

HUNTERDON COUNTY PROSECUTOR'S OFFICE

NAME: Lieutenant Robert Winfield

ADDRESS: Frenchtown Police Department
27 Second Street
Frenchtown, NJ 08825

TAKEN AT: HCPO

DATE: Wednesday, April 18, 2012

QUESTIONS ASKED BY: DSG. Ken Rowe

WITNESSES PRESENT: N/A

TRANSCRIBED BY: Linda Desposito
Secretary to the Prosecutor

INVESTIGATION NUMBER: P12030258

TIME STARTED: 1:02 pm

TIME FINISHED: 1:12 pm

A47

1 KR: Today is Wednesday, April 18, 2012. The time is approximately 1:02 pm. I am
2 Detective Sergeant Kenneth Rowe of the Hunterdon County Prosecutor's Office,
3 Bureau of Professional Standards. I'm currently located in Interview Room #1 at
4 ~~the Justice Complex and present with me is Lieutenant Robert Winfield of the~~
5 Frenchtown Borough Police Department. And Lieutenant, for the record, could you
6 please state your full name and spell your last name?
7

8 RW: Robert Winfield. W-I-N-F-I-E-L-D
9

10 KR: Okay, thank you. And your current position?
11

12 RW: I'm a Lieutenant with the Frenchtown Police Department.
13

14 KR: Okay, and how long have you been employed by Frenchtown?
15

16 RW: Approximately 13 years.
17

18 KR: Okay. And prior to Frenchtown, did you have any other law enforcement
19 experience?
20

21 RW: 25 years in Somerville.
22

23 KR: Okay
24

25 RW: Somerville PD.
26

27 KR: Okay, that's down Somerset County?
28

29 RW: Yes
30

31 KR: Okay, and prior to going on record, I advised you of your...your status here as a
32 witness in a criminal investigation?
33

34 RW: Correct
35

36 KR: Involving Municipal Court Prosecutor Mary Mott?
37

38 RW: Correct
39

A48

1 KR: Okay. And you understood that as a law enforcement officer, you're obligated to
2 be here and to answer my questions completely and truthfully?
3

4 ~~RW: Yes.~~

5
6 KR: Okay. And are you currently under the influence of alcohol or taking any
7 medication that would preclude you from speaking with me today?
8

9 RW: No. Um, I do have cancer, so I do take cancer medication, but..
10

11 KR: But that's not going to affect your responses?
12

13 RW: No
14

15 KR: Okay. And do you swear or affirm that the statement you are about to give is the
16 truth, the whole truth and nothing but the truth, so help you God?
17

18 RW: Yes I do.
19

20 KR: Okay. And other than this one recording device, are there any other recording
21 devices being utilized?
22

23 RW: Absolutely not.
24

25 KR: Okay. And again, the reason we are here today is to take a formal statement from
26 Lieutenant Winfield in regard to discovery issues surrounding motor vehicle
27 summons, and it's Frenchtown PD, it will be B - Bravo, 023961, and it was issued
28 to a Mr. Thomas Spork on January 20, 2012, by Ptl. Harold Johnson, and also,
29 we'll discuss the final disposition of the ticket, which occurred on March 8, 2012, in
30 the Joint Court of Delaware Valley. And prior to going on record, I briefed you as
31 to why you're here and what I'm going to ask you about?
32

33 RW: Yes
34

35 KR: All right. I told you it's in regard to...to the summons and the disposition of the
36 summons?
37

38 RW: Correct
39

40 KR: All right. And your responsibilities at Frenchtown PD include...?

1
2 RW: Discovery. I mainly do paperwork now in the department. I'm not on the road...

3
4 ~~RK: All right.~~

5
6 RW: ...unless it's an absolute emergency. But basically, I do the discoveries and all the
7 paperwork.

8
9 KR: All right. Administrative position.

10
11 RW: Yes...yes

12
13 KR: Okay. And as...as part of your responsibilities preparing discovery, do you recall
14 receiving a request for discovery in regard to motor vehicle summons B-023961,
15 that was issued to Mr. Spork?

16
17 RW: No, I do not.

18
19 KR: Okay. I have a document here in front of me. It's a request to approve plea
20 agreement, and it's purportedly signed by Prosecutor Mott, and the date I think is
21 incorrect. It says 3/12/18, but it has for the recommended...recommended
22 sentence or comments, NG, which I presume to be Not Guilty, and then the
23 comment to the right, says, problem with discovery per officer. Have you ever
24 seen this document before?

