



New Jersey Libertarian Party

Preempted Ordinance Repeal Project

John Paff, Chairman

P.O. Box 5424

Somerset, NJ 08875-5424

Phone: 732-873-1251- Fax: 908-325-0129

Email: lpasmc@pobox.com

June 9, 2010

Hon. Terry Warrelmann, Mayor, Members of the Borough Council

Borough of South Bound Brook

12 Main St

South Bound Brook, NJ 08880

(via e-mail DKazar@SouthBoundBrook.com)

Dear Mayor Warrelmann and Council members:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Preempted Ordinance Repeal Project, seeking review and repeal of § 3-1 (Loitering) and most of § 3-9 (Disorderly Conduct) from the Borough Code.

Attached is an April 9, 2010 letter from the Somerset County Prosecutor's Office that responded to my December 7, 2009 complaint (also attached) that South Bound Brook Borough Prosecutor James P. Fitzgerald violated a 1998 Attorney General Directive by allowing municipal court defendants to downgrade statutory disorderly persons and petty disorderly persons offenses to § 3-9.1 violations. As you can see, the Prosecutor's Office found that "as [I] correctly noted, Municipal Prosecutors shall not downgrade . . . [Title] 2C charges to municipal ordinance violations where there has been a preemption by State statute."

Given that § 3-9.1 is invalid, I ask that you please direct your Borough Attorney to draft an ordinance repealing it. Also, since § 3-1, regarding loitering is preempted and invalid, as well as § 3-9.2, § 3-9.6, § 3-9.7, § 3-9.8 and § 3-9.9, I ask that you repeal these provisions as well.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

John Paff

cc. William Cooper, w/ enclosures (via e-mail to WTCESQ2@aol.com)



SOMERSET COUNTY PROSECUTOR'S OFFICE
40 NORTH BRIDGE STREET
P. O. BOX 3000
SOMERVILLE, NEW JERSEY 08876-1262

WAYNE J. FORREST
PROSECUTOR

TELEPHONE: 908-231-7100
FAX: 908-704-0750
WWW.SCPO.NET

April 9, 2010

Chairman John Paff
Pre-empted Ordinance Repeal Project
New Jersey Libertarian Party
P.O. Box 5424
Somerset, New Jersey

Dear Mr. Paff:

Thank you for your correspondence regarding improperly downgraded charges in both the Somerville and South Bound Brook Municipal Courts.

As you correctly noted, Municipal Prosecutors shall not downgrade disorderly persons and petty disorderly persons 2C charges to municipal ordinance violations where there has been a preemption by State statute. (New Jersey Attorney General Directive, November 18, 1998, Plea Agreements in Municipal Courts).

Accordingly, thanks to your due diligence, we will be sending out a letter with the directive to each of our Municipal Prosecutors to remind them of proper plea bargain procedure.

Sincerely,

WAYNE J. FORREST
PROSECUTOR

By: _____


Michael McLaughlin
Assistant Prosecutor



New Jersey Libertarian Party

Preempted Ordinance Repeal Project

John Paff, Chairman

P.O. Box 5424

Somerset, NJ 08875-5424

Phone: 732-873-1251- Fax: 908-325-0129

Email: lpsmc@pobox.com

December 7, 2009

Thomas Chirichella, Assistant Prosecutor
Somerset County Prosecutor's Office
P.O. Box 3000
Somerville, NJ 08876

RE: Complaint against Prosecutor of South Bound Brook

Dear Mr. Chirichella:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Preempted Ordinance Repeal Project to complain that James P. Fitzgerald, Esq., Prosecutor of the South Bound Brook Municipal Court, is violating a November 18, 1998 Directive by former Attorney General Peter Verniero. A copy of that three-page Directive is attached to this letter.

I bring this matter to your attention because the Special Investigations Unit, of which you are the legal advisor, has jurisdiction over matters "involving the integrity of the elected or appointed governmental officials."¹ Moreover, the County Prosecutor's office has supervisory authority over municipal prosecutors and may, in the public interest, intervene or supersede them. N.J.S.A. 2B:12-27 and 2B:25-7.

Enclosed is a table, with supporting documentation, showing eleven (11) instances during 2009 where Mr. Fitzgerald allowed defendants charged with Title 2C offenses to plead down to violations of South Bound Brook Municipal Code § 3-9.1. That code provision, a copy of which is attached to this letter, states:

Indecent Acts or Language. No person while upon, about or in the waters of or bounding the Borough shall commit any lewd, immoral or indecent act or utter loud or offensive or indecent language or by hilarity disturb the peace and quiet in the neighborhood.

