

1 municipal courts to function, and I really think it's
2 a move to try to consolidate the municipal courts and
3 the Superior Court, which I personally think they
4 should. I don't think they should have these separate
5 municipal courts. I think they should have it part of
6 the Superior Court. And I keep telling people that
7 before I get ready to retire, that I suspect that's
8 what's going to happen with the municipal court
9 system, they're going to bring it into the Superior
10 Court because there's too much money in the municipal
11 court system that the states need in getting their
12 hands on.

13 Q. I interrupted you with Ms. Ericson's
14 call.

15 A. She's out of the prosecutor's office.

16 Q. She's out of the prosecutor's office?

17 A. She was in the prosecutor's office, she
18 had gotten fired from the prosecutor's office. Like I
19 said, she went through a very similar situation in

20 which that office went after her, and she called me to
21 tell me how bad she felt about all this because how
22 she couldn't sleep over the weekend, because hearing
23 what was going on was bringing all her stuff back, and
24 I was telling her what I was going to do, and she was
25 telling me that I was crazy to do it. She basically

1 said that Tony doesn't have the ability to do that.

2 How in the world could Tony prevent you from ever
3 prosecuting again because he doesn't have that
4 authority over you, and what the -- she basically was
5 telling me what the heck am I doing? I need to talk
6 to somebody else, and she told me I should call Steve
7 Lember who was -- who I ultimately talked to. Steve
8 had known what was going on. Steve had very much
9 wanted me to call him, but Steve wasn't going to call
10 me because he knew I had called Tony, so Steve said
11 I'm so glad you called me, I wanted to talk to you
12 because I didn't want you to -- Tony Rotunno is a
13 really nice guy, but he's the kind of guy that likes
14 to settle things and make things easy. He's not a
15 real litigator and gung-ho guy. Steve Lember was the
16 first assistant prosecutor in this office for
17 15 years, 20 years, I don't know, long time. He too
18 got fired. And he's the one that calmed me down.

19 He's the one that explained to me that what I did was
20 not official misconduct. He went over the statute
21 with me, he explained to me that -- he's the one that
22 really explained to me, you know, here I am saying,
23 you know, I did this, I did this wrong, I shouldn't
24 ~~have done this, I shouldn't have dismissed this~~
25 ticket. It was Steve that calmed me down and

1 explained to me that at the most all I really did is I
2 failed to recognize a potential conflict. Which is
3 what I did. I failed to recognize a potential
4 conflict. It never entered my mind while this was
5 going on that I shouldn't be doing this kids' case
6 because he works for me. And that's what I felt was
7 so wrong, and I was -- I had convinced myself that I
8 was guilty, I had let Tony convince me that I was
9 guilty, and it took Steve to calm me down, it took
10 Steve to get me into a state of mind that I was able
11 to go back and look at stuff, like the phone call.
12 When Tony Rotunno came out after his conference and
13 told me what the ultimatum was, in that meeting at the
14 courthouse with him, which was whatever day, he said
15 to me, well, he had said to me on the phone when I was
16 on the phone with him, I said one of the things that
17 really bothered me was how can the chief keep
18 complaining about what I did when he approved it. If
19 he didn't approve it, I wouldn't have done it. If he
20 said that he didn't want me to dismiss this ticket, I
21 would have done the same thing I did with the DUI that
22 ~~he didn't want me to get rid of. I would have called~~
23 the judge in, I would have had a conversation with him
24 ~~and the judge and the officer and explained to them~~
25 the problem and let the judge say she's right, you

1 really can't prosecute this. When I said to Tony that
2 I was really upset, how can the chief be complaining
3 about this because he approved this, he says well, I
4 bet the chief's going to deny being there. I'm like

5 how the hell can he do that? But that was what he
6 said in that first conversation when I called on my
7 cell phone after Rowe called. When he came into the
8 room that day to give me that ultimatum, he had said I
9 was right, the chief is denying approving this and
10 denying being there.

11 And then in another part of the
12 conversation, and this one only took like 20, 30
13 minutes, we weren't there very long, and most of the
14 time I was on the phone crying to my mother, he said
15 well look at your cell phone records. You called this
16 officer. Yes, I call these officers whenever I have a
17 problem or question for them, I would call them. I
18 will tell you right now, during all this, I went in my
19 cell phone and deleted all the Frenchtown officer's

20 phone numbers and anymore, if I have a question for a
21 Frenchtown officer, I don't call them. I call the
22 station to talk to them. I don't call them on their
23 phone and ask them a question. I was able to, after

24 ~~Steve calmed me down, go back and find out what that~~
25 one phone call was about that I had called the officer

1 about that day, and then I was able to get that piece
2 of evidence.

3 Q. What was that call about?

4 A. That call was made on the 31st of

5 January, was about the Cooper matter. Which I'm going
6 to give this stuff now?

7 Q. Sure.

8 A. Because it's written. Sherrell Cooper
9 is a young lady who lives in Frenchtown who --

10 Q. Actually, because it sounds like this
11 may be long and how about --

12 A. It's not real long. I wanted to tell
13 you what it was about. Sherrell Cooper is what we
14 refer to in the court as a frequent flyer.

15 Q. Yes.

16 A. Okay. If you get my feeling. In
17 December, Ms. Cooper, Ms. Cooper had several matters
18 open at the same time, but in December she was
19 involved in a four-car motor vehicle accident in which

20 Officer Johnson was the responding officer. On
21 January 11th, I have got -- and if would you like, and
22 ~~you have to make -- you can mark them, but I'm going~~
23 to need copies because I don't have any other copies
24 ~~than what I brought. On January 11th, I get a letter~~
25 from James Villari who is an attorney for one of the

1 three people involved in that motor vehicle accident.

2 It was a four-car accident. Car number one stopped to

3 make a turn, car number two stopped behind car number

4 one, car number three, driven by Mr. Villari's client,

5 rear ended car number two and car number one, and then

6 car number four driven by Ms. Cooper rear ended car

7 number three as well.

8 Q. Can I understand that a reason for why

9 you looked into this was because you were informed by

10 Steve Lember that there was, there was a phone record?

11 A. No, I was informed by Tony Rotunno when

12 he said look at your cell phone records, you have a

13 call to the officer.

14 Q. So in April, so in April, Tony Rotunno

15 brought to your attention that there was a phone

16 call --

17 A. To the officer.

18 Q. -- between you and the officer? And in

19 ~~trying to figure out what that was, then you retrieved~~

20 these records?

21 A. Right. When I spoke to Steve and

22 talked to Steve about the case, I came to the

23 conclusion that I was not going to voluntarily give up

24 ~~prosecuting, that I would fight this.~~

25 Q. Were there a number of times that you

1 called police officers on their cell phones about
2 matters that were coming before the court?

3 A. Oh, I would. Whenever I had a question
4 for an officer, I would call an officer.

5 Q. So did that routinely come up that
6 matters that were going to be before the municipal
7 court --

8 A. It was questions, if I had a question
9 for an officer about something, or if I had a question
10 for them, and it wasn't always about the municipal
11 court. But yes, I would talk to officers.

12 Q. How about Officer Johnson, were there a
13 number of times that you had contacted him about
14 municipal court matters on the cell phone?

15 A. Yes, when I would have a question or a
16 problem.

17 Q. Because I see you brought documents and
18 I'd like for us to be able to take the time to go

19 through them, but what I would suggest is if we make
20 copies of them, that if we review them separate from
21 this interview and we can follow-up with you with any
22 questions.

