

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION: CRIMINAL PART
3 PASSAIC COUNTY, NEW JERSEY
4 DOCKET NO.: 0-1543
5 A.D. # _____

6 STATE OF NEW JERSEY,)
7 vs.) TRANSCRIPT
8 DEMETRICK WILLIAMS,) OF
9 Defendant.) PLEA HEARING

10 Place: Passaic County Courthouse
11 77 Hamilton Street
12 Paterson, New Jersey 07505

13 Date: September 9, 2008

14 BEFORE:

15 HONORABLE ERNEST M. CAPOSELA, J.S.C.

16 TRANSCRIPT ORDERED BY:

17 DAVID J. ALTIERI, ESQ., (Galantucci & Patuto)

18 APPEARANCES:

19 (No appearance put on the record for the State)

20 KALMAN GEIST, ESQ.
21 Attorney for the Defendant.

22 Transcriber Kristin Giangerelli
23 King Transcription Services, LLC
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25 Riverdale, New Jersey 07457

Audio Recorded
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I N D E X T O W I T N E S S E S

<u>NAME</u>	<u>VOIR DIRE</u>	<u>DIRECT</u>	<u>CROSS</u>
Demetrick Williams			
By The Court	3, 5, 8		
By Mr. Geist		7	

1 THE COURT: So you're Detrick -- Demetrick
2 Williams?

3 MR. WILLIAMS: Yes.

4 THE COURT: Now, Demetrick, before we get
5 started, you have charged -- you're going to be
6 pleading guilty to a charge, child abuse and neglect, a
7 fourth degree offense, what's called -- this is a Title
8 9; right, he's going to plea guilty to?

9 UNIDENTIFIED MALE: Yes.

10 VOIR DIRE BY THE COURT:

11 Q It's called a Title 9 offense which means
12 it's not sex oriented; it's not that. But before you
13 do that I want to tell you that you had a right to have
14 your case go before a grand jury. You're pleading
15 guilty to an accusation. A grand jury is different
16 than the juries that appear in my courtroom. The
17 juries that appear in my courtroom are called petit
18 juries or trial juries. There's 12 people. They use a
19 standard that's the highest in the law that we have,
20 beyond a reasonable doubt. Their vote has to be
21 unanimous. That means all 12 have to vote not guilty
22 or all 12 have to vote guilty. Do you understand that?

23 A Yes.

24 Q The grand jury is different. That's made up
25 of up to 23 members of the community. They decide

1 whether to charge somebody with a crime. And they
2 actually use the lowest standard that we have; it's
3 like a probable cause standard. And they rule, as I
4 said, by majority. What you've done here is you've
5 said, Judge, look I don't want my case to go before the
6 grand jury. I want to come right here today, because I
7 want to take advantage of a favorable plea agreement;
8 correct?

9 A Yes.

10 Q That plea agreement might not be available to
11 you if you made the Prosecutor go with this case to the
12 grand jury; do you understand that?

13 A Yes.

14 Q Is anybody forcing you to waive your right to
15 the grand jury?

16 A No.

17 Q Do you understand the difference between the
18 grand jury and that petit jury?

19 A Yes.

20 Q All right, any questions of myself or Mr.
21 Geist about the grand jury and petit jury and your
22 waiver of the grand jury?

23 A No.

24 THE COURT: All right, I'm satisfied that
25 Demetrick Williams is waiving his right to grand jury

1 knowingly, voluntarily; understands the difference
2 between a petit jury and a grand jury. He said he
3 wants to go forward with his case today because he
4 wants to take advantage of a favorable plea agreement,
5 which would not be available to him had he made the
6 Prosecutor go before the Grand Jury.

7 Demetrick, what is your date of birth please?

8 MR. WILLIAMS: September 2nd, 1977.

9 THE COURT: And your current address please?

10 MR. WILLIAMS: 7204 Coventry Court,
11 Riverdale, New Jersey.

12 THE COURT: Is that a one-family?

13 MR. WILLIAMS: It's a condo.

14 THE COURT: 7204?

15 MR. WILLIAMS: Mmm-hmm.

16 THE COURT: What -- what condo number?

17 MR. WILLIAMS: 7204.

18 THE COURT: Oh that is the condo number.

19 MR. WILLIAMS: Yes.

20 THE COURT: Okay; all right, I'm going to
21 enter a provisional plea of not guilty, but you're
22 going to be pleading guilty to one count of child abuse
23 and neglect in the fourth degree.

24 BY THE COURT:

25 Q If you had gone to trial, Demetrick, and if

1 you were found guilty, you faced up to 18 months in New
2 Jersey State Prison; do you understand that?

3 A Yes.

4 Q And it could have -- nine months before
5 parole eligibility; do you understand that?

6 A Yes.

7 Q Now the plea offer as extended to you is 180
8 days in the county jail as a condition of probation and
9 that you never seek employment teaching children. I've
10 indicated to Mr. Geist that I'll give you straight
11 probation and not impose 180 days in the county jail;
12 do you understand that?

