



# New Jersey Libertarian Party

Preempted Ordinance Repeal Project

*John Paff, Chairman*

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*Somerset, NJ 08875-5424*

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April 1, 2010

Carole A. Cummings  
Municipal Division Manager  
19 N. Broad St  
Woodbury, NJ 08096

Dear Ms. Cummings:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Preempted Ordinance Repeal Project to once again seek your assistance regarding the Bridgeton Municipal Court. I am directing this appeal to you because page 10 of the New Jersey Judiciary Open Records: Policies and Procedures for Access to Case-Related Court Records - Staff Guidelines, as approved by the Supreme Court on October 12, 2005, states:

## ***7. Resolution of Complaints or Issues Related to Access***

*Complaints or issues relating to the inspection of court records shall be directed first to the appropriate division manager. If not resolved by the division manager, the matter shall be directed to the Trial Court Administrator or his or her designee. Refer to Attachment 6 for vicinage specific division manager contact information.*

Enclosed are three redacted complaints that I received from the Bridgeton Municipal Court showing that Bridgeton Police Officers have, as recently as November 2009 cited people for violating § 251-9A of the City's code, which purports to prohibit "loitering." From my previous letters, you have probably gathered that the Libertarian Party opposes loitering codes, which are preempted by state law. See State v. Crawley, 90 N.J. 241, 247 (1982), and has succeeded in getting many municipalities to repeal them.

I disagree with the Bridgeton Court Administrator's decision to redact the defendants' addresses from the complaints I was given. If I had these addresses, I could contact these defendants to inform them that a) the ordinance that they were convicted of violating is almost certainly invalid, b) on April 8, 2008—prior to them being charged with loitering—I informed the Bridgeton Mayor and Council of the loitering code's invalidity but was rebuffed, and c) that they may want to consider joining together with similarly situated

defendants to consult with an attorney to determine whether a class action lawsuit against the City and its police department for injunctive relief and damages is viable.

Yet, I am not able to initiate contact with these defendants because the City has elected to remove their addresses and other contact information. I don't see anything in R.1:38-1 through 12 that authorizes the redaction of these defendants' addresses. Also, under a common law right to access balancing test, I believe that my need for the address information is greater than any governmental need to suppress it.

Would you please look into this matter and advise me and the Bridgeton Court Administrator of your decision?

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paff", with a large, stylized flourish extending to the left.

John Paff

cc. Kimberly Hamlyn, Director (via e-mail [kimberly.hamlyn@judiciary.state.nj.us](mailto:kimberly.hamlyn@judiciary.state.nj.us) )  
Theodore E. Baker, Esq., City Attorney (via e-mail [theodore.baker@verizon.net](mailto:theodore.baker@verizon.net) )  
Both with enclosures

COURT I.D. PREFIX COMPLAINT NUMBER  
 0601 - SCC - 019315

Municipal Court of Bridgeton  
 168 E. Commerce St.  
 Bridgeton, NJ 08302  
 Cumberland County, NJ

**The State of New Jersey**  
 vs.

Defendant's Name: First Initial Last  
 VICTOR M OLIVERAS  
 Address: [REDACTED]  
 State Zip Code Telephone  
 Birth Date: [REDACTED] Sex [REDACTED] Eye [REDACTED] Restrictions [REDACTED]  
 Driver's License # [REDACTED] State Exp. Date

STATE OF NEW JERSEY Cumberland  
 COUNTY OF \_\_\_\_\_ )SS;

Complaining Witness: PTC M Connelly (Name)  
 of Bridgeton P.D. 1048 (Identify Dept./Agency Represented) (Badge No.)  
 Residing at 330 Faye St

by certification or on oath, says that to the best of his/her knowledge of information and belief, the named defendant on or about the 11/16/09 at 2135 in BRIDGETON 0601 County of CUMBERLAND N.J.

did commit the following offense: Loitering in front of Riggins Gas Station  
CO-251-9A  
 in violation of (one charge only) \_\_\_\_\_ (Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE 0601 77 N Pearl St Describe Location

OATH: Subscribed and sworn to before me this 11 day of \_\_\_\_\_, yr \_\_\_\_\_

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Signature of Complaining Witness)  
 (Signature of Person Administering Oath)

11/16/09  
PTC M Connelly  
 (Signature of Complaining Witness)

**PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:**

**COURT USE ONLY**  
 Probable cause is found for the issuance of this Complaint-Summons.  
 YES  
 NO (Signature of Judicial Officer)  
 YES  
 NO (Signature of Judge)

