## DEFENDANTS WITH INDICTMENTS/ACCUSATIONS DISPOSED BY OFFENSE CATEGORY AND MANNER OF DISPOSITION

MANNER OF DISPOSITION										
	Theft	Forgery/ Fraud	Weapons	Child Abuse/ Endanger	Gambling	Wiretap	Obstr. Gov't Oper.	Fail to Register	Other	TOTAL
1. Guilty plea to most serious offense	138	29	16	5	0	0	13	3	29	640
2. Guilty plea to lesser indictable offense	6	1	1	8	0	0	1	0	0	63
3. Ind. dism., plea to dis. persons offense	6	1	5	1	0	0	0	0	1	52
4. Guilty at trial, most serious offense										
a. Jury	1	0	1	0	0	0	0	0	2	12
b. Non-jury	0	0	1	0	0	0	0	0	0	2
5. Guilty at trial, lesser indictable offense										
a. Jury	0	0	0	0	0	0	0	0	0	4
b. Non-jury	0	0	0	0	0	0	0	0	0	0
6. Guilty at trial, dis. persons offense										
a. Jury	0	0	0	0	0	0	0	0	0	0
b. Non-jury	0	0	0	0	0	0	0	0	0	0
7. Not guilty at trial										
a. Jury	0	0	1	0	0	0	0	0	0	5
b. Non-jury	0	0	0	0	0	0	0	0	0	0
8. Acceptance into diversion program	40	19	13	5	1	0	9	0	1	174
9. Dismissed over objection of pros.	0	0	0	0	0	0	0	0	0	0
10. Dismissed pros. motion or consent	56	33	10	1	0	0	7	1	8	222
11. TOTAL dispositions	247	83	48	20	1	0	30	4	41	1174

**POST-CONVICTION ACTIVITIES  
AND MISCELLANEOUS COURT ACTIVITIES  
BY TYPE AND OUTCOME**

POST CONVICTION ACTIVITY AND OUTCOME	NUMBER
1. Krol hearings involving the prosecutor's office	27
2. TOTAL post-conviction relief applications/briefs filed involving the prosecutor's office	20
a. Defendants granted relief	1
b. Defendants denied relief	7
c. Defendants granted relief in part/Denied relief in part	0
d. Defendants dismissed/Withdrawn	0
3. TOTAL habeas corpus petitions/briefs filed involving the prosecutor's office	7
a. Defendants granted relief	0
b. Defendants denied relief	1
c. Defendants granted relief in part/Denied relief in part	0
d. Defendants dismissed/Withdrawn	0

## CAREER CRIMINAL WORKLOAD AND GRAND JURY ACTION

CAREER CRIMINAL WORKLOAD AND GRAND JURY ACTION	NUMBER OF DEFENDANTS
1. Defendants reviewed for acceptance into career criminal prosecution program	0
2. Defendants accepted for prosecution as career criminals	0
3. TOTAL career criminal defendants completing grand jury process	0
a. Defendants indicted	0
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	0
4. TOTAL career criminal defendants charged through accusation	0



**CAREER CRIMINAL  
DEFENDANTS PENDING GRAND JURY PROCESS  
(Pre-Indictment Defendant Cases)  
BY AGE OF COMPLAINT**

<b>AGES OF PRE-INDICTMENT DEFENDANT CASES FROM DATE OF COMPLAINT</b>	<b>NUMBER</b>
1. 0 to 1 month	0
2. 1+ to 2 months	0
3. 2+ to 3 months	0
4. 3+ to 4 months	0
5. Over 4 months	0
6. TOTAL defendant cases pending grand jury	0

**CAREER CRIMINAL  
DEFENDANTS PENDING DISPOSITION OF CHARGES  
BY AGE OF INDICTMENT OR ACCUSATION**

<b>AGES OF POST-INDICTMENT DEFENDANT CASES FROM DATE OF INDICTMENT OR ACCUSATION</b>	<b>NUMBER</b>
1. 0 to 3 months	0
2. 3+ to 6 months	0
3. 6+ to 9 months	0
4. 9+ to 12 months	0
5. 12+ to 24 months	0
6. 24+ months	0
7. TOTAL post-indictment/accusation defendant cases pending	0

