

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHAWN TRAPP,
Plaintiff

V.

STACY HANDLER, ET AL.,
Defendant

SUMMONS IN A CIVIL CASE

CASE
NUMBER: 3:14-CV-07880-AET-LHG

TO: *(Name and address of Defendant):*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

Melissa M. Haneke

(By) DEPUTY CLERK



ISSUED ON 2014-12-19 12:34:39, Clerk
USDC NJD

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Shawn A. Trapp 85A Stony Hill Rd Eatontown, N.J. 07724

DEFENDANTS

Stacy Handler, ESQ. 132 Jerseyville Ave, Freehold, N.J. 07728
PTLM. Christopher Casson 47 Broad Street, Eatontown, N.J. 07724(b) County of Residence of First Listed Plaintiff Monmouth County
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Monmouth
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Pro Se

Attorneys (If Known)

DEC 19 2014
AT 8:30
WILLIAM T. WALSH
CLERK

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☒ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☒ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395b) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainees - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 18 U.S. code 242 Deprivation of Liberty under color of Law & 18 USC 1623 False Declarations Before Grand Jury
 Brief description of cause:
 May 1, 2013 Stacy Handler ESQ Suborn perjury while PTLM Christopher Casson committed perjury

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Shawn Trapp
85A Stony Hill Rd
Eatontown NJ 07724

RECEIVED

DEC 19 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AT 8:30
WILLIAM T. WALSH
CLERK

Shawn Trapp	:	Deprivation of liberty under color of law
Plaintiff,	:	& 18 USC § 1623 Violations
Vs	:	
	:	
STACY HANDLER, ESQ,	:	
&	:	
PTLM. CHRISTOPHER CASSON	:	
Defendants,	:	

PARTIES

Plaintiff: Shawn Trapp, 18 Marland Lane, Tinton Falls, NJ 07724

Defendants: STACY HANDLER, ESQ. 132 Jerseyville Ave, Freehold, NJ 07728
And PTLM CHRISTOPHER CASSON 47 Broad Street, Eatontown, NJ 07724

I, Shawn Trapp hold Stacy Handler Esq. and PTLM Christopher Casson jointly and severally liable for deprivation of my liberty for knowingly and willfully providing to the grand jury convened on May 1, 2013 in case No: 13-0971 indictment No: 13-05-00859 false declarations that they knew was false in an attempt to deprive me of my freedom.

Stacy Handler Esq. knowingly suborned perjury when she directed PTLM Christopher Casson in Casson's direct testimony in section 6, May 1, 2013 in front of the grand jury. When Stacy Handler Esq. said "And you asked if he had knowledge of anything being stolen from Trapp's apartment, and he denied any knowledge. He said he didn't steal anything, correct?" PTLM. Christopher Casson affirmed the known false statement with "correct" making him a perjurer, because James Michael Frank was arrested for the burglary on 3/26/2013 by the Eatontown Police Department the same Police Department, that officer Casson is employ at. So 35 days prior to PTLM Christopher Casson false testimony PTLM Christopher Casson knew or should have known that all of James Michael Frank statement could not be used do to its known false nature. The fact the Stacy Handler Esq. violated RPC 8.4. Misconduct (C) which exhibit A, show and PTLM Christopher Casson

fail to abide by the job specification set forth for all New Jersey Police Officers as exhibit B, show. The Eatontown, 3/26/2013 arrest report of James Frank is exhibit C, and the Grand Jury hearing conducted on May 1, 2013 is exhibit D.

The law is clear and uncontroverted in New Jersey and all the states that the suppression of exculpatory evidence or use of perjured testimony by the State, whether willful or merely negligent, deprives the defendant of a fair trial. *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed 2d 215 (1963); *Napue v. Illinois*, 360 U.S. 264, 79 S. Ct 1173, 3 L Ed. 2d 1217 (1959)

So I demand a reopening of the matter explorer the violation of 18 USC 1623 False Declarations Before Grand Jury or Court.

