

**OFFICE OF ATTORNEY ETHICS
SUPREME COURT OF NEW JERSEY
P.O. Box 963
Trenton, New Jersey 08625
Trial Counsel: Jason D. Saunders
609-530-5808**

**SUPREME COURT OF NEW JERSEY
OFFICE OF ATTORNEY ETHICS
DOCKET NO. XIV-2013-0530E**

**OFFICE OF ATTORNEY ETHICS,
Complainant**

v.

**STEPHEN ALTAMURO, ESQ.,
Respondent.**

**COMPLAINT
Misconduct (Complex)
R. 1:20-4(b)**

Complainant, Office of Attorney Ethics (“OAE”) of the Supreme Court of New Jersey, P.O. Box 963, Trenton, New Jersey 08625, by way of complaint against Respondent, says:

GENERAL ALLEGATIONS

1. The respondent, Stephen Altamuro, Esq., was admitted to practice of law in the State of New Jersey in 1985.
2. Respondent was also admitted to the practice of law in the Commonwealth of Pennsylvania in 1985.
3. At the time of the events forming the basis for this complaint, Respondent’s law office was located at 151 Fries Mill Road, Suite 505, Turnersville, New Jersey 08012. (Camden County).

COUNT ONE

*Candor Toward the Tribunal RPC 3.3(a)(4);
Conduct involving fraud, dishonesty, deceit or misrepresentation in violation of RPC 8.4(c);
Engaging in conduct prejudicial to the administration of justice in violation of RPC 8.4(d).*

4. The General Allegations are repeated as if set forth fully at length herein.
5. Respondent was retained by Travis Collins (“defendant”) in connection with Camden County Indictment No. 0342-01-13 (“Indictment”) charging defendant with Count One: second-degree burglary, Count Two: fourth-degree possession of a weapon for an unlawful purpose, Count Three: third-degree possession of a controlled dangerous substance, Count Four: third degree possession of a controlled dangerous substance with the intent to distribute, and Count Five: possession of controlled dangerous substances with the intent to distribute within 1000 feet of a school zone.
6. Factually, the Indictment alleged that on November 23, 2012 in Pennsauken Township defendant attempted to unlawfully enter the residence located at 6833 Clark Avenue while in possession of controlled dangerous substances and while armed with an imitation firearm.
7. At arraignment on March 12, 2013, the Camden County Prosecutor’s Office (“CCPO”) offered the defendant four years New Jersey State prison in exchange for a guilty plea to count one charging second-degree burglary.
8. The CCPO maintained the state prison offer on the status conference dates of April 8, 2013 and May 6, 2013.
9. Respondent orally represented to the CCPO at one or both of these status conferences that a defense witness, Joaquin Garcia (“Garcia”), would testify that defendant was attempting to enter his home but mistakenly entered his neighbor’s home instead because the defendant was intoxicated.

10. Respondent stated to the OAE that he was attempting to obtain a probationary offer for defendant and the statement would weaken the State's proof as to the second-degree burglary.
11. Respondent prepared a written witness statement for the witness to sign.
12. Respondent stated that he had difficulties scheduling a meeting with Garcia to have him sign the statement.
13. Respondent stated that, on June 10, 2013, he received oral permission from Garcia that Respondent could sign the statement on Garcia's behalf, after Garcia was read the statement.
14. Respondent signed the witness statement with Garcia's name on June 10, 2013. [Exhibit 1]
15. The witness statement did not indicate that Respondent was signing on behalf of Garcia.
16. Respondent submitted the witness statement to the Camden County Prosecutor's Office on June 10, 2013 with the purpose of trying to persuade the CCPO to extend a more favorable plea offer. [Exhibit 1]
17. Based on this proffered statement, the CCPO amended the plea offer to probation.
18. Later that day, Respondent was contacted by Garcia who indicated he wanted to withdraw his statement and did not want to be involved in the case.
19. In a letter to the OAE dated November 13, 2013, Respondent confirmed that he "was advised by Mr. Garcia that he [Garcia] no longer wanted to be a witness for Mr. Collins and he [Garcia] was recanting his statement." [Exhibit 2]
20. Respondent told Garcia that the Statement had already been submitted to the CCPO.
21. Respondent did not advise the CCPO until on or about July 29, 2013, more than a month after this conversation with Garcia, that Garcia had recanted his statement.