**CAREER CRIMINAL  
DEFENDANTS WITH INDICTMENTS/ACCUSATION DISPOSED  
BY MANNER OF DISPOSITION**

MANNER OF DISPOSITION	NUMBER OF DEFENDANTS
1. Guilty plea to most serious offense	1
2. Guilty plea to lesser indictable offense	0
3. Ind. disp., plea to disorderly persons offense	0
4. Guilty at trial, most serious offense	0
a. Jury trial	0
b. Non-jury trial	0
5. Guilty at trial, lesser indictable offense	0
a. Jury trial	0
b. Non-jury trial	0
6. Guilty at trial, disorderly persons offense	0
a. Jury trial	0
b. Non-jury trial	0
7. Not guilty at trial	0
a. Jury trial	0
b. Non-jury trial	0
8. Acceptance into diversion program	0
9. Dismissed over objection of prosecutor	0
10. Dismissed on motion of prosecutor	0
11. TOTAL dispositions	1

Section/Unit

ALL

\_\_\_\_\_

County Somerset, New Jersey

Completing report

Year 2016

Section IV. 7.a

From: 1/1/2016

To: 12/31/2016

## INVESTIGATIVE WORKLOAD AND DISPOSITIONS

INVESTIGATIVE WORKLOAD AND DISPOSITIONS	NUMBER OF INVESTIGATIONS BY TYPE-Original and Post-complaint Investigations							
	Original Investigations Conducted Jointly With				Original Exclusive Investigations	TOTAL Original Investigations	TOTAL Post-complaint Investigations	
	Local Police	State Agency	Other County Prosecutor	Other Agency				
1. Investigations pending or inactive at the beginning of the year	208	21	4	11	157	401	1	
2. Investigations opened during the year	546	99	7	38	295	981	11	
3. TOTAL Investigative workload for the year (add nos. 1-2)	752	120	11	49	458	1383	12	
4. TOTAL Investigations completed during this year	482	95	4	37	260	878	10	
a. Resulting in criminal charges	26	2	0	3	66	97	0	
b. Referred to other agency for criminal prosecution	18	6	2	6	11	43	0	
c. Referred to other agency for civil or administrative action	3	0	0	3	13	19	0	
d. Closed - No further action	435	87	2	25	170	719	0	
5. Investigations pending or inactive at the end of the year	269	25	7	12	192	505	2	



## DISPOSITIONS OF ORIGINAL INVESTIGATIONS RESULTING IN CRIMINAL CHARGES

DISPOSITION OF ORIGINAL INVESTIGATIONS RESULTING IN CRIMINAL CHARGES	NUMBER OF DEFENDANTS
1. Defendants charged by complaint, TOTAL	171
a. Defendants with complaints administratively dismissed	5
b. Defendants with complaints downgraded to disorderly persons offenses	0
c. Defendants with complaints referred to Family Court	0
d. Defendants with complaints presented to grand jury	49
2. Defendants with original charges presented to grand jury on direct presentment	2
3. Defendants charged through accusation	3
4. Defendants completing grand jury process on direct presentment and complaint presentation, TOTAL	52
a. Defendants indicted	51
b. Defendants no billed and remanded to municipal court	0
c. Defendants no billed/no action	1

# APPELLATE WORKLOAD AND DISPOSITIONS Appellate Division and Other Appellate Courts

APPELLATE WORKLOAD AND DISPOSITIONS/OUTCOMES	Appellate Division Appeals							NJ Supreme Court Appeals	U.S. and Other Court Appeals (specify court)	TOTAL
	Criminal referral cases	Other criminal appeals	Criminal Inter-locutory	Juvenile	Law Division (de novo)	Civil				
1. Appeals pending at beginning of the year	21	0	1	2	5	0	2	2	33	
2. Notices of appeal received/filed	42	1	1	0	4	0	10	1	59	
3. Appellate motions, motion responses filed	0	0	3	0	0	0	0	0	3	
4. Appellate briefs filed	26	0	8	0	3	0	10	6	53	
5. STATE Appeals and - TOTAL DISPOSED Cross Appeals	0	0	4	0	0	0	0	0	4	
a. Conviction or order affirmed	0	0	3	0	0	0	0	0	3	
b. Conviction or order reversed	0	0	1	0	0	0	0	0	1	
c. Remanded or judgment modified	0	0	0	0	0	0	0	0	0	
d. Withdrawn or dismissed	0	0	0	0	0	0	0	0	0	
e. Affirmed in part/Reversed and or remanded in part										
6. DEFENSE Appeals - TOTAL DISPOSED	27	1	2	1	4	0	10	2	47	
a. Conviction or order affirmed	20	1	2	1	4	0	10	2	40	
b. Conviction or order reversed	4	0	0	0	0	0	0	0	4	
c. Remanded or judgment modified	3	0	0	0	0	0	0	0	3	
d. Withdrawn or dismissed	0	0	0	0	0	0	0	0	0	
e. Affirmed in part/Reversed and or remanded in part										
7. Appeals pending at the end of the year	22	0	3	1	5	0	2	1	34	