VERIFICATION

I, Shawn Trapp, declare as follows:

I am named as the Plaintiff in the above-entitled matter.

I have read the foregoing pleading and know the facts therein stated to be true and correct.

I declare, under penalty of perjury pursuant to the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge and belief.

BY: _____

Shawn Trapp Signed reserving all my rights



Note. Adopted July 12, 1984, to be effective September 10, 1984; new paragraph (d) adopted October 5, 1993, to be effective immediately; paragraphs (a) and (b) amended November 17, 2003 to be effective January 1, 2004.

RPC 8.4. Misconduct

It is professional misconduct for a lawyer to:

- **(a)** violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- **(b)** commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- **(c)** engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- **(d)** engage in conduct that is prejudicial to the administration of justice;
- **(e)** state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;
- **(f)** knowingly assist a judge or judicial officer in conduct that is a violation of the Code of Judicial Conduct or other law;
- **(g)** engage, in a professional capacity, in conduct involving discrimination (except employment discrimination unless resulting in a final agency or judicial determination) because of race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or handicap where the conduct is intended or likely to cause harm.

Note: Adopted July 12, 1984, to be effective September 10, 1984; paragraph (g) adopted July 18, 1990, to be effective September 4, 1990; paragraph

(g) amended May 3, 1994, to be effective September 1, 1994; paragraph (e) amended November 17, 2003 to be effective January 1, 2004.

Official Comment by Supreme Court (May 3, 1994)

This rule amendment (the addition of paragraph g) is intended to make discriminatory conduct unethical when engaged in by lawyers in their professional capacity. It would, for example, cover activities in the court house, such as a lawyer's treatment of court support staff, as well as conduct more directly related to litigation; activities related to practice outside of the court house, whether or not related to litigation, such as treatment of other attorneys and their staff; bar association and similar activities; and activities in the lawyer's office and firm. Except to the extent that they are closely related to the foregoing, purely private activities are not intended to be covered by this rule amendment, although they may possibly constitute a violation of some other ethical rule. Nor is employment discrimination in hiring, firing, promotion, or partnership status intended to be covered unless it has resulted in either an agency or judicial determination of discriminatory conduct. The Supreme Court believes that existing agencies and courts are better able to deal with such matters, that the disciplinary resources required to investigate and prosecute discrimination in the employment area would be disproportionate to the benefits to the system given remedies available elsewhere, and that limiting ethics proceedings in this area to cases where there has been an adjudication represents a practical resolution of conflicting needs.

"Discrimination" is intended to be construed broadly. It includes sexual harassment, derogatory or demeaning language, and, generally, any conduct towards the named groups that is both harmful and discriminatory.

Case law has already suggested both the area covered by this amendment and the possible direction of future cases. *In re Vincenti*, 114N.J. 275 (554 A.2d 470) (1989). The Court believes the administration of justice would be better served, however, by the adoption of this general rule than by a case by case development of the scope of the professional obligation.

While the origin of this rule was a recommendation of the Supreme Court's Task Force on Women in the Courts, the Court concluded that the protection, limited to women and minorities in that recommendation, should be expanded. The groups covered in the initial proposed amendment to the rule are the same as those named in Canon 3A(4) of the Code of Judicial Conduct.

Following the initial publication of this proposed subsection (g) and receipt of various comments and suggestions, the Court revised the proposed amendment by making explicit its intent to limit the rule to conduct by attorneys in a professional capacity, to exclude employment discrimination unless adjudicated, to restrict the scope to conduct intended or likely to cause harm, and to include discrimination because of sexual orientation or socioeconomic status, these categories having been proposed by the ABA's Standing Committee on Ethics and Professional Responsibility as additions to the groups now covered in Canon 3A(4) of the New Jersey Code of Judicial Conduct. That Committee has also proposed that judges require attorneys, in proceedings before a judge, refrain from manifesting by words or conduct any bias or prejudice based on any of these categories. See proposed Canon 3A(6). This revision to the RPC further reflects the Court's intent to cover all discrimination where the attorney intends to cause harm such as inflicting emotional distress or obtaining a tactical advantage and not to cover instances when no harm is intended unless its occurrence is likely regardless of intent, e.g., where discriminatory comments or behavior is

repetitive. While obviously the language of the rule cannot explicitly cover every instance of possible discriminatory conduct, the Court believes that, along with existing case law, it sufficiently narrows the breadth of the rule to avoid any suggestion that it is overly broad. See, e.g., *In re Vincenti*, 114 N.J. 275 (554 A.2d 470) (1989).