Allowing Title 2C charges to be downgraded to this code provision violates the Directive. First, it should be evident that § 3-9.1, which was enacted in 1931, is preempted by the New Jersey Criminal Code. Any question as to the ordinance's validity has been

¹ See, <http://www.scpo.net/specialinvestigationsunit.htm>

resolved by State v. Paserchia, 356 N.J. Super. 461 (App.Div.2003). And, if Mr. Fitzgerald isn't sure whether or not § 3-9.1 is preempted and invalid, the Directive still requires him to "discuss the matter with the County Prosecutor's Office or . . . the Division of Criminal Justice." He is not permitted to "simply ignore this obligation." Directive, page 2.

Second, even if § 3-9.1 is not preempted, "there must be a nexus between the original charge and" § 3-9.1 and "a factual basis for a plea must be placed on the record." Directive, page 2. It is difficult to see how Craig S. Anderson's March 8, 2009 N.J.S.A. 2C:12-1(a) (simple assault) charge², for instance, could be based upon facts that would also support a § 3-9.1 charge of using "loud or offensive or indecent language" while upon "the waters" adjacent to South Bound Brook Borough.

Moreover, we find that Mr. Fitzgerald's acceptance of these plea bargains—especially in assault cases—is particularly repugnant because such dispositions potentially allow violent offenders to escape accountability for their actions.

For example, had Craig S. Anderson been convicted of the assault he was charged with, he would have enjoyed a "presumption of non-incarceration" only if it was his first offense. If, however, it was his second, third or greater conviction for assault, he would have no longer enjoyed that presumption and would have more likely faced incarceration. N.J.S.A. 2C:44-1(e) and State v. LeSane, 227 N.J. Super. 276 (Law Div.1987). This is what the Legislature intended. First offenders should receive leniency while those who continue to commit violent acts should receive progressively harsher punishments. Yet, Mr. Fitzgerald's allowance of a guilty plea to a preempted ordinance violation disrupts the Legislature's intent by preventing those who are actually guilty of statutory offenses from being identified in the state's database as previous offenders.

Suppose that Anderson is convicted of a future assault in another municipality. Had Mr. Fitzgerald tried and convicted Anderson on the W-2009-000012 charge, the judge presiding over the second offense would recognize him as a repeat offender and sentence him accordingly. But, because of the improper plea bargain, the judge would treat him as a first offender and confer upon him an undeserved presumption of non-incarceration.

The Directive limits municipal prosecutors to three options when dealing with a defendant charged with a statutory disorderly persons or petty disorderly persons offense: a) try the defendant on the charge, b) dismiss the charge outright or c) downgrade the charge to lesser statutory offense or to a violation of a municipal code provision that is not superseded and for which a factual nexus exists³. Mr. Fitzgerald's practice of pleading defendants down to § 3-9.1 is not among the options.

It is understandable why Mr. Fitzgerald would resort to downgrading statutory charges to § 3-9.1 violations. The defendants are probably happy to pay a few hundred dollars in fines and costs in exchange for not having their convictions recorded in the State Bureau of Identification's criminal history record database. The defendants are probably

² State v. Anderson, Complaint No. W-2009-000012.

³ It is unlikely, however, that such valid code provisions exist. See, New Jersey Law Journal, "Yet Another Municipal Ordinance Is Struck Down on Pre-emption Grounds" January 13, 2003, by Mary P. Gallagher. If this is true, then the only downgrade option available to a prosecutor would be to another statutory offense.

also pleased to not be have to pay Violent Crime Compensation Board Fund and Safe Neighborhood Fund assessments. The defendants' willingness, perhaps eagerness, to accept such pleas also reduces the frequency of time-consuming trials, thus minimizing Mr. Fitzgerald's work load and the length of the court sessions. And, the fines paid by these compliant and agreeable defendants are a lucrative revenue source for the Borough of South Bound Brook.

Maintaining the integrity of the criminal justice system, however, is a far more important goal than the municipal court's administrative convenience. Accordingly, I call upon you to give effect to Attorney General Verniero's Directive by instructing Mr. Fitzgerald to cease his practice of allowing guilty pleas to Code § 3-9.1 or other superseded provisions of the Borough's Code.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

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

John Paff



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL
CN 080
TRENTON, NJ 08625-0080
(609) 292-4925

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General

November 18, 1998

TO ALL MUNICIPAL COURT PROSECUTORS

Re: Plea Agreements in Municipal Courts

Dear Municipal Prosecutor:

I have been advised that there is an increasingly widespread practice developing in municipal court where municipal prosecutors are downgrading criminal or traffic offenses from State statutes to municipal ordinance violations where State law has pre-empted the field. For reasons expressed below, this practice should be discontinued immediately.