## APPELLATE WORKLOAD AND DISPOSITIONS Appellate Division and Other Appellate Courts

APPELLATE WORKLOAD AND DISPOSITIONS/OUTCOMES	Appellate Division Appeals						NJ Supreme Court Appeals	U.S. and Other Court Appeals (specify court)	TOTAL
	Criminal referral cases	Other criminal appeals	Criminal Interlocutory	Juvenile	Law Division (de novo)	Civil			
1. Appeals pending at beginning of the year	21	0	1	2	5	0	2	33	
2. Notices of appeal received/filed	42	1	1	0	4	0	10	59	
3. Appellate motions, motion responses filed	0	0	3	0	0	0	0	3	
4. Appellate briefs filed	26	0	8	0	3	0	10	53	
5. STATE Appeals and - TOTAL DISPOSED Cross Appeals	0	0	4	0	0	0	0	4	
a. Conviction or order affirmed	0	0	3	0	0	0	0	3	
b. Conviction or order reversed	0	0	1	0	0	0	0	1	
c. Remanded or judgment modified	0	0	0	0	0	0	0	0	
d. Withdrawn or dismissed	0	0	0	0	0	0	0	0	
e. Affirmed in part/Reversed and or remanded in part	0	0	0	0	0	0	0	0	
6. DEFENSE Appeals - TOTAL DISPOSED	27	1	2	1	4	0	10	47	
a. Conviction or order affirmed	20	1	2	1	4	0	10	40	
b. Conviction or order reversed	4	0	0	0	0	0	0	4	
c. Remanded or judgment modified	3	0	0	0	0	0	0	3	
d. Withdrawn or dismissed	0	0	0	0	0	0	0	0	
e. Affirmed in part/Reversed and or remanded in part	3	0	0	0	0	0	0	3	
7. Appeals pending at the end of the year	22	0	3	1	5	0	2	34	

## APPELLATE WORKLOAD AND DISPOSITIONS Law Division

APPELLATE WORKLOAD AND DISPOSITIONS/OUTCOMES	MUNICIPAL COURT APPEALS -- BY TYPE OF VIOLATION						TOTAL
	Criminal	Disorderly Persons	Motor Vehicle	Municipal Ordinances	Other		
1. Appeals pending at beginning of year	0	3	9	0	0		12
2. Notices of appeal received/filed	0	3	10	0	0		13
3. Appellate motions, motion responses filed	0	0	0	0	0		0
4. Appellate briefs filed	0	4	16	0	0		20
5. TOTAL APPEALS DISPOSED	0	5	15	0	0		20
a. Conviction or order affirmed	0	4	7	0	0		11
b. Conviction or order reversed	0	0	2	0	0		2
c. Remanded or judgment modified	0	0	2	0	0		2
d. Withdrawn or dismissed	0	1	4	0	0		5
6. Appeals pending at the end of the year	0	1	4	0	0		5



Section/Unit \_\_\_\_\_  
 (completing report)  
 Section IV. 9.a.

County: Somerset

Year...: 2016

## JUVENILE DELINQUENCY INTAKE

Filings/New Cases	Number of Juveniles	Number of Cases	Number of Offenses
1. Total New Filings During the Calendar Year	237	285	577
<b>VOP Filings</b>			
2. Total Violations of Probation During the Calendar Year	8	11	11
<b>Returned to Court</b>			
3a. Cases Reactivated	13	20	46
3b. Cases Reopened	27	33	70
3c. Cases Successfully Appealed	0	0	0
3. Total Cases Returned to Court	40	53	116
<b>Transfers</b>			
4a. Entering this county	68	76	136
4b. Leaving this county	65	71	159
4. (Net Change)	3	5	-23

5. County Screening Procedures.....: Check the box that most accurately describes the procedure in your county. Do not check more than one box.

