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May 28, 2013

Via Regular & Certified Mail RRR

Clerk

Township of Bloomfield

Municipal Plaza

Bloomfield, NJ 07003

Re: NOTICE OF CLAIM
JOSEPH SCURESE

Dear Clerk:

Kindly accept this Notice of Claim filed on behalf of Joe Scurese, the above en-captioned who complains of adverse treatment by the Bloomfield Police authority and the Bloomfield Municipal Court, from July 8, 2012 to September 20, 2012 to present.

I attach for your information:

- a) Copy of a Complaint warrant brought by Tabean Rogas against Joseph Scurese accusing Mr Scurese of violations of theft, fraud, conspiracy and forgery. Said Complaints have been dismissed against Mr. Scurese.
- b) Copies of three motor vehicle tickets brought against Mr. Scurese which have also recently been dismissed.

Mr Scurese's complaint that on July 8, 2012, at approximately 8: 00 a.m., a friend of Mr. Scurese , Dave Pezza, called him on the phone and asked him to take a ride with Mr Pezza in a car which was later identified as a 2001 Buick that he was selling for \$1,000.00. Dave Pezza picked Mr. Scurese up at Mr Scurese's house then took the car to the Dunkin Donuts parking lot located at Franklin Street and JFK Boulevard, in Bloomfield, New Jersey to meet the buyer. When they arrived, the buyer, Bernadette

Yates, in the company of an unknown male, was standing in the parking lot. She handed Dave the money for the car. Dave collected the money, counted it, and asked Mr. Scurese to hold it in his pocket as he only was in sweatpants and did not have any pockets. Mr. Scurese took the money and stuck it in his pocket. Dave told the woman to go to Motor Vehicle and get the registration and the plates for the car and then call him and he would come back to meet her later. She filled out the title with her name and address and signed it. Where the seller's price of \$1000.00 was written, she altered it, changing the "1" in \$1,000 to zero. Dave said, "What'd you just do? Don't do that. You have to bring that to Motor Vehicle to get your plates."

When the woman heard she had to go to Motor vehicle, she began screaming, cursing, and said, "I don't need all that shit. I don't give a f..... about Motor Vehicle", "I am the Police." "I am taking hat F.....car." At this point with all her carrying on, Mr. Scurese tried to offer to help get everything all straightened out. Mr. Scurese would even take a ride with them to go to Motor Vehicle (with her and her friend) and then come back and meet Dave at the same location. She didn't want anything except what she kept screaming, "I paid for the MF.....car". Then she yelled to the man, "Go get that car and drive away F..... follow me." "I am the F.... Police". She said, "I don't give a F.... about all of that. I don't need plates. I am the Police". She screamed numerous times that she is the Police. Dave said, "you can't take the car, my dealer plate is on it." She said she wanted to take the car now (even drive it away without plates). She showed the Bloomfield Police Sergeant some kind of ID. The Sergeant separated Dave and Mr. Scurese and told them to keep their mouths shut and took her aside and talked to her for at least 10 minutes. A Lieutenant Shirello came to the scene and told the Sergeant that he would handle this. He said that he was going over to the BMW dealer across the street to talk to them about it. Then he walked across the street to the BMW dealer. Other cops kept saying, "Why didn't you let her take her car?" The cop repeated the question again. "Why didn't you let her take the car?" Dave was answering the cop saying, "she can't take the car, she does not have plates on it! It's not registered!" All of the cops including the Sergeant said, "You should have let her take it anyway." The Sergeant told Dave to, "Shut your mouth." The Sergeant directed another Officer to cuff Dave and put him in a police car. Then the Sergeant asked Mr. Scurese for his identification, which was given to him. Mr. Scurese gave him his Driver's license, Registration and Insurance card for the car.