23 A. Well, very briefly -- okay, that's
24 fine, I can give you the stuff. But briefly, what I
25 called Johnson about on the 31st was I had got this

1 memo on January 11th about the Cooper matter. This
2 matter from Villari said we understand Ms. Cooper
3 didn't have insurance. Why wasn't she -- you know, it
4 doesn't say, why wasn't she written for no insurance,
5 but she didn't have insurance.

6 Q. If you give us those documents, we'll
7 go through all of that.

8 A. So this letter basically was why did
9 you give a ticket to my client, she got rear ended,
10 and basically Ms. Cooper doesn't have insurance. When
11 I got this e-mail on the 11th, I called, and I have
12 the cell phone records, I called Johnson on the 11th
13 to say hey, I just got this fax from this guy, why did
14 you write his, you know, can you answer the question?
15 Why did you write his client the ticket if she got
16 rear ended and why didn't you write Cooper a ticket if
17 she didn't have insurance? Johnson explained to me
18 that this woman also had rear ended the other two cars
19 and that's why he gave her a ticket as well, and that
20 Cooper did not give -- he did not give Cooper a ticket
21 for not having insurance because she gave him a valid
22 insurance card. So I told Johnson in that
23 conversation that well, I'm telling you now she
24 doesn't have insurance, and you're within your statute
25 of limitations, maybe you might want to think about

1 writing her a ticket for no insurance. On the 11th
2 then I also sent back a fax to Mr. Villari that said I
3 talked to the officer, the reason your client got the
4 ticket was because she rear ended those other people

5 as well as got rear ended herself, and the reason
6 regarding your allegation that Ms. Cooper was not
7 insured, Ms. Cooper provided to the officer a valid
8 insurance card. Johnson literally said to me, well
9 she gave me an insurance card. I said well, aren't
10 you supposed to, you know, check it to make sure it's
11 good? Nope, that's not my job.

12 Q. Can I interrupt you because I'd like to
13 ask you specifically about --

14 A. But I called him on the 31st about
15 whether or not he issued him the ticket on no
16 insurance because that's the day I sent out the
17 discovery request on that case.

18 (Memo dated 3/14/12 was marked for
19 identification as M-6.)

20 BY MS. MCGINTY:

21 Q. I want to ask you, Ms. Mott, about this
22 ~~document before we take a break. This has been marked~~
23 as M-6. It's a document dated March 14, 2012, to
24 ~~Lieutenant B. Winfield from Patrolman H. Johnson about~~
25 a traffic ticket. I'm showing you this document, and

1 have you seen that document before?

2 A. Nope.

3 Q. Could I just ask you to read through
4 it?

5 A. Mm-hmm.

6 Q. Yes?

7 A. Yep. I understand what it says. I
8 will tell you that you can take it at face value
9 coming from Officer Johnson. I did not call Officer
10 Johnson about this ticket. I called Officer Johnson
11 on the 31st about the Cooper matter. I did not call
12 him about this ticket. I didn't even know about this
13 ticket, nor do I believe that Tom ever told Johnson
14 that he was my employee. Although, I admit that there
15 was a videotape of this matter and I never saw the
16 videotape, I don't know what the videotape is, but at
17 one point, Tom's twin brother Garrett had said to
18 me -- and I don't recall when the conversation was, it
19 was while the mess came up, so it was after I was told
20 I had to be indicted or, or give up my prosecutor
21 jobs. After that conversation, at one point, Garrett
22 had said to me that he was with Tom when this stop
23 occurred and that after Officer Johnson went back to
24 his car, Garrett said to Tom why don't you tell him
25 who you are.

A287

1 Q. Can I ask you about --

2 A. So I know he didn't say anything
3 about --

4 Q. Can I ask you about M-6 because I want
5 to get specifically to what Officer Johnson wrote on
6 March 14th which would have been six days after the
7 court date, I believe. Right? The court date was
8 March 8th of 2012?

9 A. Yes.

10 Q. And this memo is dated March 14, 2012?

11 A. Right.

12 Q. And if you look inside the first
13 paragraph, there's a statement attributed to you.

14 A. That I, approximately three or four
15 days later, received a call from Mary Mott regarding
16 the summons. I asked Ms. Mott what she had in mind.
17 I said I don't know, I want to handle it. -- I don't
18 know how I want to handle it. I'll figure something
19 out and get back to you.

20 Q. Yes. Did you ever say that?

21 A. Nope. I never made a phone call to him
22 and I never had that conversation with him.

23 Q. The officer states also in this memo
24 that on March 8, 2012, while in court, I have observed

25 Mr. Spork seated in the courtroom at which time I

1 asked Ms. Mott what do you have in mind for the
2 summons issued to Mr. Spork? The memo continues, M-6,
3 Ms. Mott responded don't worry about it, it's already
4 been taken care of. I'll tell the judge that there

5 was a problem with getting discovery in this case. Is
6 what Officer Johnson has written accurate?

7 A. No.

8 Q. In the statements that we've received
9 from Officer Johnson, Officer Johnson does not place
10 Mr. Spork in the room with you during any discussion
11 or disposition of the ticket at the court on
12 March 8th.

13 A. That would not have happened. I do not
14 see these people unless they're in that back room. I
15 sit in that back room and they come back to me.

16 Q. The officer says that Mr. Spork was not
17 in the room with you on March 8th when you -- when you
18 spoke with Officer Johnson about the disposition of
19 the ticket.

20 A. That's not correct.

21 Q. Is the officer not telling the truth on
22 that?

23 A. The officer is not telling the truth.

24 Q. The chief, in the statements which we
25 received in this matter, similarly states that

1 Mr. Spork was not present in the room when you
2 disposed of the ticket.

3 A. That is not correct.

4 Q. The chief also says he was not present

5 in the prosecutor's office, but he was outside and
6 behind the wall when you took the actions to have the
7 ticket dismissed.

8 A. No, that's not correct.

9 Q. Is the chief's version of the events
10 not accurate?

11 A. The chief's version is not accurate.

12 Q. Is the chief lying?

13 A. Yes.

14 Q. Is the officer lying?

15 A. Yes. And that's what had me so flipped
16 out. I knew they were going to be lying, I know they
17 were lying, and that's what scared the shit out of me.

18 MS. MCGINTY: This might be a good time
19 for a break.

20 (Brief recess.)

21 THE WITNESS: Briefly, while we took
22 the break, I put these pages together if you want to
23 go make a copy of them, but basically this will show
24 you that the phone call on the 31st was on the Cooper
25 matter. What this conversation with Officer Johnson

1 on the 31st was about was I called him to ask him if
2 he had ever issued the no insurance ticket that I had
3 suggested that he issue on the 11th because on the
4 31st was the day that I had come home from vacation

5 the day before, one of the things on my desk was the
6 notice that Ms. Cooper was granted the public defender
7 for the other matters that she had. I was sending out
8 for discovery that day, and on my discovery requests,
9 I always write the ticket numbers and the violation,
10 so I had called him to say hey, did you ever issue
11 that no insurance ticket, because if you did, I would
12 have added it to the discovery request, which also
13 went out on the 31st.

14 BY MS. MCGINTY:

15 Q. Can I take that from you?

16 A. You can, and you can make copies of it.

17 MS. MCGINTY: Hold on, hold on, I will
18 be right back in.

19 (Brief recess.)