- |  |                     |
|--|---------------------|
| a. Prosecutor's office reviews all new delinquency complaints either before or after diversion.  | <u>    X    </u>    |
| b. Prosecutor's office reviews selected delinquency complaints either before or after diversion based on offense charged or other criteria | <u>            </u> |
| c. Prosecutor's office does not screen new delinquency complaints.   | <u>            </u> |

6. Violations of Probation Procedures: Check the box that most accurately describes the procedure in your county. Do not check more than one box.

- |  |                     |
|--|---------------------|
| a. An Assistant Prosecutor appears at all V.O.P. hearings.   | <u>    X    </u>    |
| b. An Assistant Prosecutor appears at selected V.O.P. hearings based on offense charged or other criteria. | <u>            </u> |
| c. Assistant Prosecutor's do not at V.O.P. hearings.   | <u>            </u> |

Section/Unit \_\_\_\_\_  
 (completing report)

County: Somerset

Section IV. 9.b.

Year...: 2016

## JUVENILE DELINQUENCY DISPOSED CASES

Dismissed/Consolidated/Withdrawn	Number of Juveniles	Number of Cases	Number of Offenses
1. Total Dismissed/Consolidated/Withdrawn during Calendar Year	13	16	23
<b>Diverted Cases</b>			
2. Total Diversions during Calendar Year	103	107	153
<b>Inactivated Cases</b>			
3a. VOP Cases Inactivated	4	5	5
3b. Non-VOP Cases Inactivated	27	38	78
3. Total Inactivations during Calendar Year	31	43	83
<b>Non-VOP Decisions (Mandatory Calendar)</b>			
4a. Adjudicated Delinquent	68	88	204
4b. Adjudicated Not Delinquent	0	0	0
4c. Not Adjudicated Dismissed	0	0	0
4d. Case Returned/Post Adjudication Decision	1	1	2
4. Total Non-VOP Decisions (Mandatory Calendar)	69	89	206
<b>Non-VOP Decisions (Non-Mandatory Calendar)</b>			
5a. Adjudicated Delinquent	0	0	0
5b. Adjudicated Not Delinquent	0	0	0
5c. Not Adjudicated Dismissed	0	0	0
5d. Case Returned/Post Adjudication Decision	0	0	0
5. Total Non-VOP Decisions (Non-Mandatory Calendar)	0	0	0
<b>Non-VOP Decisions (Juvenile Referee)</b>			
6a. Adjudicated Delinquent	1	1	2
6b. Adjudicated Not Delinquent	0	0	0
6c. Not Adjudicated Dismissed	0	0	0
6d. Case Returned/Post Adjudication Decision	8	11	29
6. Total Non-VOP Decisions (Juvenile Referee)	9	12	31
<b>VOP Decisions (1:1)</b>			
	<b>Mandatory Calendar</b>	<b>Non-Mandatory Calendar</b>	<b>Juvenile Referee</b>
7a. Adjudicated Delinquent	9	0	2
7b. Adjudicated Not Delinquent	0	0	0
7c. Not Adjudicated Dismissed	0	0	0
7d. Case Returned/Post Adjudication Decision	0	0	0
7. Total VOP Decisions	9	0	2

<b>Trials</b>		
8a. Total Number of Trials Where the Assistant Prosecutor Appeared.	6	_____
8b. Total Number of Juveniles Adjudicated Delinquent on One or More Charges at Trial.	5	_____
8c. Total Number of Juveniles Adjudicated Not Delinquent at Trial.	1	_____

## JUVENILE WAIVER DECISIONS

<b>1. Voluntary Waivers at Juvenile=s Request</b>	0
<b>2. Juvenile Waiver Applications by Prosecutor</b>	
a. Pending at Beginning of Year	0
b. Motions Filed by Prosecutor this Year	1
<b>3. Juvenile Waiver Decisions (Prosecutor=s Applications)</b>	
a. Waived on Prosecutor=s Motion with Juvenile=s Consent	0
b. Waived on Prosecutor=s Motion after a Hearing	1
c. Motion Voluntarily Withdrawn by Prosecutor	0
d. Waivers Denied	0
e. Total Decisions (sum of 3a through 3d)	1
<b>4. Juvenile Waiver Applications filed by Prosecutor Pending at Year End (2.a. + 2.b. - 3.e.)</b>	0