RPC 8.5. Disciplinary Authority; Choice of Law

- **(a) Disciplinary Authority.** A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is subject also to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.
- **(b) Choice of Law.** In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be:
 - **(1)** for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and
 - **(2)** for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct.

Note: Adopted July 12, 1984 to be effective September 10, 1984; caption amended, text amended and redesignated as paragraph (a) with caption added, new paragraph (b) with caption adopted November 17, 2003 to be effective January 1, 2004.

Attorney Advertising Guidelines (As approved by the Supreme Court of New Jersey)

Attorney Advertising Guideline 1

In any advertisement by an attorney or law firm, the advertisement shall include the bona fide street address of the attorney or law firm.

Note: Adopted June 29, 1990, to be effective September 4, 1990.

Attorney Advertising Guideline 2

- **(a)** The word "ADVERTISEMENT" required by RPC 7.3(b)(5)(i) must be at least two font sizes larger than the largest size used in the advertising text.
- **(b)** The font size of notices required by RPC 7.3(b)(5)(ii and iii) must be no smaller than the font size generally used in the advertisement.
- **(c)** When envelopes or self-contained mailers used for sending direct mail solicitations are imprinted or stamped with any message relating to the subject matter of the solicitation, the envelopes or self-contained mailers must also bear the word "ADVERTISEMENT" as required by RPC 7.3 (b)(5)(i).

Note. Adopted March 3, 2005, to be effective immediately.

Commentary: The language in (c) is derived, in part, from CAA Opinion 20, published June 10, 199



You are reading the State of New Jersey Job Descriptions. This is **not** a Job Vacancy Announcement.

Job Specification

POLICE OFFICER

DEFINITION

During an assigned tour of duty, on foot, or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, and to apprehend law-breakers; does related work as required.

NOTE: The examples of work for this title are for illustrative purposes only. A particular position using this title may not perform all duties listed in this job specification. Conversely, all duties performed on the job may not be listed.

NOTE: Appointments may be made to positions requiring bilingual skills.

07776- Bilingual in Korean and English.

SPECIAL SKILL

Applicants must be able to read, write, speak, understand, or communicate in Korean and English sufficiently to perform the duties of this position.

02729- Bilingual in Spanish and English.

SPECIAL SKILL

Applicants must be able to read, write, speak, understand, or communicate in Spanish and English sufficiently to perform the duties of this position.

EXAMPLES OF WORK:

PREPARATION FOR WORK

Attends roll call in proper uniform, listening to information and assignments given orally, and reads "squeal sheet," bulletin board, and/or logs of previous shifts, in order to establish presence, receive assignments, and to maintain continuity of service or action.

Gathers together necessary equipment such as shotgun, flashlight, summons books, etc., in order to be prepared for duty.

Inspects and maintains patrol car by visually checking and/or

operating all equipment, by arranging for washing, waxing, and mechanical service, and by taking patrol car to service location in order to insure that vehicle is ready for patrol.

Inventories and maintains equipment carried in patrol car such as first aid kit, oxygen supply, blanket, flares, etc., by utilizing an equipment check list, and by replacing missing or damaged items in order to assure readiness for patrol.

Maintains issued uniform and weapons, by arranging for cleaning and reassembling firearms in order to assure their proper appearance and serviceability.

FIGHTS AND DOMESTIC DISPUTES

Separates parties involved in a fight situation by physically intervening or escorting one party out of reach of the other, in order to prevent injury to any of the parties involved.