According to information my office has received regarding this downgrade plea agreement procedure, defendants, in some cases, are assessed fines greater than permitted by State statute. An incentive for some defendants to accept this plea agreement with its increased fines is the fact that the defendants are informed that if they accept the plea offer they will avoid the imposition of other statutory penalties or administrative actions, such as motor vehicle points, *N.J.A.C. 13:19-10 et seq*, and administrative license supervision, *N.J.A.C. 13:19-11 et seq*.

In most cases, State law has pre-empted the field, thus precluding the municipality from enacting an ordinance that provides for a sanction proscribing certain conduct. Our courts have defined the circumstances when State law pre-empts the authority of a municipality to enact such a municipal ordinance. The essential factors are:

1. Does the ordinance conflict with the state law, either because of conflicting policies, or operation effect, that is, does the ordinance forbid what the Legislature has permitted?
2. Was the state law intended expressly or impliedly to be exclusive in the field?

3. Does the subject matter reflect a need for uniformity?
4. Is the State scheme so pervasive or comprehensive that it precludes coexistence of municipal regulation?
5. Does the ordinance stand as an obstacle to the accomplishment and execution of the full purposes and objectives of the Legislature?

Overlook Terrace Management Corp. v. West New York Rent Control Bd., 71 N.J. 451, 460-462 (1976). See also *State v. Crawley*, 90 N.J. 241, 248, 250 (1982); *Summer v. Teaneck Twp.*, 53 N.J. 548, 554-55 (1969); *State v. Ulesky*, 54 N.J. 26, 29 (1969); *Kennedy v. Newark*, 29 N.J. 178 (1959).

If a municipal prosecutor has concerns whether State law has pre-empted a particular area of the law, the municipal prosecutor should discuss the matter with the County Prosecutor's Office or with the Prosecutors and Police Bureau within the Division of Criminal Justice. The municipal prosecutor, as an officer of the court, cannot simply ignore this obligation. The failure of the municipal prosecutor to take appropriate action in these matters may result in disciplinary action and possible sanction by the State Supreme Court. See *In the Matter of Norton and Kress*, 128 N.J. 520 (1992); *In the Matter of Segal*, 140 N.J. 468 (1992).

In addition, there must be a nexus between the original charge and the new charge. The factual basis for the plea must establish that the elements of the offense have been committed by the defendant. Pursuant to R. 7:6-2, a factual basis for a plea must be placed on the record. It is the responsibility of the prosecutor to establish this factual basis on the record. In addition, the prosecutor must state on the record the reasons for the downgraded plea agreement. *State v. Taylor*, 80 N.J. 353, 361-62, 403 A.2d 889 (1979); *State v. Sainz*, 107 N.J. 283, 293 (1987).

The responsibility of offering a plea agreement rests exclusively with the prosecutor. This is not a function of a court. In no case should a blanket plea offer be distributed or mailed to all defendants by either the court or the municipal prosecutor. It is important for the prosecutor to keep in mind that a "prosecutor is not an ordinary advocate. Rather, the prosecutor has an obligation to defendants, the State and the public to see that justice is done" [Comment, *Guidelines for Operation of Plea Agreements in the Municipal Courts of New Jersey*, Appendix to Part VII court Rules. Guideline].

Pursuant to the provisions of the Criminal Justice Act of 1970, *N.J.S.A.* 52:17B-112, and the provisions of *N.J.S.A.* 2B:12-27, I direct that each of you adhere to the provisions of this letter. Thank you for your continued cooperation.

Sincerely yours,



Peter Verniero
Attorney General

cc: Paul H. Zoubek, Director
Debra L. Stone, Deputy Director
Hon. James Ciancia, Director, Administrative Office of the Courts
Dennis L. Bliss, Assistant Director
Municipal Court Services, Administrative Office of the Courts
All County Prosecutors
DAG Greta Gooden-Brown, Chief
Prosecutors and Police Bureau
William John Kearns, Jr., General Counsel
N.J. State League of Municipalities

3-9 BOROUGH OF SOUTH BOUND BROOK CODE

- b. Any adult violator of the provisions of this section shall be subject to a penalty of up to one thousand (\$1,000.00) dollars and a term of community service, which shall be served together by the juvenile and parent/guardian in the event both violate the section.
(Ord. #2-93, § VIII)

3-9 DISORDERLY CONDUCT.