**LAW ENFORCEMENT USE ONLY**  
 The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

**YOU ARE HEREBY SUMMONED TO APPEAR**

BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

**NOTICE TO APPEAR**

COURT APPEARANCE REQUIRED  
 COURT DATE 11/16/09 Day 16 Year 09 Time 9:00 AM/PM  
11/16/09 (Date Summons Issued) PTC M Connelly (Signature of Person Issuing Summons)

Complaint-Summons SF-1 (12-03)

**BENCH WARRANT BAIL INFORMATION**

Failed to Appear Date \_\_\_\_\_  
 Warrant Date \_\_\_\_\_ Ordered by: \_\_\_\_\_ (Signature and title of person issuing warrant)  
 Bail Amount \$ \_\_\_\_\_ Set by: \_\_\_\_\_ (Signature and title of person setting bail)  
 Forfeited  Return  Reinstated \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature of Judge)

**FIRST APPEARANCE, ARRAIGNMENT AND COUNSEL INFORMATION**

First Appearance Date: \_\_\_\_\_ Arraignment Date: \_\_\_\_\_  
 Advised of Rights: By: \_\_\_\_\_ Defendant Desires Counsel:  Yes  No  
 Counsel assigned:  Yes  No (If yes, name of counsel)  
 Counsel retained:  Yes  No (If yes, name of counsel)  
 Counsel waived:  Yes  No (If yes, name of Judge accepting waiver)

Name of Prosecuting Attorney: \_\_\_\_\_  
 Affiliation:  Municipal  County  State  Other (list)

**MISCELLANEOUS INFORMATION**

Additional information and Judge's Notes:

Adjournment Requested by	Reason	To

See attached sheet for additional Judge's notes or other information.

**COURT ACTION**

Complaint Amended to:  
 Plea:  Guilty  Not Guilty Date: \_\_\_\_\_  
 Finding: \_\_\_\_\_ Date: \_\_\_\_\_  
 Guilty  Guilty but Merged  Not Guilty  
 If Guilty, Advise of Right to Appeal  
 Dismissed - Plea Agreement  Dismissed - Lack of Prosecution  Dismissed - False ID  
 Dismissed - Pros. Discretion  Dismissed - Rule  Dismissed - Other  
 Fine \$ 100 Costs \$ 33 Contempt \$ \_\_\_\_\_  
 VCCB \$ \_\_\_\_\_ DWI \$ \_\_\_\_\_ SNSF \$ \_\_\_\_\_  
 D.A.E.F. \$ \_\_\_\_\_ Other \$ \_\_\_\_\_ Total \$ \_\_\_\_\_  
 Period of D.L. Suspension: \_\_\_\_\_  
 IDRC: \_\_\_\_\_ Comm. Serv. : \_\_\_\_\_  
 Ignition Interlock \_\_\_\_\_ years OR Registration Susp. \_\_\_\_\_ years  
 Jail Term/Jail Credit: \_\_\_\_\_ Credit For: \_\_\_\_\_  
 Signature of Judge: \_\_\_\_\_ Date: 11-1-09  
 Court's Copy

COMPLAINT

SUMMONS

COURT I.D. PREFIX COMPLAINT NUMBER  
**0601** - **SCC** - **013865**

Municipal Court of Bridgeton  
 168 E. Commerce St.  
 Bridgeton, NJ 08302  
 Cumberland County, NJ

**The State of New Jersey**

VS.

Defendant's Name: First James Initial JL Last Lewis JR.  
 Address [REDACTED] City [REDACTED]  
 State [REDACTED] Zip Code [REDACTED] Telephone [REDACTED]  
 Birth Date: [REDACTED] Mo. [REDACTED] Day [REDACTED] Year [REDACTED] Sex [REDACTED] Eyes [REDACTED] Height [REDACTED] Restrictions [REDACTED]  
 Driver's License # [REDACTED] Exp. Date [REDACTED]

STATE OF NEW JERSEY  
 COUNTY OF \_\_\_\_\_ NAME OF COUNTY \_\_\_\_\_ JSS:

Complaining Witness: PT. V. Cappoli  
 of BPD (Name) 1028 (Identify Dept/Agency Represented) (Badge No.)  
 Residing at 168 E Commerce St.

by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the 11 14 08 2:05 Month Day Year Time  
 in BRIDGETON 0601 County of CUMBERLAND N.J.

did commit the following offense: Loitering in front of Rite Aid Pharmacy.

in violation of (one charge only) CO: 251-9 (Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE 52 E Broad St. Describe Location

OATH: Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, yr \_\_\_\_\_  
 (Signature of Complaining Witness)

**CERTIFICATION:** I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.  
1-14-08 (Date)  
PT. V. Cappoli (Signature of Complaining Witness)

**PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:**

COURT USE ONLY	LAW ENFORCEMENT USE ONLY
Probable cause is found for the issuance of this Complaint-Summons. YES <input type="checkbox"/> (Signature of Judicial Officer) NO <input type="checkbox"/> (Signature of Judge)	<input checked="" type="checkbox"/> The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

**YOU ARE HEREBY SUMMONED TO APPEAR**

BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED. A WARRANT MAY BE ISSUED FOR YOUR ARREST.