20 BY MS. MCGINTY:

21 Q. Ms. Mott, I just took a very quick
22 break to make copies of some documents that you had
23 handed to me which I've clipped together and I'm
24 asking to have marked as M-7. Mr. Beck and I won't go
25 through the documents right now, but we will after

1 this interview, and if we have further questions or
2 need other information, we will follow-up with you.
3 But I also want to state, if you have any other
4 documents at all relevant to this proceeding, and you
5 want us to look at them, I invite you to give us
6 copies of them, to send them to us, and we would be
7 very happy to follow-up.

8 A. The only other -- the only other thing
9 I brought to kind of show you the kind of person I
10 really am was I brought my nephew's DUI. Remember I
11 told you that my nephew had a DUI?

12 Q. Yes.

13 A. This is before all of this, so none of
14 this was created to try to make me look good. And you
15 can keep this file because I'm done with it, because I
16 understand he pled out on this case, and I really kind
17 of kept it myself as a cover my ass because of the
18 fact that he was my nephew. And in here, you can see
19 his was a DUI for drugs in which there was a urine
20 test. And the case was transferred out, and there was
21 two pieces of discovery that were missing, and you can
22 see the correspondence I was sending to the state
23 police on a monthly basis saying you need to get these
24 two pieces of discovery because if you don't, there's
25 going to be a problem prosecuting this case and I

A292

1 don't want any problems coming up with this case
2 because I didn't -- and it just kind of shows what
3 kind of person I really am. And that's the whole file
4 which is his file, it's everything. I don't need it
5 anymore.

6 Q. Can we clarify then that we'll have the
7 first documents that you gave me that I made a copy of
8 marked as M-7 and would you agree to allow me then to
9 mark that whole file as M-8 and I'll send you back a
10 copy?

11 A. I don't need a copy back, but yes, you
12 can do that. I don't need it anymore.

13 Q. We will break for that purpose so the
14 court reporter can just mark them.

15 (Cooper matter documents was marked for
16 identification as M-7; Kocsis matter
17 documents was marked for identification as
18 M-8; letter dated 5/23/12 was marked for
19 identification as M-9.)

20 THE WITNESS: Could I add one more
21 thing about this stuff? On the Cooper matter, the one
22 I had called Johnson twice about whether or not he
23 issued a ticket for not having insurance.

24 BY MS. MCGINTY:

25 Q. Yes.

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1 A. I took the further step, because .
2 Johnson said it was not his job to verify she didn't
3 have insurance, and then even after when he was told
4 she didn't have insurance declined to issue her the
5 ticket, she was in court a couple of weeks after this
6 with the public defender who had been appointed for
7 her and I had taken the additional step to put on the
8 record that we were still within the statute of
9 limitations for the no insurance violation, that I had
10 been advised that she didn't have insurance and that
11 if when she came back to court, if she didn't have
12 insurance, that she would be charged with that. Which
13 we never ended up doing because by the time she came
14 back to court, Officer Johnson was no longer
15 available. But the fact that she didn't have
16 insurance and was involved in a four-car accident was,
17 to me, something that needed to be addressed, and
18 Officer Johnson declined to do so. But that is what I
19 called him about on the 31st.

20 Q. Ms. Mott, after you leave here today,
21 you may think about additional things --

22 A. If I do.

23 Q. -- that you wish you had said or that
24 you may want to go back over some things that you have
25 said, and for any other reason, I want you to feel

1 free to send in any other documents, any statements,
2 any letters. I just ask for purposes of
3 confidentiality, this office does not correspond by
4 e-mail about any pending -- any ethics matter. You

5 can send it by fax, or by U.S. mail or by delivery.

6 A. I don't think that -- I think I'll go
7 home and maybe regret some of things I said today,
8 but.

9 Q. But I want to make sure that --

10 A. If I need anything, I will call you.

11 Q. But I want you to make sure that you're
12 aware of the opportunity.

13 A. I am aware of that.

14 Q. I want to ask you, the last document
15 that I had marked as M-9 is the May 23, 2012, letter
16 from Prosecutor Kearns to Mayor Warren Cooper stating
17 that his office has concluded the investigation
18 regarding allegations of official misconduct made

19 against you, and that the office will not be bringing
20 any criminal charges against you.

21 A. Mm-hmm.

22 Q. But I want to ask you about the second
23 paragraph which states, "This office represents that

24 Ms. Mott continue to refrain from serving as municipal
25 prosecutor during the pendency of the OAE's

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1 investigation and that your municipality utilize a
2 temporary municipal prosecutor to serve during her
3 absence."

4 A. I've seen that.

5 Q. You've seen it before?

6 A. That letter went to all of the
7 municipalities that I prosecute.

8 Q. It's my understanding that you're back
9 prosecuting in each of the municipalities?

10 A. Yes. Each municipality's township
11 attorney, I had a conversation with all of them, and
12 they all decided that they'd rather -- that they were
13 not going to hold that the pendency of an ethics
14 investigation would impact my ability to prosecute and
15 they all asked me to come back.

16 Q. I want to ask specifically about
17 Frenchtown. Because if I understood you correctly, I
18 believe you said that the chief is lying --

19 A. Mm-hmm.

20 Q. -- in this matter?

21 A. Yes.

22 Q. ~~Can you clarify, how is the chief lying~~
23 in this matter?

24 A. ~~The chief was present when we discussed~~
25 this ticket, the chief approved dismissing this

1 ticket, and when he says he wasn't there, and when he
2 says he didn't approve it, he is lying. That is what
3 I mean.

4 Q. Is the chief lying in any other way?

5 A. I don't know what else he might have
6 said.

7 Q. But if I also understand, you've
8 expressed the view that the chief is harassing you
9 with this, with this complaint about the way you
10 handled the Spork ticket.

11 A. What my allegation was, and it is
12 contained in the e-mail I sent to the prosecutor's
13 office on that Friday afternoon, the chief asked --
14 the chief became very unhappy with me when I insisted
15 on transferring out the Figler case. It's kind of
16 ironic, be damned if you do, damned if you don't get
17 rid of cases, but regardless of that, the chief, after
18 that, had gone to Warren Cooper and suggested that I
19 not be reappointed as prosecutor. I know that because
20 the judge, Judge Novak told me that because Warren
21 Cooper asked the judge.

22 Q. Did you view that as retaliation of the
23 chief against you?

24 A. Yes, I did.

25 Q. For doing your job?

1 A. Yes.

2 Q. Did you view it as retaliation that the
3 chief pursued this complaint against you for your
4 handling of the Spork matter?

5 A. Yes. I believe that he took the steps
6 that he took, because I don't know what it was about
7 the Figler case, but he was furious, absolutely
8 furious when I told him that case had to be
9 transferred out of the court, and it got transferred
10 out of the court. He flat out told me he did not want
11 the case transferred out of the court, and I quote.
12 this is how he said it, I want to keep control over
13 this case.

14 Q. Did you view the chief as having no
15 basis for filing an ethics complaint against you with
16 regard to the manner in which you handled the Spork
17 ticket?