3-9.1 Indecent Acts or Language. No person while upon, about or in the waters of or bounding the Borough shall commit any lewd, immoral or indecent act or utter loud or offensive or indecent language or by hilarity disturb the peace and quiet in the neighborhood. (Ord. 8/5/31, § 9)

3-9.2 Unlawful Assembly. No person shall participate in any riot or unlawful assembly of persons, or disturb any neighborhood, family or person within the Borough by any loud or unnecessary noise with kettles, bells, drums, or other articles, or by shouting, or by using any profane, indecent or obscene language or by any indecent conduct whatever, or by quarreling, assaulting or fighting or by otherwise disturbing the public peace. (Ord. 8/5/31, § 10)

3-9.3 Throwing Dangerous Objects. No person shall throw stones, sticks or any hard or dangerous or offensive substances in or into any street or byway or public place, or at any person, car, domestic animal, vehicle, house, building, or fence within the Borough limits or waters within or bounding the Borough. (Ord. 8/5/31, § 11)

3-9.4 Distribution of Papers and Circulars Regulated. No person shall distribute, strew about or place in any street or public place, areaway or yard, or upon the steps or porch of any building or cause to be so distributed, strewn about or placed, any papers, circulars, cards or pamphlets unless securely attached to the building except such papers or other matter as

South Bound Brook Municipal Court
 Instances in 2009 where statutory charges were
 downgraded to violations of § 3-9.1. of the Borough Code

Statute Charged	Description of Charge	Disposition Date	Appendix Page
2C:18-3B	Defiant Trespass	20-Apr-09	1
2C:12-1A	Assault	6-Apr-09	2
2C:29-2A(1)	Resisting Arrest	4-May-09	3
2C:20-3A	Theft	18-May-09	4
2C:29-3B(3)	Hinder Apprehension	28-Sep-09	5
2C:33-4B	Harassment	4-May-09	6
2C:17-3A(1)	Criminal Mischief	15-Jun-09	7
2C:29-1A	Obstructing Law	18-May-09	8
2C:33-2A(1)	Disorderly Conduct	17-Aug-09	9
2C:18-3A	Criminal Trespass	17-Aug-09	10
2C:29-1B	Obstructing Law	28-Sep-09	11

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/13/2009
CMM0220 CHARGE DISPOSITION MAINTENANCE 13:27

COMPLAINT NO : W 2009 000009 COURT CODE: 1819 COURT DATE: 04 20 2009
DEFENDANT : RYAN C MALLOY RELATED COMP: N
CHARGE SEQ : 001 CHARGE STATUS: DISP COMPLAINT STATUS: DISP
OFFENSE : 2C:18-3B ACSX: AUXILIARY OFFENSE:

DESC : DEFIANT TRESPASSER DRUG CODE:

PLEA : 1 PLEA DT: 04 20 2009 DISP DT: 04 20 2009 FINDING: 1 MODIFY TYPE:

COND DISCHARGE ST: AMENDED OFFENSE: 3-9.1 LICENSE SURRENDERED:

AMENDED OFFENSE DESC: DISORDERLY CONDUCT

SENTENCE	TERMS CODE	DURATION	TERMS STATUS	SERVED CREDIT
1.	1.	1.	1.	1.
2.	2.	2.	2.	2.
3.	3.	3.	3.	3.

	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE
FINE:	\$150.00	1.	2.	3.		
COST:	\$30.00	4.	5.	6.		
		7.	8.	9.		
		10.	11.	12.		

DISP COMMENTS:

SENTENCE CODE FSUS,CSUS,& FCSU REQUIRE A "AF/AM" PAYMENT

ENTER-MOD DISP PF1-GET NXT DISP PF2-MOD TPAY ORD PF9-DEL DISP PF3-CRT TPAY

4-© 1 Sess-1 172.16.1.27 TM181900 6/44

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/13/2009
CMM1101 COMPLAINT SUMMARY 13:28

COMPLAINT NO: W 2009 000012 COURT CODE: 1819 COURT DATE: 04 06 2009
ASSIGNED DATE: OFFICER ID
COURT APPR: Y PAYABLE: N MUN OF OFFENSE: 1819 RELATED COMP: N
TTL CHRGS: 003 OFFNS: 2C:12-1A ACSX: AUX OFFNS:
DRUG CODE: DEGREE: DOMESTIC VIOLENCE IND: Y DORA DATE: 00 00 0000
DESC: DISORDERLY CONDUCT OFFENSE STATUS: TPAY COMPLAINT STATUS: WARR
ISSUE DATE: 03 11 2009 OFFENSE DATE: 03 08 2009 ARREST DATE:
AMENDED OFFENSE: 3-9.1 DESC: DISORDERLY CONDUCT
AGY/OFF/UNT: 1819 0015 COMP NAME:
DEFENDANT NAME : CRAIG S ANDERSON ENTERED BY: PDMCG03

WARRANT NUMBER: W 2009000012 WARR DATE : 09 16 2009 WARR STATUS: WARR
EXECUTED BY : ASSIGNED AGENCY: 1819 WARR SERVED DATE:

BAIL RECPT NO. : SURETY NAME:
BAIL SET : 348.00 BAIL POSTED: 0.00 BAIL STATUS: BAIS
BAIL SEQ NUMBER: 000006 COMPLAINT PLEA: 2 FINDING: 1 FINDING DATE: 04 06 2009
CONDITIONAL DISCHARGE STATUS:
APPEAL STATUS : APPEAL DATE:

ENTER - COMPLAINT INQUIRY MENU PF1 - ASSESSED PAID SUMMARY

4-© 1 Sess-1 172.16.1.27 TM181900 1/2

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/13/2009
CMMO220 CHARGE DISPOSITION MAINTENANCE 13:29

COMPLAINT NO : W 2009 000013 COURT CODE: 1819 COURT DATE: 05 04 2009
DEFENDANT : JOHN E WEEKS RELATED COMP: N
CHARGE SEQ : 002 CHARGE STATUS: TPAY COMPLAINT STATUS: TPAY
OFFENSE : 2C:29-2A(1) ACSX: AUXILIARY OFFENSE:
DESC : RESISTING ARREST - DISORDERLY DRUG CODE:
PLEA : 1 PLEA DT: 05 04 2009 DISP DT: 05 04 2009 FINDING: 1 MODIFY TYPE:
COND DISCHARGE ST: AMENDED OFFENSE: 3-9.2 LICENSE SURRENDERED:
AMENDED OFFENSE DESC: LOUD OR UNNECESSARY MUSIC TO DISTURB THE PEACE

SENTENCE	TERMS CODE	DURATION	TERMS STATUS	SERVED CREDIT
1.	1.	1.	1.	1.
2.	2.	2.	2.	2.
3.	3.	3.	3.	3.

	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE
FINE:	\$100.00	1.	2.	3.		
COST:	\$30.00	4.	5.	6.		
		7.	8.	9.		
		10.	11.	12.		

DISP COMMENTS:

SENTENCE CODE FSUS,CSUS,& FCSU REQUIRE A "AF/AM" PAYMENT

ENTER-MOD DISP	PF1-GET NXT DISP	PF2-MOD TPAY ORD	PF9-DEL DISP	PF3-CRT TPAY
4-©	1	Sess-1	172.16.1.27	TM181900 6/44

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/24/2009
CMM1101 COMPLAINT SUMMARY 09:03

COMPLAINT NO: W 2009 000018 COURT CODE: 1819 COURT DATE: 05 18 2009
ASSIGNED DATE: OFFICER ID
COURT APPR: Y PAYABLE: N MUN OF OFFENSE: 1819 RELATED COMP: N
TTL CHRGS: 001 OFFNS: 2C:20-3A ACSX: AUX OFFNS:
DRUG CODE: DEGREE: DOMESTIC VIOLENCE IND: Y DORA DATE: 00 00 0000
DESC: DISORDERLY CONDUCT OFFENSE STATUS: DISP COMPLAINT STATUS: DISP
ISSUE DATE: 03 23 2009 OFFENSE DATE: 03 22 2009 ARREST DATE:
AMENDED OFFENSE: 3-9.1 DESC: DISORDERLY CONDUCT
AGY/OFF/UNT: 1819 0021 COMP NAME:
DEFENDANT NAME : MANUEL J FONSECA ENTERED BY: PDLAGR1

WARRANT NUMBER: W 2009000018 WARR DATE : 03 22 2009 WARR STATUS: RWAR
EXECUTED BY : ASSIGNED AGENCY: 1819 WARR SERVED DATE:

BAIL RECPT NO. : 000073 SURETY NAME: MANUEL J FONSECA
BAIL SET : 1,000.00 BAIL POSTED: 1,000.00 BAIL STATUS: BAIR
BAIL SEQ NUMBER: 000011 COMPLAINT PLEA: 2 FINDING: 1 FINDING DATE: 05 19 2009
CONDITIONAL DISCHARGE STATUS:
APPEAL STATUS : APPEAL DATE:

ENTER - COMPLAINT INQUIRY MENU PF1 - ASSESSED PAID SUMMARY

4-© 1 Sess-1 172.16.1.27 TM181900 1/2

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/24/2009
CMM0220 CHARGE DISPOSITION MAINTENANCE 09:04

COMPLAINT NO : W 2009 000022 COURT CODE: 1819 COURT DATE: 09 28 2009
DEFENDANT : ABDEL Q BATTS RELATED COMP: N
CHARGE SEQ : 004 CHARGE STATUS: TPAY COMPLAINT STATUS: DISP
OFFENSE : 2C:29-3B(3) ACSX: AUXILIARY OFFENSE:
DESC : HINDER APPREHENSION - ONESELF - OBSTRUCTS/FORCE DRUG CODE:
PLEA : 1 PLEA DT: 09 28 2009 DISP DT: 09 28 2009 FINDING: 1 MODIFY TYPE:
COND DISCHARGE ST: AMENDED OFFENSE: 3-9.1 LICENSE SURRENDERED:
AMENDED OFFENSE DESC: DISORDERLY CONDUCT

SENTENCE	TERMS CODE	DURATION	TERMS STATUS	SERVED CREDIT
1.	1.	1.	1.	1.
2.	2.	2.	2.	2.
3.	3.	3.	3.	3.