**NOTICE TO APPEAR**

COURT APPEARANCE REQUIRED  
 COURT DATE: 1-14-08 Month 14 Day 08 Year 2 00 AM/PM  
1-14-08 (Date Summons Issued) PT. V. Cappoli (Signature of Person Issuing Summons)

Complaint-Summons SF-1 (12-03)

**BENCH WARRANT BAIL INFORMATION**

Failed to Appear Date \_\_\_\_\_  
 Warrant Date 1-24-08 Issued by: \_\_\_\_\_ (Signature and title of person issuing warrant)  
 Bail Amount \$ 293 (Signature and title of person setting bail)  
 Forfeited  Return  Reinstated (Date) \_\_\_\_\_ (Signature of Judge)

**FIRST APPEARANCE, ARRAIGNMENT AND COUNSEL INFORMATION**

First Appearance Date: \_\_\_\_\_ Arraignment Date: \_\_\_\_\_  
 Advised of Rights: By: \_\_\_\_\_ Defendant Desires Counsel:  Yes  No  
 Counsel assigned:  Yes  No (If yes, name of counsel)  
 Counsel retained:  Yes  No (If yes, name of counsel)  
 Counsel waived:  Yes  No (If yes, name of Judge accepting waiver)

**MISCELLANEOUS INFORMATION**

Additional information and Judge's notes: 1-22-09 PTA BU 1500B

Adjournment Requested by	Reason	To

See attached sheet for additional Judge's notes or other information.

**COURT ACTION**

Complaint Amended to: \_\_\_\_\_

Plea:  Guilty  Not Guilty Date: \_\_\_\_\_  
 Finding:  Guilty, Advise of Right to Appeal Date: \_\_\_\_\_  
 Guilty  Not Guilty  
 Dismissed - Plea Agreement  Dismissed - Lack of Prosecution  Dismissed - False ID  
 Dismissed - Pros. Discretion  Dismissed - Rule  Dismissed - Other

Fine \$ 100 Costs \$ 33 Contempt \$ 50  
 VCCB \$ \_\_\_\_\_ DWI \$ \_\_\_\_\_ SNSF \$ \_\_\_\_\_  
 D.A.E.F. \$ \_\_\_\_\_ Other \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

Period of D.L. Suspension: \_\_\_\_\_

IDRC: \_\_\_\_\_ Comm. Serv.: \_\_\_\_\_

Ignition Interlock \_\_\_\_\_ years OR Registration Susp. \_\_\_\_\_ years

Jail Term/Jail Credit: \_\_\_\_\_ Credit For: 1-19-10

Signature of Judge: \_\_\_\_\_ Date: \_\_\_\_\_  
 Court's Copy

COURT I.D. PREFIX COMPLAINT NUMBER  
**0601 - SCC - 019801**

Municipal Court of Bridgeton  
 168 E. Commerce St.  
 Bridgeton, NJ 08302  
 Cumberland County, NJ

12/26

**The State of New Jersey**

VS.

Defendant's Name: First Initial Last  
**Jeffrey Red Fern**

Address \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Telephone \_\_\_\_\_

Birth Date: \_\_\_\_\_ Sex \_\_\_\_\_ Eyes \_\_\_\_\_ Height \_\_\_\_\_ Restrictions \_\_\_\_\_

Driver's License # \_\_\_\_\_ State \_\_\_\_\_ Exp. Date \_\_\_\_\_

STATE OF NEW JERSEY COUNTY OF Cumberland )SS:

Complaining Witness: PH. Matt Phillips (Name)  
 of Bridgeton Police Dept #985 (Identify Dept/Agency Represented) (Badge No.)  
 Residing at 330 Fayette St

by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the 11 25 09 09:26 Month Day Year Time in BRIDGETON 0601 County of CUMBERLAND N.J.

did commit the following offense: Loitering in Front of Hampels Liquors.  
 in violation of (one charge only) CO 251-9A (Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE 0601 Describe Location Hampels Liquors

OATH: Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, yr \_\_\_\_\_

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

OR

(Signature of Complaining Witness)

11-25-09 (Date)  
PH. Matt Phillips (Signature of Complaining Witness)

(Signature of Person Administering Oath)

**PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:**

COURT USE ONLY LAW ENFORCEMENT USE ONLY

Probable cause is found for the issuance of this Complaint-Summons.

