

Office of the Hunterdon County Prosecutor

MICHAEL J. WILLIAMS
ACTING PROSECUTOR



FRANK R. CRISOLOGO
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www.co.hunterdon.nj.us/prosecutor.htm

October 8, 2019

VIA EMAIL

B.B. Oliver

Opra+request-7513-367acd8b@requests.opramachine.com

Re: OPRA Request – Wayne Brisson Sentence

Dear Sir/Madam:

Pursuant to your OPRA Request, enclosed please find a copy of the Judgment of Conviction regarding Wayne Brisson. For a certified copy, please contact the Hunterdon County Criminal Division.

Regarding your request for a "written transcript/record of the proceeding which took place on Friday, October 4, 2019, at 1:30 pm in the Hunterdon county Justice Center" regarding Wayne Brisson, please be advised that this Office does not have any records responsive to this request. You can contact the Hunterdon County Operations Division, Transcript Unit at (908) 824-9750 extension 13040 to inquire about how to order transcripts. Should you have any questions, please do not hesitate to contact me.

Your Open Public Records request has been processed in accordance with N.J.S.A. 47:1A-1, et seq. If your request has been denied in whole or in part, the Hunterdon County Prosecutor's Office reserves the right to raise any other grounds for denial not raised in this response. The failure of the Hunterdon County Prosecutor's Office to assert an exception or privilege herein does not act as a waiver of any ground for denial not raised herein.

Very truly yours,

MICHAEL J. WILLIAMS
ACTING PROSECUTOR

BY:


Jeffrey L. Weinstein

SDAG/Acting Assistant Prosecutor

MJW:JLW:emw



Judgment of Conviction

Superior Court of New Jersey, HUNTERDON County

State of New Jersey
v.

 Last Name
BRISSON

 First Name
WAYNE

 Middle Name
M

Also Known As

Date of Birth

SBI Number

986209A

Date(s) of Offense

10/28/1994

Date of Arrest

03/20/2019

PROMIS Number

19 000111-001

Date Ind / Acc / Complt Filed

07/17/2019

Original Plea

☐ Not Guilty

☐ Guilty

Date of Original Plea

Adjudication By

☒ Guilty Plea

☐ Jury Trial Verdict

☐ Non-Jury Trial Verdict

☐ Dismissed / Acquitted

Date: 07/17/2019

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
19-07-00233-A	1	SEXUAL ASSAULT-VIC < 13 & DEF 4+ YEARS OLDER	2C:14-2B	2

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
19-07-00233-A	1	SEXUAL ASSAULT-VIC < 13 & DEF 4+ YEARS OLDER	2C:14-2B	2

Sentencing Statement

It is, therefore, on 10/04/2019

ORDERED and ADJUDGED that the defendant is sentenced as follows:

N.J.S.A. 2C:45-2a provides that: When the Court has suspended imposition of sentence the period of the suspension shall be fixed by the Court not to exceed the maximum term which could have been imposed or more than 5 years whichever is lesser. Thus, for this second-degree crime, the period of the suspension cannot exceed 5 years. On 19-07-233-A, Count 1, Sexual Assault, 2nd degree, you are sentenced to five years in New Jersey State Prison. The Court hereby SUSPENDS imposition of this sentence for five years. Psychotherapy as recommend by your evaluation is required. Subject to Community Supervision for Life. You will be supervised for at least 15 years on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; Internet access or use; and other restrictions which may include restrictions on where you can live, work or travel. The restriction on where you can live may include restrictions on residing in a home with minor children. If you violate a condition of community supervision for life and you are indicted and convicted for that violation, you may receive a sentence of imprisonment of up to 18 months and a special sentence of parole supervision for life. Subject to registration requirements, community notification, address verification and internet posting pursuant to Megans Law. You must register pursuant to N.J.S. 2C:14-3B. If you move, you must notify the law enforcement agency where you are registered and you must re-register with the chief law enforcement officer in the municipality to which you move, or the superintendent of the State police if that municipality does not have a law enforcement officer agency. This registration must be done no less than 10 days before you intend to reside at your new address. You must verify your address with the appropriate law enforcement agency annually. You must also notify law enforcement of a change of employment. Furthermore, registration may result in notification to law (Cont...)