18 A. I don't think the chief filed the
19 ethics complaint. I think the prosecutor's office
20 filed the complaint. But I have never denied that I
21 failed to recognize a potential conflict of interest
22 when I handled the Spork case. I told Detective Beck,
23 I would be willing to stipulate that I failed to
24 recognize a potential conflict when I handled the
25 Spork case. I did not do it for inappropriate manner,

1 I did not do it for personal gain, I did not do it
2 because I was trying to do somebody a favor. I failed
3 to recognize that I shouldn't have handled this case.
4 ~~I have grown to recognize that there are other cases~~
5 that I probably should not have handled, although it's
6 hard to explain to somebody who doesn't do municipal
7 court practice how infrequently you transfer cases out
8 because you know somebody. I mean like I said before,
9 there have been memos that have gone to judges that
10 just say not everything is a conflict that you think
11 is a conflict. Don't transfer cases out just because
12 you know somebody. I recognize now that, that was
13 inappropriate. I recognize now I've taken different
14 steps, and I will agree that it is appropriate that
15 this was, at the most, what I did here, was an ethics
16 violation. It was not official misconduct. To be
17 threatened with indictment was just unbearable, but I
18 failed to recognize a potential conflict. Looking at
19 ~~it as an outsider would look at it, without thinking~~
20 about how I recognized, you know, it's so easy to say
21 he works for your business, it's a conflict. I don't
22 care about Tom. You know, he's not anything to me.
23 He's a kid who works for my husband. And that's
24 ~~what's so hard to get across to people that he works~~
25 for the business, but.

A299

1 Q. I just want to make sure that, that I
2 understand clearly your point of view, and you said
3 that this was at most an ethics violation?

4 A. Yes.

5 Q. Can you expand on that just so that I'm
6 clear on your view of it?

7 A. At most, if what I did -- if I did what
8 they said I did, which was dismiss this ticket and the
9 kid worked for me, and I shouldn't have dealt with
10 this ticket because he worked for me, that was an
11 ethics violation, it wasn't official misconduct. The
12 ticket, the official misconduct is doing something
13 that's outside your normal -- Steve went over the
14 statute with me. I did what was my job in dismissing
15 this ticket. The ticket needed to be dismissed. It
16 had a problem on its face, I could not really
17 prosecute this ticket. I did not do anything that was
18 outside my scope of my normal job. I did not get any
19 personal gain from dismissing this ticket. I'm not

20 sitting in the back room like the prosecutor I read
21 about in the paper taking envelopes with cash in it
22 for plea bargains, okay? Tom's ticket, even if he
23 took the two points, wouldn't have affected me one

24 iota, okay? I received absolutely no benefit from it,

25 I didn't care about it. But, I acknowledge, standing

1 back and looking at it as an outsider, I failed to
2 recognize a potential -- I inadvertently failed to
3 recognize a potential conflict of interest.

4 Q. You've explained why, in your view,
5 this wasn't a criminal violation, and I don't have any
6 questions related to that. I'm just asking because
7 you said at most, this was an ethics violation if the
8 following had occurred, but I'm not clear on whether
9 you view any of your conduct in this matter as an
10 ethics violation. Would you clarify that? Did you
11 violate any ethics rules?

12 A. I violated an ethics rule by failing to
13 avoid a conflict of interest. I think what I'm trying
14 to do is I'm trying to explain myself away as it was
15 an unintentional violation. Okay, I think that's what
16 I'm trying to get at. I did it, I unintentionally did
17 it. I did not intentionally do it. I wasn't thinking
18 about it when I did it. It never entered my mind when
19 I did it. I unintentionally -- that's what I would,
20 how I would say this, I unintentionally violated an
21 ethics.

22 Q. Okay. I want to come back to that
23 letter because if I understand you correctly, the
24 chief is lying with regard to your actions in the
25 Spork matter?

A301

1 A. When he says he wasn't there, when he
2 says he didn't approve the dismissal, yes, he is
3 lying.

4 Q. And if I understand you correctly,
5 Officer Johnson has also lied in this matter?

6 A. That memo, yes.

7 Q. In Officer Johnson's statement in
8 print?

9 A. That he gave that I made a phone call,
10 I asked him about it.

11 Q. And so that is clear, the memo that
12 you're talking about was M-6?

13 A. Yes.

14 Q. About a phone conversation a few days
15 after he issued the ticket to Mr. Spork?

16 A. Yes.

17 Q. Is Officer Johnson lying with regard to
18 anything else in this matter? And let me ask you

19 specifically. We have a statement from Officer
20 Johnson which states that Thomas Spork remained in the
21 courtroom during the period of time that the officer

22 was

23 A. Yes, that's a lie. Tom was back in the

24 room. How I said it, anything --- let's make this

25 easy, shorten this a little bit because we're getting

1 carried on. Anything that Officer Johnson or Chief
2 Kurylka said in their statement which conflicts with
3 what I said as it occurred, Tom came in, I had the
4 conversation with him, filled out the plea sheet, sent
5 Tom out, anything they said which was in contradiction
6 to that is not the truth.

7 Q. Did you have the opportunity to read
8 through the chief's statement?

9 A. No.

10 Q. Have you ever seen the chief's
11 statement?

12 A. No.

13 Q. Have you seen Officer Johnson's
14 statement?

15 A. No.

16 Q. And how about the lieutenant's
17 statement, lieutenant in charge of discovery?

18 A. I've never seen any of this stuff.

19 Q. Lieutenant Robert Winfield?

20 A. I never saw any of this stuff.

21 Q. All right.

22 A. I know that Officer Winfield, I know
23 that they asked Officer Winfield if I asked for

24 discovery ahead of time, I know he told them I did

25 not.

1 Q. Is that true?

2 A. I did not. I told you I did not.

3 Q. But with regard to Officer Johnson, if
4 you hadn't read his statement -- let me summarize what

5 specifically I'm asking. Officer Johnson says
6 Mr. Spork was in the courtroom itself and not in the
7 meeting room with the prosecutor during the entirety
8 of the time that Officer Johnson was at the court in
9 connection with the Spork ticket. Was that too long?

10 A. No.

11 Q. Is that true?

12 A. What is true is that Tom came back, as
13 all the other defendants -- this is my recollection,
14 okay. Tom came back as all the other defendants, I
15 said I know this kid. I know you know this kid. What
16 do you want to do about this? Dismiss the ticket.

17 Fine. Fill out the plea sheet, sent him up. That is
18 what I recall occurred. I would not have talked -- I

19 occasionally talk to officers without defendants

20 present if an officer will come in and say oh, I've
21 got this matter on, just so you know, you know, and I

22 talked to the officer, oh, I'll go get the person to

23 come back. I do not recall ever filling out a plea

24 sheet for somebody who was not back in that room and

25 just handing it to them if that's what you're

1 implying.

2 Q. You've spoken with some certainty about
3 Thomas Spork being present with the officer and the
4 chief

5 A. Yes.

6 Q. -- while the discussion occurred in the
7 back room.

8 A. Mm-hmm.

9 Q. Yes?

10 A. Yes.

11 Q. And that's firm in your mind, right?

12 A. Yes.

13 Q. As I understand you, you're absolutely
14 clear about that?

15 A. Yes.

16 Q. The chief says that did not happen.

17 A. And the chief said he wasn't present
18 also, that's true, and that is a lie.

19 Q. But those are lies?

20 A. That is not the truth.

21 Q. Officer Johnson states that he was not
22 in the room with Thomas Spork for the discussion of
23 this ticket. Is Officer Johnson wrong about that?