25
26 RW: Yes

27
28 KR: Okay. And when did you see it?

29
30 RW: I saw a copy of it..

31
32 KR: All right

33
34 RW: ...um, and I saw this, I believe on the 9th...the 8th was the court date and on the
35 9th when I came to work, Chief Kurylka came in and informed me of this summons
36 and that something had taken place with the summons as far as it being dismissed
37 and he asked me to look into it, and when I did look into it, I recovered a copy of
38 the summons and the plea agreement from the Court Clerk...so I had them fax it
39 to me and that's the copy that I have, and, ah, it says a problem with discovery
40 per officer.

A50

1
2 KR: All right. And did you ever learn what that problem was with discovery?
3

4 RW: No, I did not.

5
6 KR: Okay, you didn't. To the best of your knowledge and belief, was there a problem
7 with discovery?
8

9 RW: No, because there never was any discovery requested.
10

11 KR: Okay. The discovery...none was ever requested from Prosecutor Mott?
12

13 RW: Correct
14

15 KR: Okay, and did you ever receive a request from a defense attorney for discovery?
16

17 RW: No, I did not.
18

19 KR: Okay. And what's the process when a discovery request comes in?
20

21 RW: Well, basically, the process is, Mary Mott, the Prosecutor...the Municipal
22 Prosecutor, whoever it may be, will send me a request...send the department a
23 request for discovery and ask us to also send that discovery out to the attorney
24 and she'll provide us with the attorney's information.
25

26 KR: Okay.
27

28 RW: We really have no system in the department where we mark this down. However,
29 I have my own system. I keep this composition book, as you can see, it was
30 started back in 2008, and basically, when I get a request for discovery or anything
31 pertaining to something that I might have to send out as far as accident
32 investigations, OPRA requests, things of that nature, I write it in here and
33 basically, I do it because, if I receive a letter saying, hey, I never got this; I refer
34 back to my book and say, yes you did.
35

36 KR: Right. Okay
37

38 RW: Most of the time, it's from the Prosecutor's.
39

40 KR: But it's more or less for checks and balances for yourself?

A51

1

2 RW: Yes...yes

3

4 KR: Just a...

5

6 RW: Absolutely. It's not an official record for the department, it's made up by me, for
7 myself, when I send anything out.

8

9 KR: All right. Being that the summons was issued January 20, 2012, did you have any
10 occasion to go back and look through your book?

11

12 RW: Yes, I did. I couldn't find it.

13

14 KR: And you couldn't find...and have you ever had a conversation with Prosecutor
15 Mott, or...and/or a defense attorney about the discovery for the Spork matter?

16

17 RW: No

18

19 KR: Okay. Does anybody else handle discovery?

20

21 RW: Not really. Um, the secretary might handle a request for an accident investigation,
22 something like that, if I'm not there...but no, not discovery at all. Not for a
23 criminal matter.

24

25 KR: All right. Or, in this case, a motor vehicle speeding matter.

26

27 RW: (inaudible) yeah. She wouldn't know what to do.

28

29 KR: All right. So, so looking at this document...this request to approve plea
30 agreement, the recommended sentence...

31

32 RW: Comment

33

34 KR: ...comment, yeah, problem with discovery per officer, that would actually be
35 inaccurate? Not factual?

36

37 RW: Not to my knowledge.

38

A52

1 KR: Okay. All right. Do you have any other information that you think is important or
2 relevant to this investigation, or in fact, to this discovery issue that I should be
3 made aware of?

4
5 RW: Well, I don't know...I can't answer as far as what the discretion is, what the
6 Prosecutor herself, the Municipal Prosecutor, if she wants to dismiss a complaint?
7 I mean, that may be within her right to do, and I wouldn't have any knowledge of
8 that.

9
10 KR: All right.

11
12 RW: So, if that happened...it could happen...

13
14 KR: Within her discretion.

15
16 RW: Yes

17
18 KR: If she doesn't feel that there's enough probable cause, or she can't prove the
19 State's case?

20
21 RW: Whatever

22
23 KR: Okay

24
25 RW: Whatever it may be, it's beyond my realm of responsibility.

26
27 KR: Okay

28
29 RW: So, that...that's a possibility.

30
31 KR: Okay. In respect to officers, have you known officers to dismiss summonses?

32
33 RW: Oh, sure.

34
35 KR: Okay. And an example? A reason for doing so?

36
37 RW: Um, with a motor vehicle violation, maybe they...they stopped the person for
38 speeding. They issued a summons, and upon returning back to their patrol car,
39 recalibrated their radar, it didn't calibrate correctly. They just missed it. They put
40 the wrong information on the summons. It's been dismissed.

