SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

THE STATE OF NEW JERSEY	:	
Plaintiff,	:	
v.	:	Indictment No. 17-10-1461 Case No. 17-1506
ARNOLD B. HART,	:	
Defendant.	:	

FIRST COUNT

ELUDING

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that ARNOLD B. HART, on or about April 15, 2017, in or about the Borough of Tinton Falls, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Eluding, by operating a motor vehicle on a street or highway in the State of New Jersey, and knowingly fleeing or attempting to elude J.M., a law enforcement officer, after having received a signal from the law enforcement officer to bring the vehicle to a full stop, thereby creating a risk of death or injury to himself or another, contrary to the provisions of N.J.S.A. 2C:29-2b, and against the peace of this State, the Government, and dignity of the same.

SECOND COUNT

AGGRAVATED ASSAULT BY ELUDING

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that ARNOLD B.

HART, on or about April 15, 2017, in or about the Borough of Tinton Falls, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Aggravated Assault, by causing bodily injury to E.W., while knowingly fleeing or attempting to elude J.M., a law enforcement officer, in violation of N.J.S.A. 2C:29-2b, contrary to the provisions of 2C:12-1b(6), and against the peace of this State, the Government, and dignity of the same.

THIRD COUNT

AGGRAVATED ASSAULT BY ELUDING

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that ARNOLD B. HART, on or about April 15, 2017, in or about the Borough of Tinton Falls, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Aggravated Assault, by causing bodily injury to D.M., while knowingly fleeing or attempting to elude J.M., a law enforcement officer, in violation of N.J.S.A. 2C:29-2b, contrary to the provisions of 2C:12-1b(6), and against the peace of this State, the Government, and dignity of the same.

MICHAEL J. WOJCIECHOWSKI
DEPUTY FIRST ASSISTANT
PROSECUTOR

Endorsed:

Foreperson

Judgment of Conviction

Superior Court of New Jersey, MONMOUTH County

State of New Jersey **v.**

Last Name	First Name	Middle Name
HART	ARNOLD	B

Also Known As: HART ARNOLD

Date of Birth	SBI Number	Date(s) of Offense
12/22/1966	383835B	04/15/2017

Date of Arrest	PROMIS Number	Date Ind / Acc / Complt Filed	Original Plea	Date of Original Plea
	17 001506-001	10/18/2017	☑ Not Guilty ☐ Guilty	12/11/2017

Adjudication By ☑ Guilty Plea ☐ Jury Trial Verdict ☐ Non-Jury Trial Verdict ☐ Dismissed / Acquitted Date: 06/04/2018

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
17-10-01461-I	1	RESIST ARR/ELUD-MV OP- RISK OF DEATH/INJ TO ANY PERSON	2C:29-2B	2
17-10-01461-I	2	AGG ASSAULT-CAUSE BODILY INJURY-FLEEING LAW ENFORCEMENT	2C:12-1B(6)	2
17-10-01461-I	3	AGG ASSAULT-CAUSE BODILY INJURY-FLEEING LAW ENFORCEMENT	2C:12-1B(6)	2
W-2017-000159-1336	901	POSS CDS - < 50G MARIJUANA, 5G HASHISH	2C:35-10A(4)	DP

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
17-10-01461-I	AMENDED 1	RESIST ARR/ELUD-AFTER INSTRUCTION TO STOP IN MV/VESSEL	2C:29-2B	3

Sentencing Statement

It is, therefore, on 10/19/2018 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:

Count 1: The defendant is sentenced to two (2) years probation with the following conditions: The defendant must submit to random urine testing, obtain a substance abuse evaluation and comply with all recommendations, obtain an anger management evaluation and comply with all recommendations, obtain and maintain full time verifiable employment, and obtain a GED. The defendant's driver's license is suspended for six (6) months.

Financial penalties are payable over the period of probation in equal monthly installments.

Counts 2, 3, and 901 are dismissed.

MV summonses are disposed as follows:

E17-2653-1336, E17-2654-1336, E17-2655-1336,E17-2656-1336, and E17-2657-1336 are remanded to the Tinton Falls Municipal Court.

☐ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term	Institution Name	Total Probation Term
000 Years 00 Months 000 Days		02 Years 00 Months

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DEDR (*N.J.S.A.* 2C:35-15 and 2C:35-5.11)

A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)

☐ DEDR penalty reduction granted (*N.J.S.A.* 2C:35-15a(2))

	Standard	Doubled
1st Degree	____ @ $	____ @ $
2nd Degree	____ @ $	____ @ $
3rd Degree	____ @ $	____ @ $
4th Degree	____ @ $	____ @ $
DP or Petty DP	____ @ $	____ @ $

Total DEDR Penalty $ ____

☐ The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (*N.J.S.A.* 2C:35-15e)

Forensic Laboratory Fee (*N.J.S.A.* 2C:35-20)	Total Lab Fee
____ Offenses @ $ ____	$ ____