24 A. That is not the truth. It occurred as
25 I said it occurred. Officer Johnson -- neither

1 Officer Johnson nor the chief are being honest in
2 their portrayal of what occurred here. And just as an
3 aside, when Tony Rotunno came out of that meeting with
4 the prosecutor and other people and came into the

5 room, Tony Kearns told me that the prosecutor
6 acknowledged to Tony that he had a credibility issue
7 with his witnesses. Tony understood that he had a
8 credibility issue with these witnesses.

9 Q. The prosecutor?

10 A. Yes, Tony Kearns had a credibility
11 issue with these witnesses. He acknowledged that. I
12 have not -- I don't want to try -- okay. Let me
13 explain Officer Johnson to you, very briefly, if I
14 can, to give you some background on Officer Johnson
15 you may not have. And I'm not trying to do this to
16 try to make the chief look -- you may wonder why he
17 would say these things if they're not true. Officer
18 Johnson used to be an officer at some department in

19 Mercer County, I don't know which. He was fired from

20 that department for what they call -- what I was told
21 for what they call copping, you know, when you write

22 on your patrol sheet I'm patrolling this neighborhood

23 and you're over in that neighborhood taking a nap. He

24 comes up to Frenchtown as a part time officer. Now, I

25 would like to just mention that this Officer Johnson,

1 who's no longer at the Frenchtown police, is actually
2 the third patrolman since I have been prosecuting that
3 has been fired from Frenchtown Police Department for
4 basically committing crimes, okay. When they only

5 have four people at a time, that seems like a fairly
6 high percentage to me. But Officer Johnson, I have no
7 doubt, and in fact, I think one of the reasons that
8 Tony backed off of the criminal prosecution of this
9 case, if you ask me, is that I believe that, and if I
10 had to guess, it probably came from Matt McGinley who
11 is a detective at the prosecutor's office, who used to
12 be a Holland police officer. As Matt told me, and it
13 was just the other day I had a phone conversation with
14 Matt on another case and this whole thing came up,
15 that there's no question that Officer Johnson had his
16 arm twisted to keep his job when it came to making
17 statements regarding this case. When Officer Johnson
18 got hired by Chief Kurylka, he had these prior issues

19 with another department. I know for certain that when

20 Officer Johnson applied for a full time position at
21 the Holland Police Department, and was interviewed by
22 Holland for a full time position that came open, Chief
23 Kurylka went up to Chief Harris, Holland's chief, and

24 said what on earth do you want to hire him for? Look

25 at all the problems he has. Why do you want to hire

1 him? Look at all the times I've written him up while
2 he was working for us. Why do you want to hire him?
3 And he wasn't hired by Holland. You mentioned that
4 you saw the newspaper article about Johnson being
5 fired. Did you see it online or did you read the
6 actual written one that appeared in the Hunterdon
7 County Democrat? In the last -- the written article
8 that appeared in the Democrat had two photographs that
9 were not on the online one. And in one of that, the
10 last sentence, Chief Kurylka said in the paper, oh you
11 can only save somebody's job so often. I had problems
12 in the past prosecuting cases for Officer Johnson in
13 which I, myself, questioned his credibility when he
14 made statements of how things went down. That DUI
15 case that I said I couldn't prosecute was one of them,
16 and if you wanted me to go into that I can tell you,
17 but suffice to say there was a lot of problems with
18 that case. I honestly believe that Chief Kurylka knew
19 ~~that if he went to the prosecutor's office and said~~
20 oh, this kid came into court and she dismissed this
21 ticket, and that was it, okay, the whole basically
22 ~~what happened, if they went to him with the whole~~
23 correct conversation, that two minutes that I was
24 ~~dealing with this kid, that nobody would think it was~~
25 anything bad. They had to come up with this telephone

1 conversation, they had to come up with this I called
2 him ahead of time looking to get rid of this to make
3 it look bad. The only telephone conversation they
4 have that I made to Officer Johnson was made at 10
5 o'clock in the morning on January 31st. The ticket
6 was issued what, January 20th, I don't even --
7 January 20th or 21st, whatever day the ticket was
8 issued, okay, ten days earlier. I left to go to
9 Florida on January, on January 25th. I got home at 5
10 o'clock on the 30th. I have the cell phone records,
11 you can follow me across country. The very next
12 morning, now, I was in the office then for one day.
13 The next day, I guess that was February 1st. I was in
14 court for Frenchtown, first Wednesday of the month we
15 have court, I was leaving again the following Friday
16 at 9 o'clock in the morning, okay? So I'm gone for a
17 week, I'm back in the office for a day, I'm in court a
18 day, then I'm going away again for a couple of days.
19 I'm certainly not spending any time in the first hour
20 I'm back in the office -- and if you didn't figure
21 this out when you showed up at my house 9 o'clock in
22 the morning, I usually don't start work until close to
23 10 o'clock in the morning. But I'm certainly not
24 spending any time the first hour or so that I'm back
25 in the office after being away for a week talking to

1 Tom and making a phone call about his five-mile over
2 the speed limit two point ticket.

3 Q. Can I ask you a question though about
4 this letter, and I want to ask you about M-9.

5 A. Yeah.

6 Q. Is the chief, Chief Kurylka still in
7 charge of the police department?

8 A. Yes.

9 Q. In Frenchtown?

10 A. Mm-hmm.

11 Q. And they have four or five officers?

12 A. Mm-hmm.

13 Q. Yes?

14 A. Yes.

15 Q. After the dismissal of Officer Johnson,
16 how many officers are presently there?

17 A. Three.

18 Q. And those are?

19 A. At this point, Paul Murphy, David Voll,
20 and the other guy whose name I can't remember,
21 Krutsick.

22 Q. ~~Lieutenant Winfield?~~

23 A. Oh, well Lieutenant Winfield doesn't

24 patrol. I only talk to Bob when it comes to
25 discovery. He only comes in and does paperwork. He

1 doesn't go out on the road, so they have three
2 patrolmen right now.

3 Q. So the bulk of these summonses, or
4 most, if not all, coming through the Frenchtown court

5 are written by Frenchtown police officers?

6 A. Yes.

7 Q. And these officers then are working for
8 a department which, in your view, whose head has lied
9 about you?

10 A. Yes.

11 Q. Do you see any reason for concern about
12 your continuing to prosecute those matters while this
13 investigation is pending?

14 A. No. I will be honest with you, when
15 they put me back to work, and I'll be honest with you,
16 it took so long for me to get any correspondence from
17 you guys. I didn't even know there was going to be an
18 investigation, but this letter went out May 23rd or
19 something like that, I need to look at a calendar. We

20 had court the next week or something like that as I
21 recall. All of the towns, I've spoke to every
22 township attorney about whether or not -- and it was
23 all, especially Frenchtown's township attorney, about
24 whether or not any of this was a problem to them to
25 prosecute the case. I will be perfectly honest with

1 you, I haven't -- I've had one conversation with the
2 chief since this happened.

3 Q. When was that?

4 A. I had a conversation with the chief

5 when he fired Officer Johnson about how we were going
6 to handle his outstanding tickets. That is the only
7 conversation I've had with the chief since all of this
8 came down.

9 Q. So while you're prosecuting the matters
10 that are written up by Frenchtown officers, you have
11 no communication with the chief?

