

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY	
1338	W	2018	000017	VS.	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	GILBERT J HUTCHINSON	
OCEANPORT BORO MUNICIPAL COURT				ADDRESS:	
315 E. MAIN ST.				1216 TURF DR	
OCEANPORT NJ 07757-0000				OCEANPORT NJ 07757-0000	
732-222-8222 COUNTY OF: MONMOUTH				DEFENDANT INFORMATION	
# of CHARGES 2	CO-DEFTS	POLICE CASE #: CU17-00054		SEX: M EYE COLOR: BROWN DOB: 09/15/1942	
COMPLAINANT NAME: TIFFANY LENART		132 JERSEYVILLE AVE		DRIVER'S LIC. # [REDACTED] DL STATE: [REDACTED]	
FREEHOLD NJ 07728				SOCIAL SECURITY #: XXX-XX-X [REDACTED] SBI #: 838168G	
				TELEPHONE #: [REDACTED]	
				LIVSCAN PCN #: 133801000975	

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 03/01/2018 in **OCEANPORT BORO**, **MONMOUTH County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF ENDANGERING THE WELFARE OF A CHILD BY KNOWINGLY STORING, OR MAINTAINING AN ITEM DEPICTING THE SEXUAL EXPLOITATION OR ABUSE OF A CHILD USING A FILE-SHARING PROGRAM WHICH IS DESIGNATED AS AVAILABLE FOR SEARCHING BY OR COPYING TO ONE OR MORE OTHER COMPUTERS, ON 10/23/17, 11/17/17, 1/4/18, 1/5/18, AND 2/20/18 CONTRARY TO THE PROVISIONS OF N.J.S.A. 2C:24-4(B)5(A)III, A CRIME OF THE 2ND DEGREE.

WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF ENDANGERING THE WELFARE OF A CHILD BY KNOWINGLY POSSESSING, OR KNOWINGLY VIEWING, OR KNOWINGLY HAVING UNDER HIS CONTROL, THROUGH ANY MEANS, INCLUDING THE INTERNET, AN ITEM DEPICTING THE SEXUAL EXPLOITATION OR ABUSE OF A CHILD ON 3/1/18 CONTRARY TO THE PROVISIONS OF N.J.S.A. 2C:24-4(B) (5) (B), A CRIME OF THE 3RD DEGREE.

in violation of:

Original Charge	1) 2C:24-4B(5)AIII	2) 2C:24-4B(5)BIII	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 willfully false, I am subject to punishment

Signed: **TIFFANY LENART** Date: **03/01/2018**

You will be notified of your **Central First Appearance/CJP** date to be held at the **Superior Court** in the county of **MONMOUTH** at the following address: **MONMOUTH COUNTY COURTS**
71 MONUMENT PARK PO BOX 1271 FREEHOLD NJ 07728-0000
Date of Arrest: **03/01/2018** Appearance Date: Time: Phone: **732-677-4500**

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. **CAROL SMITH JUDICIAL OFFICER** **03/01/2018**
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.

Bail Amount Set: by: (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):

ORIGINAL

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

THE STATE OF NEW JERSEY :
Plaintiff, :
v. :
GILBERT HUTCHINSON, :
Defendant. :

Indictment No. 18-10-1341
Case No. 18-00937

FIRST COUNT

ENDANGERING THE WELFARE OF A CHILD
(POSSESSION OF CHILD PORNOGRAPHY)

THIRD DEGREE CRIME

The Grand Jurors for the State of New Jersey, for the County of Monmouth, upon their oaths present that GILBERT HUTCHINSON, on or about March 1, 2018, in or about the Township of Howell, County of Monmouth and within the jurisdiction of this Court, did commit the crime of Endangering the Welfare of a Child by knowingly possessing, knowingly viewing or knowingly having under his control, through any means, including the Internet, less than 1,000 items depicting the sexual exploitation or abuse of a child, contrary to the provisions of N.J.S.A 2C:24-4(b)5(b)(iii), and against the peace of this State, the Government, and dignity of the same.

SECOND COUNT

ENDANGERING THE WELFARE OF A CHILD
(DISTRIBUTION OF CHILD PORNOGRAPHY)

SECOND DEGREE CRIME

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

HUTCHINSON, on or about diverse dates between October 23, 2017 and February 20, 2018, in or about the Township of Howell, County of Monmouth and within the jurisdiction of this Court, did commit the crime of Endangering the Welfare of a Child by using any means, including but not limited to the Internet, knowingly storing or maintaining more than 25 items depicting the sexual exploitation or abuse of a child using a file-sharing program which is designated as available for searching by or copying to one or more computers, contrary to the provisions of N.J.S.A 2C:24-4(b)5(a)(iii), and against the peace of this State, the Government, and dignity of the same.