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

Total Custodial Term

000 Years 00 Months 027 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

State of New Jersey v.
BRISSON, WAYNE M

S.B.I. # 986209A Ind / Acc / Compl # 19-07-00233-A

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)) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:30%; text-align: center;">Standard</td> <td style="width:30%; text-align: center;">Doubled</td> <td style="width:10%;"></td> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> <tr> <td>DP or Petty DP</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> </table> 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)			Standard	Doubled		1st Degree	_____ @ \$	_____ @ \$		2nd Degree	_____ @ \$	_____ @ \$		3rd Degree	_____ @ \$	_____ @ \$		4th Degree	_____ @ \$	_____ @ \$		DP or Petty DP	_____ @ \$	_____ @ \$		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)).	
	Standard	Doubled																									
1st Degree	_____ @ \$	_____ @ \$																									
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4th Degree	_____ @ \$	_____ @ \$																									
DP or Petty DP	_____ @ \$	_____ @ \$																									
Forensic Laboratory Fee (N.J.S.A. 2C:35-20) _____ Offenses @ \$ _____		Total Lab Fee \$ _____																									
VCCO Assessment (N.J.S.A. 2C:43-3.1) <table style="width:100%; border: none;"> <tr> <th style="width:20%;">Counts</th> <th style="width:20%;">Number</th> <th style="width:20%;">Amount</th> <th style="width:40%;"></th> </tr> <tr> <td>1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">@</td> <td>\$ 50.00</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">@</td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">@</td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">@</td> <td>\$</td> </tr> </table> Total VCCO Assessment \$ 100.00				Counts	Number	Amount		1	2	@	\$ 50.00			@	\$			@	\$			@	\$				
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Other Fees and Penalties <table style="width:100%; border: none;"> <tr> <td style="width:50%; vertical-align: top;"> Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) ☒ \$ 30.00 </td> <td style="width:50%; vertical-align: top;"> Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2) ☒ 1 Offenses @ \$ 75.00 Total: \$ 75.00 </td> </tr> <tr> <td style="vertical-align: top;"> Probation Supervision Fee (N.J.S.A. 2C:45-1d) ☐ \$ </td> <td style="vertical-align: top;"> Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) ☒ 1 Offenses @ \$ 800.00 Total \$ 800.00 </td> </tr> <tr> <td style="vertical-align: top;"> Transaction Fee (N.J.S.A. 2C:46-1.1) ☐ </td> <td></td> </tr> <tr> <td style="vertical-align: top;"> Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) ☐ \$ </td> <td style="vertical-align: top;"> Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) ☐ \$ </td> </tr> <tr> <td style="vertical-align: top;"> Fine \$ </td> <td style="vertical-align: top;"> Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) ☐ \$ </td> </tr> <tr> <td style="vertical-align: top;"> Restitution Joint & Several \$ </td> <td style="vertical-align: top;"> Total Financial Obligation \$ 1,005.00 </td> </tr> </table>				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) ☐ \$	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) ☒ 1 Offenses @ \$ 800.00 Total \$ 800.00	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 \$	Total Financial Obligation \$ 1,005.00												
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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		Start Date _____ End Date _____																									
Details Driver's License Number _____ Jurisdiction _____																											
If the court is unable to collect the license, complete the following: Defendant's Address _____ City _____ State _____ Zip _____																											
Date of Birth _____		Sex ☐ M ☐ F Eye Color _____																									
Details																											

State of New Jersey v.
BRISSON, WAYNE M

S.B.I. # 986209A Ind / Acc / Compl # 19-07-00233-A

Time Credits**Time Spent in Custody**

R. 3:21-8

Date: From - To
 03/01/2019 - 03/26/2019
 08/16/2019 - 08/16/2019
 -
 -
 -
 -
 -
 -
 -
 -

Total Number of Days 27

Gap Time Spent in Custody

N.J.S.A. 2C:44-5b(2)

Date: From - To

Total Number of Days

Rosado Time

Date: From - To

Total Number of Days

Prior Service Credit

Date: From - To

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.