12 A. No.

13 Q. Does the chief come to Frenchtown
14 courts?

15 A. No.

16 Q. Ever?

17 A. Not anymore. Remember, during my
18 suspension, the AOC came in and did this, you know,

19 they come in and inspect the courts. They issued a

20 report in which they said that the practice of having
21 the police officers and the defense counsel standing

22 in the other room, the room that they took the money

23 in, the room that the doughnuts and coffee were in,

24 was an unacceptable practice. Judge Novak, after that

25 report, sent a letter to all of the police departments

1 and said we're not going to be engaging in that
2 practice anymore, people are going to be coming back
3 one at a time, we hand out numbers, defendants don't
4 line up in the back of the courtroom anymore. That

5 was a problem. They each get a number when they come
6 in. So there's no longer -- and Al has not been in
7 court since this happened. Al used to occasionally
8 show up and hang out and socialize with the doughnuts
9 and the coffee and the other cops, but since that's
10 not going on anymore. But I haven't spoken -- I had
11 one very brief conversation with him. I also sent him
12 one e-mail because Al's a fisherman, and went out --
13 the exact same time I was on the way back from the
14 fishing trip is when I found out that Johnson got
15 fired. I went fishing up in Lake Ontario and I got
16 this really big once in a lifetime bass, and I
17 e-mailed him a picture of that.

18 Q. Separate from your conversations of
19 what municipal attorneys may have said about this
20 particular matter, did you recognize any reason for
21 concern about your continuing as municipal prosecutor
22 in Frenchtown while the Office of Attorney Ethics
23 investigation continues?

24 A. I didn't see one. If you think there
25 is one, I mean I will be honest with you, I've had

1 this discussion with Steve Lember, my attorney at the
2 time, same conversation I have with the township
3 attorneys. I mean nobody saw a problem with it.

4 Q. Have you discussed it with Judge Novak?

5 A. I didn't discuss it with him. He was
6 just very thrilled and pleased that I was back. I'm
7 sure, knowing Judge Novak, that if he thought there
8 was a problem he would have said something. I did not
9 discuss with him whether or not it was appropriate for
10 me to come back when it was pending, he was just
11 tickled pink that I came back.

12 Q. You say he's tickled pink, what do you
13 mean?

14 A. Like I said, I've been doing this a
15 real long time. I've developed a rapport, I developed
16 a mannerism of handling these things where you got to
17 understand one of the reasons this really upset me
18 when I was facing never prosecuting again. I love
19 prosecuting. I love it. Okay? I enjoy doing it. I

20 want to get another court or two before, you know --

21 I'd love to get another court or two. I don't think

22 ~~this is work, you know what I mean? I love doing it.~~

23 I show up early for court, I start, I come early, I

24 ~~start talking to defendants early, I get things worked~~

25 out, I move the calendar along. I have very few

1 people who walk away dissatisfied because they all
2 like me, you know, the way I act, the way I interact
3 with people. My view about the municipal court, the
4 municipal court is the only court in which most people
5 have any interaction with the legal process. And how
6 they're treated in the municipal court is going to
7 give them their impression of the whole legal process,
8 you know? They're not going to the Superior Court,
9 they're not going, you know, and I like giving them a
10 fair and courteous experience in the court. Judge
11 Novak likes me because he knows I'm practical, he
12 knows I'm honest. When I have a problem -- and you
13 can ask defense attorneys, I've done this more than
14 one time. If there is a problem with something,
15 whether it's a serious case or not, I don't play
16 games, I don't make them go through, you know, the
17 hoops and file the motions. Hey look guys, I know I
18 can't, I have nothing here. I do the job, I like
19 doing it. Like the brief I was writing, you know,
20 Judge Novak's like amazed. Other prosecutors, they
21 don't write briefs. You know? And he was tickled
22 pink that I was there because he likes the way I do
23 it.

24 Q. Can you clarify, was that an appeal you
25 were writing the brief for or was that a pending

1 matter?

2 A. No, it was a DUI case in which the
3 defendant was operating an ATV on a public road.

4 Q. This was pending?

5 A. This was pending.

6 Q. At the time point?

7 A. When Tony Kearns said I don't want you
8 to prosecute.

9 Q. Okay.

10 A. I was writing the brief.

11 Q. And Prosecutor Kearns knew you were
12 writing the brief and authorized you to continue
13 writing the brief?

14 A. Yes.

15 Q. It was a brief on a pending DUI before
16 the municipal court that Judge Novak was going to hear
17 in Frenchtown?

18 A. Yes.

19 Q. Who then prosecuted that case?

20 A. Jeff Weinstein from the prosecutor's
21 office.

22 Q. But you didn't appear in that case?

23 A. No. And just as an aside, I didn't --

24 the motion that I was writing the brief for was the

25 argument that because the defendant was riding an ATV

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1 on a public road, that he could not -- this is the
2 theory of the brief. He could not be in violation of
3 39:4-50. Motor vehicle statute. This is separate
4 section under the motor vehicle title 39, Title 39:3C

5 that deals with the operation of snowmobiles and four
6 wheelers and ATVs.

7 Q. How did --

8 A. And he was alleging he could only be
9 charged under that statute, couldn't be charged under
10 the other statute. I write this brief, the judge was
11 going to deny the motion based on my brief. He told
12 me that after the fact. But Jeff Weinstein -- and
13 this was a second offense DUI. Jeff Weinstein, the
14 day that case was scheduled, talked to the defense
15 attorney, came out on the record and said Judge,
16 defense attorney's right, we have to dismiss this DUI.
17 And instead, let the guy plead guilty to a reckless
18 with a loss of license of I don't know how long, which
19 makes no sense to me because if you can't charge him

20 under the motor vehicle statute for DUI, how can you
21 charge him with a reckless, but that's what he did.

22 Q. What case is that?

23 A. I can't remember the name of the case.

24 Q. But would you have a copy of the brief

25 on you?

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1 A. I don't have a copy of it any longer,
2 because that file was disposed of before I came back.

3 Q. Did you type it up on your home
4 computer?

5 A. I did, but I looked, I don't have a
6 copy for you. But I can get it for you.

7 Q. Please. I'd be interested.

8 A. Okay. I can call the court and I can
9 call the judge. I'm sure the court kept a copy of it.
10 If worse comes to worse, I can figure out who he was
11 and figure out who the defense attorney was and ask
12 them for a copy of it. I'm sorry, I don't have that
13 file any longer.

14 Q. Since you mention it, I would be very
15 willing to take a look at it if you would please
16 follow-up on that.

17 A. I actually think I have the name of the
18 case still written down. I had a pile of files of
19 things that I didn't like how they disposed of them
20 while they were prosecuting.

21 Q. How did the municipalities handle
22 ~~paying you as prosecutor during this time? Did they~~
23 continue paying you?

24 A. I actually did not get paid by
25 Kingswood during that period of time. I still got my

1 paychecks from the Frenchtown Joint Court, I got paid
2 by three municipalities there. I had asked Steve what
3 I should do about that, and he said not to worry about
4 it unless the issue was brought up. I actually was
5 paid by Kingswood during the period of time. It was
6 after when I went back to work that they said -- and
7 actually, it wasn't Kingswood, it was actually Milford
8 that didn't pay me. All the other towns, they did not
9 pay the prosecutor's office for handling the cases.
10 And I guess they just figured, because I was not
11 prosecuting because I didn't want to be there. I was
12 not prosecuting because -- and this is how Steve
13 Lember explained it to me. Tony Kearns, the
14 prosecutor, did not have the legal authority -- this
15 is what Steve Lember explained it to me -- did not
16 have legal authority to suspend me. He only had the
17 legal authority to supersede me. Which occasionally
18 they do. They take cases out of municipal court and
19 ~~take them up to Superior Court because they want to~~
20 handle them in the Superior Court. And that's how
21 Tony explained to me the only way you can really look
22 at what Tony Kearns was doing was that he was
23 superseding me by handling these cases. And that only
24 ~~the municipalities had the authority to suspend me~~
25 because of the way the appointment and how they work.