Rev. 1999



## VICTIM/WITNESS NOTIFICATION SERVICES

LETTER NOTIFICATION	NOTIFICATION PROVIDED TO					
	VICTIMS		Lay WITNESSES		Law Enforcement Complainant	
	YES	NO	YES	NO	YES	NO
Initial contact	X					
Administrative dismissal	X		X		X	
GJ Remand to municipal court	X		X		X	
Indictment returned	X		X		X	
No bill	X		X		X	
Applied to PTI	X		X		X	
Acceptance to PTI	X		X		X	
Completed PTI	X		X		X	
Terminated from PTI	X		X		X	
Bail Reduction Hearing	X					
Pre-Trial Proceeding	X		X		X	
Release on Bail	X		X		X	
Fugitive Status	X		X		X	
Court Dismissal	X		X		X	

### VICTIM/WITNESS NOTIFICATION SERVICES

LETTER NOTIFICATION		NOTIFICATION PROVIDED TO					
		VICTIMS		Lay WITNESSES		Law Enforcement Complainant	
		YES	NO	YES	NO	YES	NO
Pre-Grand Jury Remand/Decline	167	X					
Disposed of Charges Not Guilty	23	X		X		X	
Dispose of Charges Guilty To Be Sentenced	80	X		X		X	
Sentence Date	2054	X		X		X	
Sentence Imposed- Parole Input	69	X					
Sentence Imposed-witness	2347	X		X		X	
Sentence Imposed-non-custodial	1028	X		X		X	
Mistrial/Dismissal	0	X				X	
Mistrial	0	X		X		X	
Plea to Charges/To Be Sentenced	1676	X		X		X	
Plea and sentenced	0	X		X		X	
Community Release	18	X					
Parole Denial	78	X					
Parole Eligibility	118	X					
Max Release (Sentence Expiration)	105	X					

## VICTIM/WITNESS NOTIFICATION SERVICES

Rev. 1995

LETTER NOTIFICATION	NOTIFICATION PROVIDED TO					
	VICTIMS		Lay WITNESSES		Law Enforcement Complainant	
	YES	NO	YES	NO	YES	NO
Release on Parole	42	X				
Return to Custody	0					
Juvenile Release	0	X				
Juvenile- Initial Contact	98	X				
Juvenile- Disposition of Case	47	X				
Juvenile Transfer Out	27	X				
Dismiss by Motion	14	X				
Fugitive Arrest	67	X				
Condolence Letters	8	X				
VINE	383	X				
Administrative Hold	0	X				
Release to ISP	11	X				
Applied to Drug Court	0	X				
CAR Team	10	X				
<b>Total Notifications for 2016</b>	<b>24,339</b>					



## VICTIM/WITNESS ASSISTANCE SERVICES PROVIDED

VICTIM/WITNESS ASSISTANCE SERVICES	SERVICE PROVIDED TO			
	VICTIMS		WITNESSES	
	Juvenile Cases	Criminal Cases	Juvenile Cases	Criminal Cases
<b>INFORMATION AND REFERRAL SERVICES</b>				
Introductory brochure (Criminal-English and Spanish )	X	X		
Criminal Justice system orientation	X	X	X	X
Case information	X	X	X	X
VCCO referral	X	X		
Social service information/referral	X	X	X	X
Crime prevention information/referral N/A				
Property return information	X	X		
Witness fee information N/A				
Public education, community awareness	X	X		
<b>LOGISTIC SERVICES</b>				
Stand-by subpoena and call N/A				
Witness waiting area	X	X		
Referral for witness intimidation, harassment	X	X	X	X
Restitution recommendation at sentencing-info	X	X		
VCCO claim assistance	X	X		
Social service referrals	X	X	X	X
Employer/student intervention	X	X		
Travel, lodging assistance	X	X		
Transportation assistance	X	X		
Child care assistance	X	X		
Property return assistance	X	X		
Witness fee assistance N/A				
Victim impact statement assistance	X	X		
Crisis Counseling/referrals	X	X	X	X
Other (specify) Bilingual Spanish assistance	X	X	X	X
VINE information/letters		X		