1

2 KR: So, with all fairness to the operator of the motor vehicle?

3

4 ~~RW: Yes~~

5

6 KR: Yes, okay, understood.

7

8 RW: Absolutely, I've seen it many, many times in my career.

9

10 KR: All right. Anything else? Any other information you think I should be made aware
11 of?

12

13 RW: No.

14

15 KR: Okay, with your approval, I'm going to close this tape out. And...have you
16 provided this statement of your own free will and accord?

17

18 RW: Yes

19

20 KR: Actually, you were ordered here. So, it's not really your free will and accord.

21

22 RW: Fine...

23

24 KR: You understood you had to be here?

25

26 RW: Yes I understand.

27

28 KR: Have I mistreated, threatened or coerced you in any fashion?

29

30 RW: No

31

32 KR: Okay. Have I made you promises or offered you a reward?

33

34 RW: No

35

36 KR: Have I told you what to say?

37

38 RW: No

39

40 KR: Have I told you what not to say?

A54

1

2 RW: No

3

4 ~~KR: Okay, and this statement is true and correct to the best of your knowledge and~~
5 ~~belief?~~

6

7 RW: Yes

8

9 KR: And do you swear or affirm that everything that you have told me is the truth, the
10 whole truth, and nothing but the truth?

11

12 RW: Absolutely

13

14 KR: Okay. This interview is now concluded. The time is approximately 1:12 pm.
15 Thank you Lieutenant.

16

A55

SUPPLEMENTARY INVESTIGATION REPORT

A Frenchtown Boro Police Department		2A. Mun. Code 1011	3A. Phone Number and Ext. (908) 996-4820	4A. UCR	21. Prosecutor's Case No.	22. Dept. Case No. 2012-000139	<input type="checkbox"/> Co-op <input type="checkbox"/> Original
1. Crime/Incident Investigation		5A. New Crime/Incident if changed		23A. Victim's Name/New Address if changed State of New Jersey			
3A. New NJS		7A. Date of Crime Thursday, March 08, 2012		ADDITIONAL VALUE STOLEN PROPERTY	40A. Currency \$0.00	41A. Jewelry \$0.00	42A. Furs \$0.00
				43A. Clothing \$0.00	44A. Auto \$0.00	45A. Miscellaneous \$0.00	
16A. Additional Stolen Property Value \$0.00	47A. Additional Recovered Property Value \$0.00	48A. Teletype Alarm		49A. Technical Services		50A. Technician and Agency	
51A. Weather	52A. Latent Print No.	53A. Complaint Number		54A. Photo #	55A. Evidence Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> None <input checked="" type="checkbox"/> NJ SBI <input checked="" type="checkbox"/> Retained <input checked="" type="checkbox"/> Returned <input checked="" type="checkbox"/> Destroyed		56A. Disposition Yes <input type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> Arrest Pending <input checked="" type="checkbox"/> Teletype Pending <input checked="" type="checkbox"/> Evidence Pending
57A. Chem. Lab. No.	58A. Ballistics Lab. No.	59A. MV Summ/Warn No.		60A. Property Report No.			
List name(s) only of Previous Arrested/Summoned - Complete Information on New Arrested/Summoned - Include Additional Perpetrators - Suspects - Record all Developments Since Last Report - Explain any Crime Change - List Additional Interviews of Victims - Person Contacted - Witnesses - Evidence - Technical Services - Stolen Property - Recovered Property - Court Action - Prisoner Dispositions - Attach Additional Statements - Victim Property Loss Report, Etc.							
61. No. Arrested 0	61A. New Arr'd 0	62A. Adult 0	63A. Juvenile 0	64A. Curr. Status Crime Invest	65A. Curr. Status Case Active	66A. UCR Status	67A. Date Cleared

Narrative -

Thursday 03-08-2012

Subject: Prosecutor Mary Mott

In the above date, I attended our Municipal Court. During which time, I heard Ptl. Johnson having dialog with Prosecutor Mott over a summons that was ismised. I questioned what summons and why was it dismissed. Ptl. Johnson replied, the individual is Spork and works for Mary, the dismissal was based on problem with discovery. At this point, Mary sat down, turned red and stated, "don't yell at him, I did it". I then stated to both, "Ptl. Johnson knows my policy and that I would have appreciated to have been made aware of this dismissal". Once Ptl. Johnson returned from court, I questioned Ptl. Johnson on why there was a problem with discovery and he informed me that there was never a discovery requested and that Mr. Spork works for Mary on their farm, so she dismissed it. He further related that shortly after he had issued the summons to Mr. Spork, Mary had called him at home while off duty, asking him if something could be done with the summons issued as he works for her on the farm. Ptl. Johnson stated he would talk with her at court.