1 I admit I'm not as up on all that kind of law to know
2 that, but they paid me. After the fact, Milford
3 decided they were not going to pay me for -- you know,
4 it was after the fact, but they withheld two-month's
5 salary, but it was after I went back to work. I had
6 two months that they didn't pay me.

7 Q. I'm winding down. I don't know that I
8 have mentioned this about these proceedings, but
9 ethics matters, ethics investigations are
10 confidential. Information about this matter is not
11 disclosed by this office and this office follows up on
12 its investigations, and after we have had the
13 opportunity to review all of the facts and information
14 that's available, and we decide how to proceed, and
15 that's the stage where we're in now, but I want to
16 stress the part about the confidentiality of the
17 matter because it applies to all the parties to the
18 proceedings as well. But I'm about winding down and

19 Mr. Beck, do you have questions, anything that you
20 want to follow-up with?

21 MR. BECK: Actually, the only thing
22 that I have, Tom Rosenthal?

23 THE WITNESS: Dan Rosenthal.

24 MR. BECK: Can you give me that phone
25 number?

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1 THE WITNESS: Sure. And I will tell
2 you that he doesn't know this ethics investigation is
3 even going on. He doesn't know I'm coming down to
4 talk to you, because he doesn't I will tell you he
5 was one of the many people I spent a lot of time on
6 the phone crying to when all this was going on, but as
7 far as he knows, it all went away. His cell phone
8 number is (908) 892-0415. His home number is
9 (908) 996-7840. Do you want the bar number?

10 MR. BECK: That's fine.

11 BY MS. MCGINTY:

12 Q. Now, Rosenthal, was not an attorney,
13 right?

14 A. No, no, Dan Rosenthal was that friend
15 of mine that called me from the side of the road when
16 he got a four point ticket.

17 Q. Yes.

18 A. And I only threw that out as an example
19 or as an excuse, if you would, of why I failed to
20 recognize the potential conflict.

21 Q. Yes.

22 A. Was because it didn't enter my mind
23 because I always treated everybody in that court the
24 same way regardless of who they are.

25 Q. Did anybody else ever call you in the

1 circumstance where they just been issued a ticket and
2 they follow-up with you to find out what's going to
3 happen or for any other reason at all?

4 A. I have people frequently, and it's not
5 necessarily people in my court, people who know me
6 frequently will call me up. I have a ticket, what do I
7 do about it. I give them the same spiel I give
8 everybody else about points and things.

9 Q. How about in the courts where you're
10 the prosecutor, do you get calls in those
11 jurisdictions from people who been issued tickets?

12 A. I do. I get calls from people -- I'm a
13 very hands-on kind of prosecutor. The court
14 administrators sometimes tell people to call me
15 because they don't know what to tell these people.
16 They don't know answers.

17 Q. But what kind of calls do you get?

18 A. I get calls from people about points,
19 tickets, you know, what do I do it about it. I don't
20 give out any legal advice, I just give them the same
21 spiel I would give anybody, and it's a spiel. I say
22 ~~it 15 times, 20 times, every court session about~~
23 points, you know, how the points work, how you can get
24 ~~rid of points, how you avoid points, what are points~~
25 going to do to you.

1 Q. But about points, there's got to be a
2 starting point, what speed were they going, do you ask
3 them that?

4 A. Yes, because if it's a speeding ticket,
5 sometimes they're calling me about a careless driving
6 ticket, somebody will call me up how much, you know,
7 and I don't get a lot of these calls. I sometimes get
8 rather annoying calls from people and -- you know, I
9 remember the one guy who got a ticket for being on a
10 cell phone in Frenchtown, and he was a Coast Guard
11 official, and he called me three times a day for a
12 week about how he was on the call for -- he was on his
13 phone for official business and how there was a
14 federal law that says if he's on the phone for
15 official business, the federal law supersedes, you
16 know. This is the kind of calls I get every once in a
17 while.

18 Q. What, was he calling you before the
19 court date, after the court date?

20 A. Before the court date, yes, and trying
21 to say well, you know, this ticket should be, you
22 know -- people call me all the time. And I say look,
23 a lot of times I tell people I can't really talk to
24 you without seeing it or talking to the officer, but
25 like I said, the guy from the Coast Guard, he was

1 annoying. We have one officer, David Voll in
2 Frenchtown who I would have to say is probably the
3 most honest officer in Frenchtown, but if I was on my
4 cell phone in Frenchtown, he would write me a ticket.

5 You know how some people have certain things, he is a
6 big cell phone, he writes cell phone tickets.

7 Q. Did you ever get a ticket in
8 Frenchtown?

9 A. I did not. But I will tell you the
10 last court session, David Voll pulled me in the back
11 courtroom, oh Mary, can I talk to you? First thing I
12 said to him oh, what did I do now? Not you, he pulled
13 my stepson over and give him a ticket for a cell phone
14 violation. I don't care, he's on his cell phone.
15 He's apologizing to me for writing my stepson ticket.

16 Q. Has the ticket come into court yet?

17 A. No, he paid it. Right when this was
18 happening, Easter Sunday, so it's about all this, I

19 kid you not, my husband goes to church with a friend.

20 I didn't go to church, I went up to help my mother
21 cook dinner because she was bitching. He takes a
22 friend to church, I go up to help her cook, he takes
23 another friend to church, he parks in the middle of

24 Milford Road. You know, white line, he parked where

25 he shouldn't have been parking. He comes out when

1 Paul Murphy is writing him a ticket for parking,
2 parking violation. And so he comes up to my mother's
3 house, and this is when it's all going on, and he's
4 laughing. I get this parking ticket. I said to him

5 well why the hell did you park there? There was no
6 place else to park. This was a big pickup truck, big
7 pickup truck, it's church, small parking lot, it's
8 Easter Sunday, everybody and their mother is going to
9 church on Easter Sunday. I actually called the judge
10 about that one, I was joking with him, hey, guess
11 what, guess who got a parking ticket. Yeah, the cops
12 would be out there on Easter Sunday when they know
13 everybody is going to church. He was laughing about
14 it.

15 Q. Was this Frenchtown or where?

16 A. Yeah, Frenchtown.

17 Q. Judge Novak?

18 A. Yeah.

19 Q. What became of the ticket?

20 A. My husband paid it. He shouldn't have
21 parked where he parked. Like my stepson shouldn't be
22 on his cell phone. When you look at this Kocsis file,
23 my nephew, when he got arrested and he was at the
24 state police barracks, they asked him for a urine
25 test. He sat there for five hours before he would

1 pee. No, I would never be able to do that. During
2 that whole time, according to this discovery, he's
3 sitting there saying Mary Mott's my aunt, Mary Mott's
4 my aunt. I don't give a flying fuck. This is, you
5 know -- and if an officer called me and says hey, we
6 got your nephew down here, yeah, so what. Just like
7 David Voll said I'm really sorry I gave your son a
8 cell phone ticket. Just like my stepdaughter and the
9 damn trailer coming home from New York state the other
10 day. Pay the ticket.