## MISCELLANEOUS ACTIVITIES

ACTIVITY	NUMBER	VALUE
1. Notice of intention to solicit funds received	7	
2. Expungement applications received	245	
3. TOTAL number of forfeiture actions	38	
4. Number of motor vehicles obtained through forfeiture actions	5	
5. TOTAL value of property forfeited (add a. - c.)		\$173,269.96
a. Cash forfeited		\$123,562.96
b. Value of forfeited motor vehicles		\$49,707.00
c. Value of other forfeited property		\$0
(Specify property)		

## ADULT DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

	TOTAL	NUMBER CONVICTED		ACQUITTED	DISMISSED	DOWNGRADE/ REMAND
		PLEA	TRIAL			
Number of defendants disposed	1	1	0	0	0	1
Number of defendants for whom application for extended term of imprisonment made	0					
Number of defendants for whom application was granted	0					
Number of defendants for whom application was denied	0					
Number of defendants for whom simple assault was upgraded to 4th degree crime	0	0	0	0	0	0
Number of defendants for whom harassment was upgraded to 4th degree crime	0	0	0	0	0	0
Number of defendants who had both an upgrade to a 4th degree crime and an application for extended terms	0					

## JUVENILE DEFENDANTS WITH BIAS CRIME RELATED CHARGES DISPOSED

	TOTAL	NUMBER CONVICTED		ACQUITTED	DISMISSED	DOWNGRADE/ REMAND
		PLEA	TRIAL			
Number of juveniles disposed	0					
Number of juveniles waived for adult prosecution	0	0	0	0	0	0
Number of juveniles for whom application for extended term of imprisonment made	0					
Number of juveniles for whom application was granted	0					
Number of juveniles for whom application was denied	0					
Number of juveniles for whom simple assault was upgraded to 4th degree crime	0	0	0	0	0	0
Number of juveniles for whom harassment was upgraded to 4th degree crime	0	0	0	0	0	0
Number of juveniles who had both an upgrade to a 4th degree crime and an application for extended terms	0					



Section/Unit  
completing

**Internal Affairs Unit**

County

**SOMERSET**

Section IV. 14a

Year

**2016**

### Police Pursuit Summary Report

Agency	<b>Somerset County Prosecutor's Office</b>	County <b>SOMERSET</b>
Reporting Period	<b>January 1, 2015 to December 31, 2015</b>	
Person completing report	<b>Sergeant David Whipple</b>	Date completed <b>1/20/2017</b>
Phone number	<b>908-575-5063</b>	

1. Number of pursuits initiated	38
2. Number of pursuits resulting in accidents	7
3. Number of pursuits resulting in injuries (NO DEATHS)	1
4. Number of pursuits resulting in deaths	0
5. Number of pursuits resulting in arrest	17
6. Number of vehicles in accidents	3
a. Pursued vehicles	8
b. Police vehicles	1
c. Third party vehicles	1
7. Number of people injured	
a. Pursued vehicles	2
b. Police vehicles	0
c. Third party vehicles	0
d. Pedestrians	0
8. Number of people killed	
a. Pursued vehicles	0
b. Police vehicles	0
c. Third party vehicles	0
d. Pedestrians	0
9. Number of people arrested	19
10. Number of pursuits in which a tire deflation device was used	0

# SCPO - ANNUAL INTERNAL AFFAIRS SUMMARY REPORT

Agency: All Somerset County Law Enforcement Agencies

Year: 2016

Person Completing Report: Sergeant David P. Whipple (SCPO)

**TABLE 1 - COMPLAINTS FILED**

Type of Complaint	Anonymous Complaints	Citizen Complaints	Agency Complaints	Total Complaints
Excessive Force		11	1	12
Improper Arrest		2		2
Improper Entry		1		1
Improper Search		4		4
Other Criminal Violation	2	13	6	21
Differential Treatment	1	15	2	18
Demeanor	3	72	10	85
Domestic Violence			3	3
Other Rule Violation	13	31	90	134
<b>TOTAL</b>	<b>19</b>	<b>149</b>	<b>112</b>	<b>280</b>

**Table 3 - Court Dispositions**

Court	Cases Dismissed	Cases Diverted	Acquittals	Convictions
Municipal				
Superior				
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**TABLE 2 - AGENCY DISPOSITIONS**