22. On August 5, 2013, defendant pled guilty to Count Five, with the State recommending probation and a dismissal of Counts One to Four at the time of sentencing.
23. Defendant was sentenced on September 13, 2013 to two years' probation.
24. By that time, an investigation by the CCPO had already revealed the falsely signed witness affidavit.
25. In so doing, Respondent violated the Rules of Professional Conduct as follows:
- a. RPC 3.3(a)(4) – In that Respondent failed to inform the CCPO that the purported author of a statement the Respondent submitted in his client's defense had recanted the statement.
 - b. RPC 8.4(c) – In that Respondent engaged in conduct involving Fraud Dishonesty, Deceit or Misrepresentation by signing a witness' name to a statement and submitting the document to an Assistant Camden County Prosecutor during the course of plea negotiations, without indicating to the Assistant Prosecutor that the statement had not been signed by the purported witness and also by not informing the Assistant Prosecutor that the purported witness had recanted the statement.
 - c. RPC 8.4(d) – In that Respondent engaged in conduct that is prejudicial to the administration of justice by attempting to influence plea negotiations by way of a purported witness statement, that was not signed by the witness and that was later recanted by the witness.

DATE: August 19, 2014 .

OFFICE OF ATTORNEY ETHICS

By: Charles Centinaro
Charles Centinaro, Director

STATEMENT

My name is Joaquin Garcia and I reside at 6837 Clarke Street, Pennsauken, NJ. I have known Travis Collins for several years and would consider myself a friend of his.

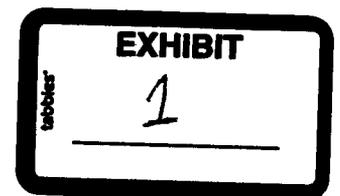
On many occasions, I have had Travis stay at my house on 6837 Clarke Street, Pennsauken NJ. On November 23, 2012, Travis Collins had indicated that he wanted to again stay at my house. I advised him that I would not be home but he still could get into my house and sleep over.

I found out later that Mr. Collins had mistakenly tried to enter my neighbor's house instead of mine. It is my belief that he did not intend to enter my neighbor's house and that this was a mistake. It is my opinion that he was trying to enter my house when he went to my neighbor's house.

I confirm and acknowledge that this statement is true and correct to my knowledge and understanding.



Joaquin Garcia



Law Offices of
Stephen Altamuro, Esquire
Member of the New Jersey and Pennsylvania Bars

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856/32-0934
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***Please reply to the New Jersey Office ***

FAX TRANSMITTAL SHEET

DATE: 11/13/2013

TO: Jason D. Saunders

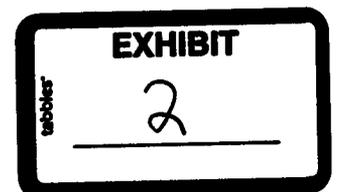
FAX NO.: 609-530-5238

SENDER: STEPHEN ALTAMURO, ESQUIRE

REGARDING: Office of Attorney Ethics v. Stephen Altamuro, Esquire

MESSAGE: SEE ATTACHED

You should receive 2 page(s), including this cover sheet.
If you do not receive all the pages, please call 856-232-0934.



Law Offices of
Stephen Altamuro, Esquire

Member of the New Jersey and Pennsylvania Bars

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****Please reply to the New Jersey Office ****

November 13, 2013

Jason D. Saunders
Mountainview Office Park
840 Bear Tavern Road, Suite 1
Ewing NJ 08628

RE: Office of Attorney Ethics v. Stephen Altamuro, Esquire
Docket No.: XIV-2013-0530E

Dear Mr. Saunders,

As per your request, I am writing to set forth facts regarding this alleged violation.

Initially, I would point out that Mr. Garcia referred Travis Collins to my office for representation in a criminal matter. In fact, he came to my office with Mr. Collins and related the story that was incorporated in the written statement. At the time, he confirmed Mr. Collins' story and supported our submitting the statement to the prosecutor as part of Mr. Collins' defense. I tried on several occasions to have him review and sign the statement prior to our next listing. On one of the dates the Collins matter was listed for a status conference, I finally reached Mr. Garcia and asked if I could obtain his signature on the statement. Instead he had me read him the statement and authorized me to sign the statement on his behalf.

Apparently, Mr. Collins and Mr. Garcia have since developed some type of animosity toward each other wholly unrelated to the matter. I was involved in on behalf of Mr. Collins. I was advised by Mr. Garcia that he no longer wanted to be a witness for Mr. Collins and he was recanting his statement. I did advise the Prosecutor and the investigator of his decision. The case against Mr. Collins resulted in his plea and he was given probation.

I do not agree that the statement was never read to Mr. Garcia. I certainly read the very brief statement to him and discussed the significance of it. What issues there are between him and Mr. Collins, I do not know but I am certain that I was clear in the preparation and execution of the statement and did so only upon full disclosure to all involved.

Respectfully,



Stephen Altamuro, Esquire

SA:la