11 MS. MCGINTY: I have no further
12 questions.

13 MR. BECK: I have no further questions.

14 THE WITNESS: But you know, I want you
15 to understand, I acknowledge I unintentionally failed
16 to recognize a potential conflict, or a -- I'm not
17 saying it was potential, I would say looking at it
18 from an outsider, it was a conflict I unintentionally
19 failed to recognize. I would be willing to stipulate
20 to that. I want you guys to understand my state of
21 mind as to why I failed to recognize this. It was
22 a -- I never even thought about this ticket from the
23 time the kid told me about it and I told him to pay it
24 to the time he showed up in court. I had no
25 conversations with him, I didn't talk to him.

1 BY MS. MCGINTY:

2 Q. ~~There's a bit of a difference in what~~
3 you just said. Earlier on you were talking about how
4 ~~it might appear and appearance of a conflict, and I~~
5 think you just spoke about an actual conflict.

6 A. Although there's no rule, I would have
7 to probably acknowledge that if you look at it from
8 the outside, I still say it's an appearance of a
9 conflict, but I can't deny the fact that I dismissed a
10 ticket for a kid that worked for my husband's company
11 and I own part of that business. I can't deny it.

12 Q. But it's your position that there's no
13 rule that applies to that conduct?

14 A. Not that I found when I was looking at
15 it. The only rule I found on conflicts that says
16 conflicts are marriage and people related by blood or
17 marriage to the third degree, I think it was, cousins.
18 I might have missed something.

19 Q. ~~That's all the questions that I have.~~

20 A. But I mean, I just hope that you
21 understand the state of mind as to why I failed to
22 recognize that potential conflict was because of that.
23 Okay? I never asked anybody to dismiss -- I never
24 ~~asked the judge to dismiss this ticket, and that~~
25 e-mail when I said, if the chief denied, told me he

1 didn't approve of it, I would not have asked the
2 judge, what I meant was I would not have sent the plea
3 sheet up asking for dismissal if the chief said no, he
4 didn't want to dismiss it. I would have conferenced
5 the case like I did with the DUI that he didn't want
6 me to dismiss and then let the judge conference it and
7 say yeah, she's right, you have a real problem with
8 this case.

9 MS. MCGINTY: Well, I want to repeat
10 that if there's any additional information, any
11 additional documents, anything that you realize was
12 advertently or inadvertently --

13 THE WITNESS: I will try to find
14 this --

15 MS. MCGINTY: -- you may follow-up.

16 THE WITNESS: I will try to find this
17 brief. I'll go home and call the court and see if
18 they have a copy of it. I will apologize that I don't
19 have a copy of this, but it was dismissed when I
20 wasn't prosecuting, so I don't have, you know, the
21 file.

22 MS. MCGINTY: And you have my card?

23 THE WITNESS: Yeah, you gave it to me
24 when you came to my house.

25 MS. MCGINTY: And I thank you very much

1 for coming in to speak with us.

2 ~~THE WITNESS: I'm really sorry I'm not~~
3 better at this and I'm really sorry I let my
4 ~~emotions~~

5 BY MS. MCGINTY:

6 Q. I want ask you, have you felt,
7 throughout the course of this interview, that
8 everything that you were saying you were saying
9 voluntarily?

10 A. Yes.

11 Q. And that you were capable and have been
12 capable of giving us accurate and complete answers
13 throughout all of this interview?

14 A. Yes.

15 Q. Are you incapacitated in any way?

16 A. No, no, I'm upset.

17 Q. In any way during this interview?

18 A. No, not at all. And even though I was

19 ~~upset and crying, I'm able to think and I'm able to~~
20 talk. I did just want to say, when the question comes
21 down as to who's telling the truth about this
22 January 31st phone call, you know, just so you know,
23 how that phone call being about that ticket makes no
24 ~~common sense. Tom got the ticket on the 20th. If Tom~~
25 had come to me right when he got -- you know, the only

1 way I could have known about the ticket on the 31st to
2 make the phone call at 10 o'clock in the morning is if
3 Tom physically told me, because I have the cell phone
4 records during that period of time, there's no cell
5 phone calls from Tom to me. I mean I don't talk to
6 Tom on the phone unless I'm yelling at him about
7 something. Why it makes no sense is you have to
8 understand that even though I didn't leave to go to
9 Florida until the 25th, those couple of days before I
10 go to Florida, it's not like I'm just going on
11 vacation, so I'm packing a suitcase and going. I'm
12 taking my motor home, and my competition horse, and
13 all of my equipment to go to Florida for several
14 months to engage in seven high level competitions
15 while I'm down there so I'm packing, I'm trying to
16 remember everything, I'm trying to get, you know --
17 just lots on my mind. Getting ready to go. I'm not
18 even spending much time practicing law right then. My
19 first grandchild was born on the 24th. I mean we're
20 not, you know, I'm not having conversations with Tom
21 on the 20th or the 22nd or the 23rd about a speeding
22 ticket. And in fact, the theory is I had this
23 conversation with Tom and I immediately called Officer
24 Johnson, and I keep -- we call him Ho Jo, but Officer
25 Johnson about that ticket, then that call would have

1 been one of those days if he had told me about it.

2 ~~And you have to understand what would have been going~~
3 on for me on the 31st when I come home after being
4 gone a week, and I'm dealing with the barn and things,

5 you know. My barn help is nice, but they're not
6 great, I've usually got a lot more to do out in the
7 barn when I first come back. I've got a desk full, I
8 don't have any support staff, I do everything on my
9 own. So nobody's dealing with correspondence while
10 I'm gone, nobody is.

11 Q. Does anybody go to Florida with you?

12 A. Yes, my husband.

13 Q. That's all.

14 A. Yeah. And then when we go down for
15 competition, my mother comes with us to competitions.
16 She's my chief harness cleaner and carriage washer.
17 But going to Florida, my husband and I, you know, he
18 drives the motor home, and in competitions he's the
19 one on the back of the carriage for me.

20 Q. Does anybody else meet you down there?

21 A. Yeah.

22 Q. Like anybody from the area go?

23 A. Actually, my good friend Meg Sleeper,
24 who is a veterinarian and lives in Kingswood right up
25 the street, I take my horse to a place that's called

1 ~~Black Prong, it's sort of like a campground for~~
2 horses, they have little barns, they have little
3 apartments, they have little paddocks, people go for
4 the winter and rent apartments and rent stalls and
5 they bring their horses down. They also have camper
6 hook-ups. That's where the horse goes because one of
7 my trainers from Florida goes down there and stays.
8 So I take the horse down, she works the horse,
9 conditions him, gets him ready for shows, and I fly
10 back and forth because I have to work. My good
11 friend, Meg Sleeper who lives up the street, they're
12 from this area, that's the only one I can think of
13 from this area. She's an endurance rider, she
14 actually just won, she's national champion.

15 Q. I mean, your area of New Jersey. I
16 don't mean here in Ewing.

17 A. No, she lives in Kingswood and she's an
18 endurance rider. They actually own a house right up
19 the street from Black Prong. You got to understand,
20 this Florida thing, Florida is big, you know,
21 everybody from up here goes down there for the winter.
22 I have my blacksmith, great thing is my blacksmith's
23 family --

24 MS. MCGINTY: I think that concludes
25 our questioning.

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1 THE WITNESS: Okay. I mean lots of
2 people go down there.

3 MS. MCGINIFY: Okay. This concludes the
4 interview. Thank you very much for coming in.

5 (Interview concludes at 2:34 p.m.)

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