Friday 03-09-12

In the above date, I requested Lt. Winfield to conduct an investigation into what had taken place with Ptl. Johnson and Prosecutor Mott.

During the week of March 12, 2012, I was informed by Lt. Winfield that he had received a memo from Ptl. Johnson, indicating what had occurred, also obtained copies of court documents which indicate in writing by Prosecutor Mott (NG Problem with Discovery per Officer). At this time, Lt. Winfield strongly voiced his discomfort with the false allegation made by Prosecutor Mott as he is the Officer who puts the requested discoveries together.

Saturday 03-24-2012

In the above date, myself and Lt. Winfield met with our Police Committee, which includes Mayor Cooper (this was a pre-scheduled meeting). I advised the committee of this issue and suggested that Prosecutor Mott not be re-appointed when the time comes. I was then instructed by Mayor Cooper to the right thing and that is to advise Prosecutor Kearns.

Sunday 03-26-2012

Myself and Lt. Winfield met with Judge Novak. I advised the Judge on what occurred and Lt. Winfield showed him the copies of the court documents. It was clear that he was concerned on what took place. Judge Novak made it clear that we need to take the appropriate action.

Wednesday 03-28-2012

In the above date, myself and Lt. Winfield met with Prosecutor Kearns, Chief Kuczynski and Assistant Prosecutor Weinstein. I presented this issue/concern to them. At this time, this investigation is being handled by the Hunterdon County Prosecutors Office.

Friday 04-13-2012

73A. Rank/Name (Print or Type) Allan Kurylka Chief	74A. Badge No. 1	75A. Page 1 of 2 Pages	76A. Date of Report 3/8/2012	77A. Reviewed By
Signature <i>Allan Kurylka</i>	78A.	79A.	80A. Date Written 3/26/2012	81A. Reviewed Date


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SUPPLEMENTARY INVESTIGATION REPORT

1A Frenchtown Boro Police Department	2A. Mun. Code 1011	3A. Phone Number and Ext. (908) 996-4820	4A. UCR	21. Prosecutor's Case No.	22. Dept. Case No. 2012-000139	<input type="checkbox"/> Co-op <input type="checkbox"/> Original
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in the above date, I met with Dsg. Rowe of the Hunterdon County Prosecutor's Office. Dsg. Rowe has been assigned to investigate the allegations forementioned. At this time, I was requested to give a taped statement surrounding the aforementioned allegations, which I did. Investigation to continue by ICPO.

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73A. Rank/Name (Print or Type) Allan Kurylka Chief	74A. Badge No. 1	75A. Page 2 of 2 Pages	76A. Date of Report 3/8/2012	77A. Reviewed By
Signature 	78A.	79A.	80A. Date Written 3/26/2012	81A. Reviewed Date

HUNTERDON COUNTY PROSECUTOR'S OFFICE

NAME: Chief Allan Kurylka

ADDRESS: Frenchtown Police Department
27 Second Street
Frenchtown, NJ 08825

TAKEN AT: HCPO

DATE: Friday, April 13, 2012

QUESTIONS ASKED BY: DSG Ken Rowe

WITNESSES PRESENT: N/A

TRANSCRIBED BY: Linda Desposito
Secretary to the Prosecutor

INVESTIGATION NUMBER: P12030258

TIME STARTED: 10:31 am

TIME FINISHED: 10:59 am

A58

// 1

1 KR: Today is Friday, April 13, 2012. The time is approximately 10:31 am. I am
2 Detective Sergeant Kenneth Rowe of the Hunterdon County Prosecutor's Office,
3 Bureau of Professional Standards. I'm currently located at the Justice Complex, in
4 ~~Interview Room #1, and I am currently seated with Chief Allan Kurylka of the~~
5 Frenchtown Borough Police Department. And Chief, for the record, could you
6 please state your full name and spell your last name?
7