	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE
FINE:	\$200.00	1.	2.	3.		
COST:	\$30.00	4.	5.	6.		
		7.	8.	9.		
		10.	11.	12.		

DISP COMMENTS:

SENTENCE CODE FSUS,CSUS,& FCSU REQUIRE A "AF/AM" PAYMENT

ENTER-MOD	DISP	PF1-GET	NXT DISP	PF2-MOD	TPAY ORD	PF9-DEL	DISP	PF3-CRT	TPAY
4-©	1	Sess-1	172.16.1.27			TM181900			6/44

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/24/2009
CMM1101 COMPLAINT SUMMARY 09:05

COMPLAINT NO: W 2009 000027 COURT CODE: 1819 COURT DATE: 05 04 2009
ASSIGNED DATE: OFFICER ID
COURT APPR: Y PAYABLE: N MUN OF OFFENSE: 1819 RELATED COMP: N
TTL CHRGS: 003 OFFNS: 2C:33-4B ACSX: AUX OFFNS:
DRUG CODE: DEGREE: DOMESTIC VIOLENCE IND: Y DORA DATE: 00 00 0000
DESC: LOUD OR UNNECESSARY MUSIC T OFFENSE STATUS: TPAY COMPLAINT STATUS: TPAY
ISSUE DATE: 04 14 2009 OFFENSE DATE: 04 13 2009 ARREST DATE: 04 13 2009
AMENDED OFFENSE: 3-9.2 DESC: LOUD OR UNNECESSARY MUSIC TO D
AGY/OFF/UNT: 1819 0021 COMP NAME:
DEFENDANT NAME : STEPHEN W KOONS ENTERED BY: PDLAGR1

WARRANT NUMBER: W 2009000027 WARR DATE : 04 14 2009 WARR STATUS: RWAR
EXECUTED BY : ASSIGNED AGENCY: 1819 WARR SERVED DATE:

BAIL RECPT NO. : 000096 SURETY NAME: MARILYN N RAUTIO
BAIL SET : 3,000.00 BAIL POSTED: 3,000.00 BAIL STATUS: BAIR
BAIL SEQ NUMBER: 000015 COMPLAINT PLEA: 2 FINDING: 1 FINDING DATE: 05 06 2009
CONDITIONAL DISCHARGE STATUS:
APPEAL STATUS : APPEAL DATE:

ENTER - COMPLAINT INQUIRY MENU PF1 - ASSESSED PAID SUMMARY

4-© 1 Sess-1 172.16.1.27 TM181900 1/2

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/24/2009
CMM1101 COMPLAINT SUMMARY 09:07

COMPLAINT NO: S 2009 000030 COURT CODE: 1819 COURT DATE: 06 15 2009
ASSIGNED DATE: OFFICER ID
COURT APPR: Y PAYABLE: N MUN OF OFFENSE: 1819 RELATED COMP: N
TTL CHRGS: 001 OFFNS: 2C:17-3A(1) ACSX: AUX OFFNS:
DRUG CODE: DEGREE: DOMESTIC VIOLENCE IND: N DORA DATE: 00 00 0000
DESC: DISORDERLY CONDUCT OFFENSE STATUS: DISP COMPLAINT STATUS: DISP
ISSUE DATE: 02 25 2009 OFFENSE DATE: 02 25 2009 ARREST DATE:
AMENDED OFFENSE: 3-9.1 DESC: DISORDERLY CONDUCT
AGY/OFF/UNT: 1819 9999 COMP NAME: DENNIS J DONAHUE
DEFENDANT NAME : LINDA COBAR ENTERED BY: MUCASTO

WARRANT NUMBER: 0000000000 WARR DATE : WARR STATUS:
EXECUTED BY : ASSIGNED AGENCY: WARR SERVED DATE:

BAIL RECPT NO. : SURETY NAME:
BAIL SET : 0.00 BAIL POSTED: 0.00 BAIL STATUS:
BAIL SEQ NUMBER: 000000 COMPLAINT PLEA: 9 FINDING: 1 FINDING DATE: 06 15 2009
CONDITIONAL DISCHARGE STATUS:
APPEAL STATUS : APPEAL DATE:

ENTER - COMPLAINT INQUIRY MENU PF1 - ASSESSED PAID SUMMARY

4-© 1 Sess-1 172.16.1.27 TM181900 1/2

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/24/2009
CMM1101 COMPLAINT SUMMARY 09:07

COMPLAINT NO: W 2009 000031 COURT CODE: 1819 COURT DATE: 05 18 2009
ASSIGNED DATE: OFFICER ID
COURT APPR: Y PAYABLE: N MUN OF OFFENSE: 1819 RELATED COMP: N
TTL CHRGS: 001 OFFNS: 2C:29-1A ACSX: AUX OFFNS:
DRUG CODE: DEGREE: DOMESTIC VIOLENCE IND: N DORA DATE: 00 00 0000
DESC: DISORDERLY CONDUCT OFFENSE STATUS: DISP COMPLAINT STATUS: DISP
ISSUE DATE: 04 23 2009 OFFENSE DATE: 04 22 2009 ARREST DATE: 04 22 2009
AMENDED OFFENSE: 3-9.1 DESC: DISORDERLY CONDUCT
AGY/OFF/UNT: 1819 0015 COMP NAME:
DEFENDANT NAME : JOANA E ESQUIVEL ENTERED BY: PDMCG03

WARRANT NUMBER: W 2009000031 WARR DATE : 04 22 2009 WARR STATUS: RWAR
EXECUTED BY : ASSIGNED AGENCY: 1819 WARR SERVED DATE:

BAIL RECPT NO. : 000088 SURETY NAME: JOANA E ESQUIVEL
BAIL SET : 500.00 BAIL POSTED: 500.00 BAIL STATUS: BAIR
BAIL SEQ NUMBER: 000018 COMPLAINT PLEA: 9 FINDING: 1 FINDING DATE: 05 18 2009
CONDITIONAL DISCHARGE STATUS:
APPEAL STATUS : APPEAL DATE:

ENTER - COMPLAINT INQUIRY MENU PF1 - ASSESSED PAID SUMMARY

4-© 1 Sess-1 172.16.1.27 TM181900 1/2

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/24/2009
CMM0220 CHARGE DISPOSITION MAINTENANCE 09:08

COMPLAINT NO : W 2009 000035 COURT CODE: 1819 COURT DATE: 08 17 2009
DEFENDANT : JOSE A RIVERA-DIAZ RELATED COMP: N
CHARGE SEQ : 001 CHARGE STATUS: TPAY COMPLAINT STATUS: TPAY
OFFENSE : 2C:33-2A(1) ACSX: AUXILIARY OFFENSE:
DESC : IMPROPER BEHAVIOR/DISORDERLY CONDUCT DRUG CODE:
PLEA : 1 PLEA DT: 08 17 2009 DISP DT: 08 17 2009 FINDING: 1 MODIFY TYPE:
COND DISCHARGE ST: AMENDED OFFENSE: 3-9.1 LICENSE SURRENDERED:
AMENDED OFFENSE DESC: DISORDERLY CONDUCT

SENTENCE	TERMS CODE	DURATION	TERMS STATUS	SERVED CREDIT
1.	1.	1.	1.	1.
2.	2.	2.	2.	2.
3.	3.	3.	3.	3.

	AMOUNT	CODE	AMOUNT	CODE	AMOUNT	CODE
FINE:	\$300.00	1.	2.	3.		
COST:	\$30.00	4.	5.	6.		
		7.	8.	9.		
		10.	11.	12.		

DISP COMMENTS:

SENTENCE CODE FSUS,CSUS,& FCSU REQUIRE A "AF/AM" PAYMENT

ENTER-MOD DISP	PF1-GET NXT DISP	PF2-MOD TPAY ORD	PF9-DEL DISP	PF3-CRT TPAY
4-©	1	Sess-1	172.16.1.27	TM181900 6/44

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/24/2009
CMM1101 COMPLAINT SUMMARY 09:12

COMPLAINT NO: W 2009 000043 COURT CODE: 1819 COURT DATE: 08 17 2009
ASSIGNED DATE: OFFICER ID
COURT APPR: Y PAYABLE: N MUN OF OFFENSE: 1819 RELATED COMP: N
TTL CHRGS: 001 OFFNS: 2C:18-3A ACSX: AUX OFFNS:
DRUG CODE: DEGREE: DOMESTIC VIOLENCE IND: N DORA DATE: 00 00 0000
DESC: DISORDERLY CONDUCT OFFENSE STATUS: TPAY COMPLAINT STATUS: DISP
ISSUE DATE: 07 17 2009 OFFENSE DATE: 07 16 2009 ARREST DATE: 07 16 2009
AMENDED OFFENSE: 3-9.1 DESC: DISORDERLY CONDUCT
AGY/OFF/UNT: 1819 0015 COMP NAME:
DEFENDANT NAME : JULIO C CASTILLO-HEISLER ENTERED BY: PDMCG03