Mr. Scurese gave them to him also. The Lieutenant returned from the BMW dealer across the street, spoke to the Sergeant and the Sergeant directed the officer to, "write Mr. Scurese three tickets." The officer asked his Sergeant, "For what?" The Sergeant said "for no insurance, unregistered, and fictitious plates" even though Mr. Scurese just gave them to him and they were right in his hands and he took them into evidence and never returned them to Mr. Scurese said to the Officer, "I just gave him all of that." The Officer said, "I know. I don't know why he's doing this." The Sergeant asked Mr. Scurese if he "had the ladies money?" Mr. Scurese said, "Yes." The Sergeant said, "give her back her money." So Mr. Scurese reached in his pocket and gave her back the money. As soon as Mr. Scurese did, he said, "you are under arrest." Mr. Scurese asked him, "why am I being arrested?" He told Mr. Scurese to "shut your mouth" and he directed another officer to put Mr. Scurese in handcuffs. The police did not question Mr. Scurese about what happened, yet Mr. Scurese was arrested with bail of \$20,000. He was never read his rights. He was never told why he was arrested. He was handcuffed, and left outside for quite a while on display (near the area where Mr. Scurese's lives) in Dunkin Donuts parking lot. Mr. Scurese asked the officers to please put him in the police car because he was embarrassed.

Dave and Mr. Scurese were taken to the Bloomfield jail. Upon arrival at the jail, they asked if they could make phone calls. Mr Scurese wanted to call a lawyer.

After about 7 hours, the police let them out to sign papers. Mr. Scurese could not really even see the paper he had to sign as he did not have my glasses. The officer told him it was that his rights were read to him. Mr. Scurese was threatened by the Sergeant that, if he didn't sign the papers, including one that said he was read my rights (even though he was never read his rights), that he would be sent to the County jail. At this time, he found out the indictable charges that he was given: fraud, forgery, and conspiracy. He was also told his bail amount was \$20,000, and that he needed someone to bring 10% or "\$2,000, in cash in 15 minutes".

The Sergeant said to the arresting officers that Mr. Scurese and Dave were going to be sent to the County jail because the bail money was not there yet. Rojas said to Mr. Scurese, "I like you man, I am sorry that he did this to you." One of the arresting officers came back into the cell block and said to Dave, "Call your uncle again. He(Sgt) wants us to start doing the paperwork to ship you guys out to the County and make sure

he gets here quick, because he [the Sergeant] wants to send you guys to the county jail." " It looks like he wants you not to make bail and go to the County jail." So Dave was taken out of the cell a second time to call his uncle. The Sergeant somehow got on the phone call with Dave's uncle and said, "You got five minutes." The uncle told him, " I am right here at the police station walking through the door. Why are you doing this? What is wrong with you?" When Dave's uncle arrived, the front desk officers said that cash wasn't required and that the bail could be posted with a check.

The very next day, Dave produced the Affidavit for the owner to the Bloomfield police as promised and brought the owner of the car with a signed, sworn Affidavit, stating the truth of the circumstances . The Bloomfield police released the car from evidence, but did not release the title to the car that was filled out and signed by her.

Both Dave and Mr. Scurese hired attorneys. The Court appearances began. They were first sent to Essex County Court house in Newark, New Jersey in Superior Court, as these were indictable charges. The case this day was postponed, and they had to return to Superior Court. On the second return to Superior Court, the case was no longer deemed an indictable charge and it was sent to a lower court called Remand court also in Newark, New Jersey. For the third court appearance , they went to Remand court in Newark, New Jersey. At Remand Court, the Prosecutor told the attorneys that " this was a very peculiar case and that the court was waiting for evidence from Bloomfield Court that they had to receive [possibly her supposed statement that she gave to the Bloomfield police which was never produced]. They would have to return again to Remand Court so that Bloomfield Court could have additional time to produce the missing evidence." Returning to Remand Court (fourth court appearance) on September 20th , no additional evidence was ever received by the Remand Court from the Bloomfield Court. All criminal charges were dismissed against Dave and Mr. Scurese. The Motor Vehicle tickets were also supposed to be dismissed except the Bloomfield Court would Not dismiss these tickets were also supposed to be dismissed except the Bloomfield Court would not dismiss these tickets for Mr. Scurese . They wanted Mr. Scurese to go back to the Bloomfield Municipal Court for that.