8 AK: Allan W. Kuryulka. K-U-R-Y-L-K-A
9

10 KR: Okay. And your position?
11

12 AK: Chief of Police.
13

14 KR: Okay, and how long have you been in that position, Chief?
15

16 AK: Now it's approximately 7...7 or 8 years.
17

18 KR: All right. And as far as law enforcement experience?
19

20 AK: 30...going on 32 years with the Frenchtown Police.
21

22 KR: All right, and you've risen through the ranks...
23

24 AK: Correct
25

26 KR: ...from Patrolman, Sergeant and up?
27

28 AK: Yes I did.
29

30 KR: Okay. And prior to going on record, I advised you of your status and that being a
31 witness in a criminal investigation involving Municipal Court Prosecutor of the Joint
32 Court of Delaware Valley, which would be Mary Mott?
33

34 AK: Yes you did.
35

36 KR: Okay, and you understand that as a law enforcement officer, you're obligated to
37 be here and to answer questions completely and truthfully?
38

39 AK: Yes I do.
40

1 KR: Okay. Are you currently under the influence of alcohol or taking any medication
2 that would preclude you from speaking with me today?
3

4 AK: No. I'm not.

5
6 KR: Okay. Do you swear or affirm that the statement you are about to give is the
7 truth, the whole truth, and nothing but the truth, so help you God?
8

9 AK: Yes I do.
10

11 KR: Okay. Other than this one recording device that I have in front of me, are there
12 any other recording devices being utilized today?
13

14 AK: No
15

16 KR: Okay. And again, the reason we are here today is to take a formal statement from
17 Chief Kurylka, it's in regard to a motor vehicle summons that was issued to a Mr.
18 Thomas Spork, on January 20, 2012, by Patrolman Harold Johnson of the
19 Frenchtown Borough Police Department, and its subsequent disposition on March
20 8, 2012, which happened in the Joint Court of Delaware Valley. And, Chief, in
21 your own words, can you tell me what happened on March 8, 2012 in the Court?
22

23 AK: Yes I can. It was a day court. And it's not that often that I do go to court, but
24 every once in a while I will go there just to see how the system is running. Talk
25 with the Judge, security, clerks, prosecutor, and just to...just to see how my guys
26 are doing in a professional standards of testimony. That day in particular, I
27 walked into the back room where the prosecutor sits and one of the court clerks.
28 And I sat down. The judge has already had court in session. It was some where's
29 probably 10:15 - 10:30, some where in that area. I can't give you an exact time,
30 but it was in that timeframe. And when I sat down, Ptl. Johnson, one of my
31 officers, was in the side room, talking to the prosecutor, Mary Mott. And I heard
32 her making mention of a summons being already taken care of and dismissed.
33 Johnson had some kind of dialogue with her, but I was unclear of exactly what he
34 was saying because there was a wall between us, but the door was open.
35

36 KR: All right. Could you see them? Was there visual contact?
37

38 AK: Not...not at this time I could not see them.
39

40 KR: All right, so now you heard Ptl. Harold Johnson and Prosecutor Mott conversing?

A60

1
2 AK: That's correct.

3
4 KR: Okay

5
6 AK: As they exited, there was a room to my right and came out to where I was sitting
7 at, I asked Ptl. Johnson what summons is being dismissed? And he said, Spork.
8 At the time, I had no idea of who Spork was. And I asked him, why? And he said
9 that there's a problem with the discovery. And I asked, was there ever a discovery
10 requested and he said, no. And then I was informed that the reason this took
11 place is Mary dismissed it, as that Mr. Spork is employed by her on their farm. I...I
12 then said, you know, I would like to know when things are being disposed of in a
13 matter that is against any of my policy and memorandums, make me aware of
14 what's going on and to talk to me about it, prior to. At that time, Mary Mott sat
15 down and just became completely red and asked that I do not yell at Harold
16 because it was all of her doing. I then again said, you know, I wish I would have
17 known what's going on here. And I got up to leave and she again said, you know,
18 don't yell at him, and I tapped on her shoulder, and said, have a good day, or
19 okay Mary, whatever, and I walked out and then I went back to my office.

20
21 KR: All right. So, based on that conversation, from what I heard, and correct me if I'm
22 wrong, it almost appears as if Ptl. Johnson agreed to dismiss the summons?

23
24 AK: No. Ptl. Johnson had...I...I could get into it a little bit further of the dialogue when
25 I got back to the office and Ptl. Johnson came in, but no, Ptl. Johnson never
26 agreed to the dismissal of the ticket. It was already adjudicated in his eyes, by
27 Mary Mott taking care of the situation.

28
29 KR: When he arrived there?

30
31 AK: Correct.

32
33 KR: Okay

34
35 AK: Prior to his arrival.

36
37 KR: Prior to his arrival. What time did he get to court? Do you know?

38

A61