VCCO Assessment (*N.J.S.A.* 2C:43-3.1)

Counts	Number	Amount
1	1 @	$ 50.00
	____ @	$ ____
	____ @	$ ____
	____ @	$ ____

Total VCCO Assessment $ 50.00

Vehicle Theft / Unlawful Taking Penalty (*N.J.S.A.* 2C:20-2.1)

Offense	Mandatory Penalty
	$ ____

Offense Based Penalties

Penalty	Amount
	$ ____

Other Fees and Penalties

Law Enforcement Officers Training and Equipment Fund Penalty (*N.J.S.A.* 2C:43-3.3) ☑ $ 30.00	Safe Neighborhoods Services Fund Assessment (*N.J.S.A.* 2C:43-3.2) ☑ 1 Offenses @ $ 75.00 Total: $ 75.00
Probation Supervision Fee (*N.J.S.A.* 2C:45-1d) ☑ $ 10.00	Statewide Sexual Assault Nurse Examiner Program Penalty (*N.J.S.A.* 2C:43-3.6) ☐ ____ Offenses @ $ ____ Total $ ____
Transaction Fee (*N.J.S.A.* 2C:46-1.1) ☐	
Domestic Violence Offender Surcharge (*N.J.S.A.* 2C:25-29.4) ☐ $ ____	Certain Sexual Offenders Surcharge (*N.J.S.A.* 2C:43-3.7) ☐ $ ____
Fine $ ____	Sex Crime Victim Treatment Fund Penalty (*N.J.S.A.* 2C:14-10) ☐ $ ____
Restitution Joint & Several $ 155.84 ☐	Total Financial Obligation $ 310.84

Details
Restitution is payable to D.M.

Additional Conditions

☑ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (*N.J.S.A.* 53:1-20.20 and *N.J.S.A.* 53:1-20.29).

☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (*N.J.S.A.* 2C:43-6.4).

☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (*N.J.S.A.* 2C:43-6.4).

☐ The defendant is hereby ordered to serve a ____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (*N.J.S.A.* 2C:43-7.2).

☐ The court imposes a Drug Offender Restraining Order (DORO) (*N.J.S.A.* 2C:35-5.7h). DORO expires ____

☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law *N.J.S.A.* 2C:14-12 or *N.J.S.A.* 2C:44-8).

☐ The court imposes a Stalking Restraining Order (*N.J.S.A.* 2C:12-10.1).

☐ The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (*N.J.S.A.* 2C:25-27c(1)).

Findings Per *N.J.S.A.* 2C:47-3

☐ The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.

☐ The court finds that the defendant is amenable to sex offender treatment.

☐ The court finds that the defendant is willing to participate in sex offender treatment.

License Suspension

☐ CDS / Paraphernalia (*N.J.S.A.* 2C:35-16) ☐ Waived

☐ Auto Theft / Unlawful Taking (*N.J.S.A.* 2C:20-2.1)

☑ Eluding (*N.J.S.A.* 2C:29-2)

☐ Other

Number of Months	☐ Non-resident driving privileges revoked
6	

Start Date	End Date
10/19/2018	04/19/2019

Details

Driver's License Number	Jurisdiction
H06850606212662	NJ

If the court is unable to collect the license, complete the following:
Defendant's Address
308 DRUMMOND AVENUE

City	State	Zip
NEPTUNE	NJ	07753-0000

Date of Birth	Sex	Eye Color
12/22/1966	☑ M ☐ F	

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Time Credits

Time Spent in Custody	Gap Time Spent in Custody	Prior Service Credit
R. 3:21-8	*N.J.S.A.* 2C:44-5b(2)	
Date: From - To	Date: From - To	Date: From - To
04/15/2017 - 04/17/2017	-	-
-	-	-
-	-	-
-	Total Number of Days	-
-	**Rosado Time**	-
-	Date: From - To	-
-	-	-
-	-	-
-	-	-
-	Total Number of Days	-
Total Number of Days 3		Total Number of Days

Statement of Reasons - Include all applicable aggravating and mitigating factors

AGGRAVATING FACTORS

3. The risk that the defendant will commit another offense.

6. The extent of the defendant's prior criminal record and the seriousness of the offenses of which he/she has been convicted.

9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS

12. The willingness of the defendant to cooperate with law enforcement authorities.

There is a preponderance of Aggravating Factors.

This was an agreement between the Prosecutor and the defendant. The plea appears fair and in the interest of justice. The Court will impose the recommended sentence.

Attorney for Defendant at Sentencing	Public Defender
JOSHUA M HOOD	☑ Yes ☐ No
Prosecutor at Sentencing	**Deputy Attorney General**
KRISTEN ANASTOS	☐ Yes ☑ No
Judge at Sentencing	
Joseph Oxley	
Judge (Signature)	**Date**
/s Joseph Oxley	10/19/2018