Type of Complaint	Number and Type of Disposition										
	Pending Last Year	Received This Year	Total	Sustained		Exonerated	Not Sustained	Unfounded	Admin. Closed	Closed This Year	Pending End of Year
				Criminal Charge	Internal Disciplinary						
Excessive Force	1	12	13			7	1	2	1	11	2
Improper Arrest		2	2			2				2	0
Improper Entry		1	1			1				1	0
Improper Search		4	4			1	2		1	4	0
Other Criminal Violation	7	21	28		1	4	2	4	10	21	7
Differential Treatment	1	18	19			7	1	6	2	16	3
Demeanor	3	85	88		14	19	16	14	14	77	11
Domestic Violence		3	3					2	1	3	0
Other Rule Violation	10	134	144		67	22	11	11	15	126	18
<b>TOTAL</b>	<b>22</b>	<b>280</b>	<b>302</b>	<b>0</b>	<b>82</b>	<b>63</b>	<b>33</b>	<b>39</b>	<b>44</b>	<b>261</b>	<b>41</b>

Signature of Person Completing Report: \_\_\_\_\_



Name of Person Completing Report: Sergeant David P. Whipple (SCPO)

Date Report Completed: \_\_\_\_\_

Department: All Somerset County Law Enforcement Agencies  
 Year: 2016  
 Quarter:  1st  2nd  3rd  4th



## 2016 PROFESSIONAL STANDARDS EXECUTIVE SUMMARY

### SOMERSET COUNTY

The following report contains the statistical summary of reports of police misconduct in Somerset County in 2016. In addition, the report provides statistics for the dispositions of those complaints. A review of the report and comparison of this report with the report prepared the previous year reveals the following:

Somerset County law enforcement agencies investigated two hundred eighty (280) new cases in 2016 with twenty-two (22) pending from the previous year. Compared to the previous year (2015 – three hundred three (303) total cases investigated), there was an approximate -7.59% reduction in the number of complaints investigated.

Out of the two hundred eighty (280) complaints investigated in 2016, there were eighty-two (82) sustained allegations (refer to Table 2). None of those sustained allegations resulted in Criminal Charges; they each represented Internal Disciplinary Action. Of the remaining one hundred ninety eight (198) there were one hundred fifty seven (157) disposed allegations, which included; Exonerated – sixty three (63), Not Sustained – thirty three (33), Unfounded – thirty nine (39) and Administratively Closed – forty four (44). Forty one (41) complaints remained open and were pending into 2017.

Type of Complaint	2015 Total Complaints	2016 Total Complaints	Percentage Increase/ Decrease
Excessive Force	12	12	0%
Improper Arrest	3	2	-33%
Improper Entry	0	1	+100%
Improper Search	2	4	+100%
Other Criminal Violation	24	21	-12.57%
Differential Treatment	29	18	-37.93%
Demeanor	70	85	+21.43%
Domestic Violence	3	3	0%
Other Rule Violation	160	134	-16.25
Total	303	280	-7.59%

As you can see, there was a reduction in the overall number of complaints received in 2016 (280) when compared to the number of complaints received in 2015 (303). This represents a reduction of approximately 7.59% in the number of received complaints. 2016 also saw a significant reduction in the number of Improper Arrests Complaints (-33%) and Differential Treatment Complaints (-37.93%).

However, based upon that above statistics there also appears to be a significant increase in the number of Demeanor Complaints (+21.43). It should be noted that there was a 100 % increase in the number of Improper Entry Complaints and Improper Search Complaints. Given the fact that these statistics are collected from twenty two (22) law enforcement agencies in this County, there really does

not seem to be a dramatic increase in the number of incidents when one considers the number of received complaints (since in 2015 Improper Entry Complaints reported was 0 compared to 1 received in 2016 and in 2015 two (2) Improper Search Complaints were reported compared to four (4) received in 2016).

As in the past, the goal is to continue to investigate and dispose of cases in a timely manner. As well as to thoroughly and fairly investigate all complaints brought to the Internal Affairs Unit and pursue all sustainable charges.

## BUDGETS AND EXPENDITURES

ACTIVITY	YEAR	Total Operating Budget (excluding Grants)	Total Grants Funding
1. TOTAL actual expenditures, prior report year (include all County, State and Federal funding)	2015	11,538,485	680,797
a. Salaries and Wages		10,748,572	439,840
b. Other Expenses		783,913	240,957
2. TOTAL Budgeted Appropriations, current report year (include all County, State and Federal funding)	2016	11,824,654	739,218
a. Salaries and Wages		10,937,336	489,356
b. Other Expenses		887,318	249,862

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