WARRANT NUMBER: W 2009000043 WARR DATE : 07 16 2009 WARR STATUS: RWAR
EXECUTED BY : ASSIGNED AGENCY: 1819 WARR SERVED DATE:

BAIL RECPT NO. : 000145 SURETY NAME: CAROL HEISLER
BAIL SET : 500.00 BAIL POSTED: 500.00 BAIL STATUS: BAIR
BAIL SEQ NUMBER: 000031 COMPLAINT PLEA: 9 FINDING: 1 FINDING DATE: 08 20 2009
CONDITIONAL DISCHARGE STATUS:
APPEAL STATUS : APPEAL DATE:

ENTER - COMPLAINT INQUIRY MENU PF1 - ASSESSED PAID SUMMARY

4-© 1 Sess-1 172.16.1.27 TM181900 1/2

SOUTH BOUND BROOK TW NJ AUTOMATED COMPLAINT SYSTEM 11/24/2009
CMM1101 COMPLAINT SUMMARY 09:11

COMPLAINT NO: S 2009 000042 COURT CODE: 1819 COURT DATE: 09 28 2009
ASSIGNED DATE: OFFICER ID
COURT APPR: Y PAYABLE: N MUN OF OFFENSE: 1819 RELATED COMP: N
TTL CHRGS: 002 OFFNS: 2C:29-1B ACSX: AUX OFFNS:
DRUG CODE: DEGREE: DOMESTIC VIOLENCE IND: N DORA DATE: 00 00 0000
DESC: DISORDERLY CONDUCT OFFENSE STATUS: TPAY COMPLAINT STATUS: TPAY
ISSUE DATE: 07 08 2009 OFFENSE DATE: 07 08 2009 ARREST DATE: 07 08 2009
AMENDED OFFENSE: 3-9.1 DESC: DISORDERLY CONDUCT
AGY/OFF/UNT: 1819 0015 COMP NAME:
DEFENDANT NAME : HAKEEM A ADEWALE ENTERED BY: PDMCG03

WARRANT NUMBER: 0000000000 WARR DATE : WARR STATUS:
EXECUTED BY : ASSIGNED AGENCY: WARR SERVED DATE:

BAIL RECPT NO. : SURETY NAME:
BAIL SET : 0.00 BAIL POSTED: 0.00 BAIL STATUS:
BAIL SEQ NUMBER: 000000 COMPLAINT PLEA: 2 FINDING: 1 FINDING DATE: 09 28 2009
CONDITIONAL DISCHARGE STATUS:
APPEAL STATUS : APPEAL DATE:

ENTER - COMPLAINT INQUIRY MENU PF1 - ASSESSED PAID SUMMARY

4-© 1 Sess-1 172.16.1.27 TM181900 1/2

COOPER & COOPER
ATTORNEYS AT LAW
25 WEST HIGH STREET
SOMERVILLE, NEW JERSEY 08876
(908) 725-4190

WILLIAM T. COOPER, SR.
WILLIAM T. COOPER, III

FAX (908) 707-1167
E-Mail: wtcesq2@aol.com

June 16, 2010

Mr. John Paff
P.O. Box 5424
Somerset, NJ 08875

**Re: South Bound Brook
Borough Ordinances**

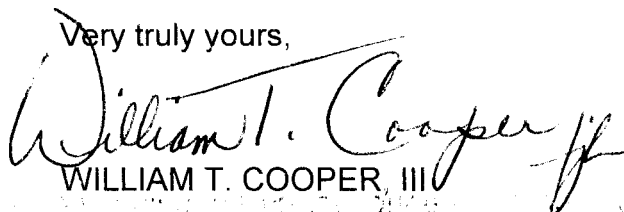
Dear Mr. Paff:

We are in receipt of your correspondence dated June 9, 2010 and thank you for same. We have confirmed that the Municipal Prosecutor has been contacted by the Somerset County Prosecutor's Office and will, in the future, be guided accordingly.

The decision to repeal and/or amend Ordinances will have to be decided by the Borough Council. By copy of this letter, I am requesting that the Borough Clerk/Administrator Donald Kazar place this on the agenda for the Borough's July meeting.

Should you have any questions concerning this correspondence, please feel free to contact my office.

Very truly yours,


WILLIAM T. COOPER, III

WTC/jh

cc: Mayor Terry Warrelmann
Mr. Donald Kazar
John Richardson, J.M.C.