MICHAEL J. WOJCIECHOWSKI
DEPUTY FIRST ASSISTANT
PROSECUTOR

Endorsed:

Foreperson



Change of Judgment of Conviction

6/17/20-Release of Inmate Under R. 3:21-10(b)(2)

Superior Court of New Jersey, MONMOUTH County

State of New Jersey**v.**Last Name
HUTCHINSONFirst Name
GILBERTMiddle Name
J

Also Known As

Date of Birth
09/15/1942SBI Number
838168GDate(s) of Offense
03/01/2018

Date of Arrest

PROMIS Number
18 000937-001Date Ind / Acc / Complt Filed
10/19/2018Original Plea
☐ Not Guilty ☒ GuiltyDate of Original Plea
12/10/2018Adjudication By ☒ Guilty Plea ☐ Jury Trial Verdict ☐ Non-Jury Trial Verdict ☐ Dismissed / Acquitted Date: 12/10/2018**Original Charges**

Ind / Acc / Complt	Count	Description	Statute	Degree
18-10-01341-I	1	KNOW POSS/VIEW/CTRL <1K ITEMS CHILD SEX EXPLOIT/ABUSE	2C:24-4B(5)BIII	3
18-10-01341-I	2	ENDANGERING-STORE/MAINTAIN CHILD PORN/ABUSE	2C:24-4B(5)AIII	2

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
18-10-01341-I	2	ENDANGERING-STORE/MAINTAIN CHILD PORN/ABUSE	2C:24-4B(5)AIII	2

Sentencing Statement

It is, therefore, on 06/16/2020 **ORDERED and ADJUDGED** that the defendant is sentenced as follows:

COUNT 002 - DEFENDANT IS COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS FOR A TERM OF FOUR (4) YEARS FLAT. THE DEFENDANT IS SUBJECT TO THE REPORTING AND REGISTRATION REQUIREMENTS OF MEGAN'S LAW (N.J.S.A. 2C:7-2).

DEFENDANT SUBJECT TO THE RESTRICTIONS IN THE ADDITIONAL RESTRICTIONS AGREEMENT WHICH IS ATTACHED TO THE PLEA FORM AND MADE A PART OF THE PLEA AGREEMENT.

COUNT 001 IS DISMISSED

JAIL CREDIT: TWO (2) DAYS (03/01/2018-03/02/2018)

DEFENDANTS DNA TESTING IS COMPLETE.

THE PROSECUTOR DOES NOT OBJECT TO THE DEFENDANTS ADMISSION TO THE INTENSIVE SUPERVISION PROGRAM.

THIS COURT RECOMMENDS THE DEFENDANT FOR ADMISSION TO ISP.

6/16/2020 - R.3:21-10(b)(2) - MOTION FOR CHANGE OF SENTENCE GRANTED. THE COURT IS GRANTING THE MOTION FOR RELEASE UNDER R. 3:21-10(b)(2) BASED ON ILLNESS OR INFIRMITY. THE CUSTODIAL PORTION OF THE DEFENDANT'S SENTENCE IS TERMINATED. THE DEFENDANT SHALL BE RELEASED FROM THE STATE CORRECTIONAL FACILITY. ALL OTHER ASPECTS OF THE ORIGINAL SENTENCE REMAIN UNCHANGED INCLUDING, BUT NOT LIMITED TO THE REGISTRATION AND REPORTING REQUIREMENTS OF MEGAN'S LAW AND ALL PROVISIONS OF THE ADDITIONAL RESTRICTIONS AGREEMENT WHICH IS ATTACHED TO THE PLEA AGREEMENT.

(Cont...)