4. A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense.

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

MITIGATING FACTORS

7. The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense.

On April 9, 2018 Readington Township Police received a call from a therapist in New York who reported that her client, identified as J. Doe in the indictment, had been the victim of sexual abuse while previously residing in Readington Township. The victim had disclosed to the therapist that from the ages of 10 to 13 she had been sexually abused by you, her stepfather. The therapist indicated that you currently resided in Florida and had allegedly threatened to harm the victim and her relatives if she reported the abuse. When interviewed by Police and detectives from the Hunterdon County Prosecutors Office, the victim reported that as a child when she resided with her mother you touched her inappropriately on numerous occasions; when her mother was not present you would kiss her, touch her vagina over her clothes and would have her touch your erect penis. The victim further indicated that you told her that if she told anyone that you would ruin her life and she and her mother would be homeless. The victim did not disclose the abuse to her mother until 2017 but she reported being in therapy for several years due to issues stemming from the abuse. The victim advised that she was prompted to disclose the abuse to her therapist after her teenage daughter reported that, during a family function, you asked her to sit on your lap. The victim became concerned that you would act in a similar manner towards her daughter or other girls. On December 27, 2018 a consensual telephone conversation was conducted, with detectives present, between you and the victim. During the recorded conversation you admitted to being inappropriate with the victim on a least two occasions and kissing her. You pled guilty to Sexual Assault admitting to such actions when you were over 40 years old for your own sexual gratification. The presentence report indicates that you are 68 years old and divorced and have one adult daughter. You are a high school graduate and a veteran of the U.S. Army. You are unemployed and reside by yourself in Florida. You advised the PSI writer that you are in good physical and mental health. This sentence decision is based, in part, upon confidential information contained in the PSI or as otherwise reflected in the court record of (Cont...)

Attorney for Defendant at Sentencing

PATRICK C O HARA JR

Public Defender☐ Yes ☒ No**Prosecutor at Sentencing**

KELLY DANIELS

Deputy Attorney General☐ Yes ☒ No**Judge at Sentencing**

Angela F. Borkowski, J.S.C.

Judge (Signature)

/s Angela F. Borkowski, J.S.C.

Date

10/04/2019

State of New Jersey v.
BRISSON, WAYNE M

S.B.I. #986209A Ind / Acc / Complt # 19-07-00233-A

Continuation

SENTENCING STATEMENT (Cont.)

enforcement, community organizations, internet or the public at large of your presence in the community. You must notify law enforcement with information about your routine access or use of a computer or internet capable device. If you provide false information concerning your residence or fail to verify your address, you may be charged with a third-degree crime and receive a sentence of imprisonment up to five years. You have been convicted of a sexually violent offense as defined in the statutes, Sexual Assault. The Court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, you may upon completion of any term of incarceration, be civilly committed to another facility for up to life if the court finds, after a hearing, that you are in need of involuntary civil commitment. Abide by the S.O.R.O. in place. Financial obligations payable through Dept. of Corrections Collections Only. Bail discharged.

STATEMENT OF REASONS (Cont.)

the sentencing proceeding. You denied participating in any form of counseling. On August 16, 2019 you were evaluated at the Adult Diagnostic & Treatment Center in Avenel by Shari Lo-Rhoden, Psy.D. You are not eligible for sentencing under the purview of the N.J. Sex Offender Act. The Court agrees. You have not contested that finding. The Court has reviewed the letters submitted on behalf of the victim, including one penned by her, her mother, and her aunt and uncle. The Court has also reviewed the sentencing memorandum submitted on your behalf by your attorney and your character letters as well as the sentencing memorandum submitted by the State. You have stripped the victim of her childhood innocence. You have left her to suffer with PTSD, depression, anxiety and panic attacks. She grew up with little self-worth. She lost her ability to trust. During your evaluation, you tried to minimize your actions and your responsibility. However, the victim has proven herself to be strong coming forward after all these years in the hopes of protecting others. This incident will not define her. It has, however, validated her claims. It is hoped today will give her some closure. Your conduct was deemed repetitive and the Court finds that until you get the recommended treatment you are at risk to commit another offense. Your attempt to minimize your conduct, after pleading guilty to sexually assaulting a young child, supports such a finding. You took advantage of a position of trust, telling the victim this is what stepfathers do. You and others need to be deterred from preying on the youth in our society, to satisfy your desire for sexual gratification at the expense of others especially when it involves a family member. You have no prior criminal history. The Court finds Aggravating Factors 3, 4, and 9 and Mitigating Factor 7. Your attorney has also asked for the Court to find Mitigating Factors 9 and 10. The Court does not find Mitigating Factors 9 and 10. You have not taken steps to obtain counseling; you are in need of same. The Court finds that a suspended sentence and parole is better suited to you than probation as you are in need of structure and supervision. Probation is not an option when you are on Community Supervision for Life. Therefore, Mitigating Factor 10 does not apply. The Aggravating Factors substantially outweigh the Mitigating Factor. The victim is in agreement with the Prosecutors recommendation; the Court finds that this will give her closure; therefore, this Court will follow same.