13 A Yes.

14 Q The other condition still remains that you
15 never seek employment teaching children; do you
16 understand that?

17 A Yes.

18 Q Is anybody forcing you to plead guilty?

19 A No.

20 Q You're pleading guilty of your own free will
21 because you are in fact guilty?

22 A Yes.

23 THE COURT: Now listen to the oath,
24 Demetrick.

25 SHERIFF'S OFFICER: -- please raise your

1 right hand.

2 D E M E T R I C K W I L L I A M S, DEFENDANT'S

3 WITNESS, SWORN.

4 THE COURT: Now, Mr. Geist, do you want to
5 get a factual basis please?

6 MR. GEIST: I'll be glad to, Judge.

7 DIRECT EXAMINATION BY MR. GEIST:

8 Q Mr. Williams, on December 1st, 2007, you were
9 employed as a teacher; isn't that true?

10 A Yes.

11 Q And where were you employed as a teacher?

12 A Passaic Valley Regional High School in Little
13 Falls, New Jersey.

14 Q And what subjects did you teach?

15 A Special Ed Science.

16 Q Was one of your students a person -- a
17 female, age 14 or 15, identified in our papers as C.C.?

18 A Yes.

19 Q And it is alleged that you encouraged C.C. to
20 take your cell phone on at least one occasion and take
21 it into the girl's toilet room and photograph her
22 private parts; that is the charge. Is that charge
23 true?

24 A Yes.

25 MR. GEIST: Does that satisfy the Court and

1 counsel?

2 UNIDENTIFIED MALE: The State's satisfied.

3 BY THE COURT:

4 Q Demetrick, this plea form, did you go over
5 all the questions and answers with Mr. Geist?

6 A Yes.

7 Q Are your answers on these forms the truth?

8 A Yes.

9 Q Do you have any questions of myself or Mr.
10 Geist about anything that's on these forms?

11 A No, sir.

12 Q Are you a United States citizen?

13 A Yes.

14 Q Are you satisfied with the advice that Mr.
15 Geist has given to you?

16 A Yes.

17 Q Demetrick, when you plead guilty you give up
18 certain basic constitutional rights. The overall
19 constitutional right that you are giving up is the
20 right to a trial by jury. At that trial you are
21 presumed innocent unless and until proven guilty beyond
22 a reasonable doubt; do you understand that?

23 A Yes.

24 Q At that trial you have a right of
25 confrontation, meaning that Mr. Geist has a right to

1 aggressively question the witnesses that would be
2 taking the witness stand to determine whether or not
3 those witnesses are telling the truth; do you
4 understand that?

5 A Yes.

6 Q At that trial you could bring in witnesses of
7 your own if you wanted to. You would not have to. You
8 have no burden of proof. If the witnesses that you
9 wanted to bring in refused to come in, I could order
10 them to come in. I can't order them as to what to say,
11 but I could order them to be here -- there for you; do
12 you understand that?

13 A Yes.

14 Q And finally you could have testified at your
15 own trial if you wanted to; you would not have had to.
16 You have a right to remain silent. You have no burden
17 to prove. If you decided that you did not want to
18 testify, I could tell the jury not to hold that against
19 you. We do not allow jurors to go into the back and
20 say, well wait a minute, Demetrick Williams, he never
21 told us his side of the story; therefore, he's hiding
22 something; therefore, he must be guilty. Those are all
23 rights that you have that you give up when you plead
24 guilty; do you understand that?

25 A Yes.

1 Q Knowing that by pleading guilty you're giving
2 up these rights, do you still wish to plead guilty?

3 A Yes.

4 Q Demetrick, do you read, write, and understand
5 the English language?

6 A Yes.

7 Q Are you currently on probation or parole?

8 A No.

9 Q Do you have any questions at all that you
10 want to ask me or Mr. Geist?

11 A No.

12 THE COURT: Mr. Geist, are you satisfied that
13 Demetrick Williams is pleading guilty knowingly,
14 voluntarily and understands the consequences of his
15 plea and that he provided an adequate factual basis for
16 the plea?

17 MR. GEIST: I am, Your Honor.

18 THE COURT: I'm satisfied that Demetrick
19 Williams is pleading guilty knowingly, voluntarily,
20 understand the consequences of his plea and that he's
21 provided an adequate factual basis for the plea;
22 therefore, I will enter the plea of guilty. Sentencing
23 date?

24 COURT CLERK: -- (inaudible) --

25 THE COURT: No, I can't sentence --

1 COURT CLERK: -- (inaudible) --

2 THE COURT: January 16th is his sentencing
3 date. January 16th is his sentencing date.

4 MR. GEIST: January 16th; thank you, Your
5 Honor.

6 THE COURT: All right.

7 SHERIFF'S OFFICER: Sir, just have a seat and
8 wait for paperwork.

9 UNIDENTIFIED MALE: Thank you, Judge.

10 (Plea concluded)

11

12 Certification

13 I, Kristin Giangerelli, the assigned transcriber, do
14 hereby certify the foregoing transcript of proceedings
15 on audio CD No. 1, from index number 14:52:12 to
16 14:59:35, is prepared in full compliance with the
17 current Transcript Format for Judicial Proceedings and
18 is a true and accurate non-compressed transcript of the
19 proceedings as recorded.

20 /s/ Kristin Giangerelli
21 Kristin Giangerelli AOC #624

Date: 10-31-15

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