☐ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.
Total Custodial Term
000 Years 00 Months 000 Days

Institution Name

Total Probation Term
00 Years 00 Months

State of New Jersey v.
HUTCHINSON, GILBERT J

S.B.I. # 838168G Ind / Acc / Compl # 18-10-01341-I

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions															
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%; margin-top: 5px;"> <tr> <th style="text-align: left;">Standard</th> <th style="text-align: left;">Doubled</th> </tr> <tr> <td>1st Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>2nd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>3rd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>4th Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>DP or _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>Petty DP _____ @ \$ _____</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 _____ @ \$ _____	_____ @ \$ _____	☒ 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 _____ @ \$ _____	_____ @ \$ _____																
2nd Degree _____ @ \$ _____	_____ @ \$ _____																
3rd Degree _____ @ \$ _____	_____ @ \$ _____																
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)																	
Counts	Number	Amount															
2	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															
SEX OFFENDER SUPV FEE (\$30/MO)		\$30.00															
NJSA 30:4-123.97																	
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 @ \$5.00 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) ☒ \$500.00															
Restitution Joint & Several \$ _____		Total Financial Obligation \$ 1,455.00															
Details FINES AND PENALTIES ARE AS FOLLOWS: VCCA: \$50; LEOTF: \$30; SNSF: \$75; SCVTF: \$500; SANE: \$800; SOMP: \$30 PER MONTH - FOR A TOTAL FINANCIAL OBLIGATION OF \$1,455.00.																	
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															
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															

State of New Jersey v.
HUTCHINSON, GILBERT J

S.B.I. # 838168G Ind / Acc / Compl # 18-10-01341-I

Time Credits

Time Spent in Custody

R. 3:21-8

Date: From - To
03/01/2018 - 03/02/2018

Total Number of Days 2

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

2. The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable or exercising normal physical or mental power of resistance.

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

MITIGATING FACTORS

2. The defendant did not contemplate that his/her conduct would cause or threaten serious harm.

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.

8. The defendant's conduct was the result of circumstances unlikely to recur.

9. The character and attitude of the defendant indicate that he/she is unlikely to commit another offense.

10. The defendant is particularly likely to respond affirmatively to probationary treatment.

11. The imprisonment of the defendant would entail excessive hardship to himself/herself or his/her dependents.

COURT IS CLEARLY CONVINCED MITIGATING FACTORS SUBSTANTIALLY OUTWEIGH AGGRAVATING FACTORS.

Attorney for Defendant at Sentencing

ROBERT A WEIR JR

Public Defender

☐ Yes ☒ No

Prosecutor at Sentencing

STEPHANIE DUGAN

Deputy Attorney General

☐ Yes ☒ No

Judge at Sentencing

Vincent Falcetano J.S.C

Judge (Signature)

/s Vincent Falcetano J.S.C

Date

06/17/2020

State of New Jersey v.
HUTCHINSON, GILBERT J

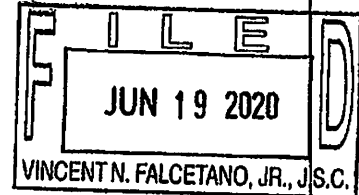
S.B.I. #838168G Ind / Acc / Complt # 18-10-01341-I

Continuation

SENTENCING STATEMENT (Cont.)

6/16/2020 - REASONS FOR GRANTING MOTION:

- DEFENDANT IS 77 YEARS OLD
- DEFENDANT HAS SEVERAL MEDICAL CONDITIONS INCLUDING ATRIAL FIBRILLATION AND HYPERTENSION
- DEFENDANT DOES NOT PRESENT A THREAT TO THE COMMUNITY
- DEFENDANT HAS BEEN GRANTED PAROLE RELEASE AS OF JULY 13, 2020
- THERE ARE PRESENTLY 561 INMATES WHO ARE COVID-19 POSITIVE AT SOUTH WOODS STATE PRISON.



PREPARED BY THE COURT

THE STATE OF NEW JERSEY

vs.

GILBERT HUTCHINSON

DEFENDANT,

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

Indictment No.: 18-10-01341-I

AMENDED ORDER

This matter having been brought before the Court upon a Motion to Amend Custodial Sentence pursuant to R. 3:21-10(b)(2) by Robert Weir, Jr., Esq., appearing on behalf of defendant GILBERT HUTCHINSON; and Monmouth County Assistant Prosecutor Stephanie Dugan, Esq., appearing on behalf of the State of New Jersey; and the Court having reviewed the briefs and submissions of the respective parties; and the Court having heard the oral arguments from the respective parties; and for good cause having been shown; it is on this 19th day of June, 2020

ORDERED that the defendant's Motion to Amend Custodial Sentence pursuant to R. 3:21-10(b)(2) be and is hereby GRANTED and it is further

ORDERED that the defendant be released from the State Correctional Facility in accordance with the Amended Judgment of Conviction dated June 16, 2020.

Dated this 19th Day of June, 2020

Hon. Vincent N. Falcetano, J.S.C.

This motion was:

- (x) opposed
- () unopposed