Next, for the fifth time , he went to court , he went with his attorney to the Bloomfield Court for the three tickets that were issued to him . The plates were not fictitious and Mr. Scurese's attorney would not agree to plead to any charge as it was a lie

. The Prosecutor went up to the Judge and explained that Mr. Scurese had everything in order. The judge denied her and said that he wants the officer who issued the tickets to appear here and to have a trial. Mr. Scurese was told to come back again for a sixth appearance in Court, the second one in Bloomfield, for a trial.

Once all of the charges and tickets were dismissed against Dave and Mr. Scurese, then Mr. Scurese received a notice in the mail to appear to the Complaint they filed against Ms. Yates (the "Police" person)

The Bloomfield Court would not take the Complaint charges. Instead, they decided to send it to Mediation Dave and Mr. Scurese went to the Mediator and she, the one against whom the Complaint was filed did not show up. They were now told by the Mediator that they would have our day in court and that it would now go before the Judge." The Mediator said, "she would now get a notice to appear before the Judge and so would they." She also said, "that now, if she doesn't show up in regular court before the judge, a warrant would be issued for her arrest."

Dave called the week of January 7th, 2013, to check and see what the next court appearance date would be. He was told, "no date is set yet. We have to see what they are going to do." On 1/18/2013, Dave called again wanting to know if a date was set. The Secretary said to Dave, "It will be going to a Probable Cause hearing. The Judge is still reviewing it." She did not give him a date. She, the Court Secretary said, "Aren't you guys making too much of this?" Dave hit the roof and told her, "the car is still in storage, we have been arrested with \$20,000 bail, Bloomfield police still have the title in evidence, and her statement against us was never produced." Also, the cops had them even give her back the money she paid for a car she now owns and on a vehicle purchase that she willingly made. The Title is still in evidence, filled out, signed by her, and altered by her! The car is still in storage!

Dave and Mr Scurese went to Bloomfield court again on, January 31, 2013 for a Probable Cause hearing before Judge Papparazzo. Mr Scurese was sworn in and questioned by the judge again as if this never happened or as if he knew nothing, even though they had been through all of this already. He asked for more details and police reports to see if he had cause to go any further with this. The Judge said they would receive notice in the mail. She, Bernadette Yates, did not show up for this hearing either.

To date, Mr. Scurese had not received resolution from the Bloomfield court regarding the Probable Cause hearing against Ms. Yates.

The above factual circumstances demonstrate the following causes of action viable against the Police and judicial officers who partook in the above circumstances:

- 1) False arrest;
- 2) False imprisonment;
- 3) Malicious prosecution;
- 4) Violation of constitutional rights under New Jersey Constitution, Article I, Paragraphs 1, 6, 18, 19;
- 5) Violation of New Jersey Civil Rights Act, N.J.S.A. 10:6-2.
- 6) Abuse and misuse of process;
- 7) 42 USCA 1983, 1985, 1986;
- 8) Casting of Mr. Scurese in a false light .

All of the above demonstrates a lack of equal protection under the law , an unlawful taking away of Mr. Scurese's Constitutional right to freedom, due process and freedom to be free from retaliatory action from police authorities because he dares to hire a lawyer, not plead to fabricated charges , defend himself and attempt to prosecute the woman who made the fallacious allegations which were not accepted by Newark Police judicial authorities because she is " Police".

The damages to date equate roughly to:

- a) Loss of freedom = \$100,000
- b) False police record = \$100,000
- c) Harassing , civil appearance = \$50,000
- d) Necessity to post bail and hire a lawyer = \$15,000
- e) Pain, suffering , stress, loss of self respect and reputation = \$750,000

Very truly yours,

Eldridge Hawkins, Esq.

EH/pj

Cc: Joseph Scurese
Bloomfield Police Department