

John Paff

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April 16, 2012

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Taironda E. Phoenix, Esq., Staff Attorney

Civil Practice Division

P.O. Box 981

Trenton, New Jersey 08625-0981 (via e-mail only to taironda.phoenix@judiciary.state.nj.us)

Dear Ms. Phoenix:

Please ask the Committee to accept this letter as my request for an amendment to R.1:36, or other applicable rule, to clarify when parties may be identified in court opinions by their initials instead of their full names. Enclosed are:

1. First page of the Appellate Division's opinion in State v. O. M., Docket No. A-6196-09T1.
2. My records request to the Monmouth County Prosecutor.
3. Complaint-Warrant form received in response to my records request¹.

As stated in my request to the prosecutor, I don't understand why Oscar Mateos, a defendant in a third-degree theft case, should be identified in the Appellate decision by his initials when defendants in similar cases are identified by their full names. Further, if there is a legitimate reason for obscuring Mr. Mateos' identity, then the prosecutor ought not to have disclosed Mr. Mateos' name in response to my records request.

While the late Judge Pressler's comment no. 6 to R.1:36 addresses identification of parties in written opinions, nothing within the rule itself establishes any rules or guidelines governing when initials should be used. I believe that the public, bench and bar would benefit with by rules or guidelines setting uniform standards for the use of initials in court opinions.

Thank you for your attention to this matter.

Very truly yours,



John Paff

¹ The prosecutor indicated that no records were responsive to ¶¶ 2 and 3 of my request.

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-6196-09T1

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

O.M.,

Defendant-Appellant.

Submitted October 18, 2011 - Decided November 15, 2011

Before Judges Baxter and Nugent.

On appeal from the Superior Court of New
Jersey, Law Division, Monmouth County,
Indictment No. 10-01-0101.

Joseph E. Krakora, Public Defender, attorney
for appellant (Gregory P. Jordan, Designated
Counsel, on the briefs).

Peter E. Warshaw, Jr., Monmouth County
Prosecutor, attorney for respondent (Mary R.
Juliano, Assistant Prosecutor, of counsel
and on the brief).

PER CURIAM

Defendant O.M. appeals from a judgment of conviction for
third-degree theft and from his three-year probationary
sentence. He contends that he was wrongfully denied admission

Supplement to John Paff's records request

This is my request for government records in accordance with the Open Public Records Act (OPRA) and the common law right of access. Please respond and send all responsive documents to me via e-mail at paff@pobox.com. If e-mail is not possible, please fax responses and responsive records to me at 908-325-0129.

Background:

Attached is the first page of an appellate opinion in the case of State of New Jersey v. O.M., Docket No. A-6196-09T1 (Indictment No. 10-01-0101). I am curious as to why the defendant in this appeal is identified by his initials instead of his full name. This is a criminal theft case and I don't understand why this particular defendant was allowed to avoid bearing the public shame that other theft defendants routinely face.

Records requested:

- 1. The CDR form that originally charged O.M., redacted to remove the Confidential Personal Identifiers permitted by R.1:38-7 or otherwise permitted by law. I want the CDR, however, to show O.M.'s full name. If you elect to redact O.M.'s full name, kindly provide the legal authority you rely upon to justify this redaction.**
- 2. All court orders, whether at the trial or appellate level, that required or allowed this O.M. to be identified in court records by his initials rather than his full name.**
- 3. All certifications and briefs submitted in support or in opposition to the application that resulted in the orders responsive to #2 above.**

CY-05413

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. OSCAR MATEOS ADDRESS: 20 OAKLAND ST RED BANK NJ 07701	
1305	W	2009	000143		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
ATL HIGHLANDS MUNICIPAL COURT 100 FIRST AVE ATL HIGHLANDS NJ 07716 (732) 291-3225 COUNTY OF: MONMOUTH					
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 09-0011874		DEFENDANT INFORMATION	
COMPLAINANT NAME: PATROLMAN PHAIR 100 FIRST AVENUE ATTN WARRANTS ATLANTIC HGLNDS NJ 07716			SEX: M EYE COLOR: BROWN		DOB: [REDACTED]
			DRIVER'S LIC. #: [REDACTED]		DL STATE: WA
			SOCIAL SECURITY #: [REDACTED]		SBI #: [REDACTED]
			TELEPHONE #: [REDACTED]		

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 11-28-2009 in **ATLANTIC HIGHLANDS BOR**, **MONMOUTH** County, NJ did: **WITHIN THE JURISDICTION OF THIS COURT DID COMMIT AN ACT OF THEFT BY UNLAWFUL TAKING SPECIFICALLY BY TAKING DAILY DEPOSITS IN THE TOTAL AMOUNT OF \$22,012.78 FROM DUNKIN DONUTS OWNED BY DOMINIC SEQUEIRA.**

P.C. VICTIMS STATEMENT
ADMISSION BY DEFENDANT

WITHIN THE JURISDICTION OF THIS COURT DID COMMIT THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF PROPERTY RECEIVED SPECIFICALLY BY TAKING DAILY DEPOSITS IN THE TOTAL AMOUNT OF \$22,012.78 OVER A PERIOD OF TIME FROM DUNKIN DONUTS OWNED BY DOMINIC SEQUEIRA

P.C. VICTIM STATEMENT
ADMISSION OF DEFENDANT

in violation of: **Reason to believe defendant is illegal immigrant. (Basis of information on page 2)**

Original Charge	1) 2C:20-3A	2) 2C:20-9	3)
Amended Charge			

CERTIFICATION:
 I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.
 Signed: [Signature] Date: 11/28/09

DATE OF FIRST APPEARANCE **12-07-2009** TIME **5:00pm** DATE OF ARREST **11-28-2009**

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator _____ Date _____ Signature of Judge _____ Date _____

Probable cause IS found for the issuance of this complaint. [Signature] OMCA 11/28/09
Signature and Title of Judicial Officer Issuing Warrant Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Ball Amount Set: 25,000 110% by: JUDGE PETER LUCASCIU
(if different from judicial officer that issued warrant)

- Domestic Violence - Confidential
- Related Traffic Tickets or Other Complaints
- Serious Personal Injury/ Death Involved

Special conditions of release:
 No phone, mail or other personal contact w/victim
 No possession firearms/weapons
 Other (specify):

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