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

YES  
 NO (Signature of Judicial Officer)

YES  
 NO (Signature of Judge)

**YOU ARE HEREBY SUMMONED TO APPEAR**

BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED. A WARRANT MAY BE ISSUED FOR YOUR ARREST.

**NOTICE TO APPEAR**

COURT APPEARANCE REQUIRED COURT DATE 12 08 09 1:05 AM PM

11-25-09 (Date Summons Issued) PH. Matt Phillips (Signature of Person Issuing Summons)  
 Complaint-Summons SF-1 (12-03)

**BENCH WARRANT BAIL INFORMATION**

Failed to Appear Date \_\_\_\_\_  
 Warrant Date \_\_\_\_\_ Ordered by: \_\_\_\_\_ (Signature and title of person issuing warrant)  
 Bail Amount \$ \_\_\_\_\_ Set by: \_\_\_\_\_ (Signature and title of person setting bail)  
 Forfeited  Return  Reinstated \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature of Judge)

**FIRST APPEARANCE, ARRAIGNMENT AND COUNSEL INFORMATION**

First Appearance Date: \_\_\_\_\_ Arraignment Date: \_\_\_\_\_  
 Advised of Rights: By: \_\_\_\_\_ Defendant Desires Counsel:  Yes  No  
 Counsel assigned:  Yes  No (If yes, name of counsel)  
 Counsel retained:  Yes  No (If yes, name of counsel)  
 Counsel waived:  Yes  No (If yes, name of Judge accepting waiver)

Name of Prosecuting Attorney: \_\_\_\_\_  
 Affiliation:  Municipal  County  State  Other (list) \_\_\_\_\_

**MISCELLANEOUS INFORMATION**

Additional information and Judge's notes: 12-8-09 PIA confirm

Adjournment Requested by	Reason	To

See attached sheet for additional Judge's notes or other information.

**COURT ACTION**

Complaint Amended to: \_\_\_\_\_

Plea:  Guilty  Not Guilty Date: \_\_\_\_\_  
 Finding:  Guilty  Guilty but Merged  Not Guilty  
 If Guilty, Advise of Right to Appeal  
 Dismissed - Plea Agreement  Dismissed - Lack of Prosecution  Dismissed - False ID  
 Dismissed - Pros. Discretion  Dismissed - Rule  Dismissed - Other

Fine \$ 150 Costs \$ 33 Contempt \$ \_\_\_\_\_

VCCB \$ \_\_\_\_\_ DWI \$ \_\_\_\_\_ SNSF \$ \_\_\_\_\_

D.A.E.F. \$ \_\_\_\_\_ Other \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

Period of D.L. Suspension: \_\_\_\_\_

IDRC: \_\_\_\_\_ Comm. Serv. : \_\_\_\_\_

Ignition Interlock \_\_\_\_\_ years OR Registration Susp. \_\_\_\_\_ years

Jail Term/Jail Credit: \_\_\_\_\_ Credit For: \_\_\_\_\_

Signature of Judge: \_\_\_\_\_ Date: 12-26-10  
 Court's Copy

**SUPERIOR COURT OF NEW JERSEY**  
CUMBERLAND / GLOUCESTER / SALEM VICINAGE



MARK SPROCK  
Trial Court Administrator

CAROLE A. CUMMINGS, ESQ.  
Vicinage Municipal Division Manager

EMAIL: [Carole.Cummings@judiciary.state.nj.us](mailto:Carole.Cummings@judiciary.state.nj.us)

Gloucester County Courthouse  
19 North Broad Street  
Woodbury, NJ 08096  
Phone – (856) 853-3482  
Fax – (856) 853-3497  
TTY/TDD – (856) 853-3494

May 7, 2010

John Paff, Chairman  
New Jersey Libertarian Party  
PO Box 5424  
Somerset, New Jersey 08875-5424

Via Email: [lpsmc@pobox.com](mailto:lpsmc@pobox.com)

RE: Your Letter of April 1

Dear Mr. Paff:

I have reviewed your letter of April 1 which deals with the Bridgeton Municipal Court and the records you requested. You are correct in that these records should not have had the defendant's addresses redacted. I have reviewed this matter with the supervisors at the court, reminded them of the appropriate rule to be followed. You will be sent un-redacted copies of these complaints today.

I again apologize for the delay in responding to you.

Sincerely,

/s/

Carole A. Cummings,  
Municipal Division Manager

Cc: Kimberly Hamlyn, Director, Bridgeton Municipal Court (via email)  
Theodore E. Baker, Esq. City Attorney (via email)



**New Jersey Courts**  
Independence - Integrity - Fairness - Quality Service