Attempts to calm parties involved in a fight situation by asking each party to tell or discuss his or her side, in order to gain control of the situation.

Discusses possible solutions with parties involved in a dispute by referring parties to appropriate services and explaining legal recourse, in order to fully resolve the dispute or prevent its recurrence.

Arrests one or more parties in a fight situation, by using standard procedures, in order to restore peace.

GENERAL PATROL

Patrols throughout assigned area either on foot or in patrol car, looking for anything unusual in order to increase patrol visibility and prevent crime, or to discover crime in progress.

Maintains radio communications with headquarters by operating walkie-talkie or patrol car radio in order to facilitate patrol activities.

Assesses situations by utilizing information received from the dispatcher and by visually and orally inspecting premises and surrounding environment in order to make decisions concerning choice of actions and equipment.

Issues summonses for various violations of municipal ordinances and state laws by writing the required information on summons and delivering a copy to the accused, in order to enforce the law.

Facilitates the remediation of miscellaneous hazardous conditions (e.g., road obstructions, malfunctioning signals, etc.) by direct action or by notifying appropriate agencies, in order to restore safe conditions in the assigned sector.

Maintains surveillance of persons suspected of unlawful activity and notifies supervisor, or detectives of important information, in order to facilitate the investigative procedure.

Reports, or receives description(s) of suspect(s) at large by radio transmission in response to, or back-up for, criminal actions, in order to aid, or to enlist aid of fellow officers in the apprehension of suspects/perpetrators.

Following legal guidelines, stops suspicious people, asks them to show identification, and to explain what they are doing in order to detect or prevent a criminal action.

Attempts to disarm persons threatening others with a weapon by using calming conversation and obtaining assistance, in order to neutralize a dangerous situation.

Secures the scene of a crime, or emergency by blocking off the area with barricades, ropes, etc., and by standing guard in order to prevent damage, loss, or injury.

Records patrol activities by filling out log sheet after each call in order to account for actions, mileage, and time on a daily basis.

SERVICE CALLS

Promotes good will by talking casually with people, answering questions, referring citizens to other services, and learning of situations requiring police action in order to gain the confidence and support of community members.

Controls crowd at emergency scene, following established procedures, in order to insure that emergency services can be performed quickly and safely.

Assists in evacuation of buildings, or areas by orally ordering people to leave or by physically escorting them from the area in order to remove them from danger.

Examines ill or injured persons, and administers the appropriate first aid treatment in order to prevent further injury or loss of life.

Guards dignitaries by continuously positioning self in a manner to most effectively provide protection in order to assure safe passage through the area.

Escorts businessmen to and/or from the bank, and frightened citizens to their destination by taking them in the patrol car, or by walking with them in order to provide protection.

Gives assistance to operators of disabled vehicles by repairing vehicle, or obtaining necessary repair service, or by transporting driver and occupants to a place where shelter, or assistance can be obtained in order to alleviate a potentially dangerous situation.

Returns lost children by interrogating passers-by, and responsible persons in the area where children were discovered in order to restore the children to the custody of their parents or guardians.

Transports or escorts intoxicated persons home or to the hospital in order to assure their safety.

Blocks suicide attempts by talking to persons threatening and/or attempting suicide, comforting and reassuring them in order to convince them to give up the suicide attempt.

Assists citizens in gaining entry to their vehicles or home when a lockout has occurred, using improvised means in order to provide a necessary service.

TRAFFIC CONTROL AND ENFORCEMENT OF TRAFFIC LAWS

Directs, or re-routes vehicle and pedestrian traffic at emergency scenes at high volume traffic locations, and at school crossings, using hand signals, flares, and/or barricades, in order to insure the safety of pedestrians and the smooth flow of traffic.

Drives patrol car in an unspecified pattern and at varying speeds in order to increase police visibility and to discourage traffic violations and other such occurrences.

Operates radar equipment in patrol unit in order to apprehend speeding law violators.

Pursues detected traffic violators by using patrol vehicle and equipment as required in order to apprehend violators.

Reports action after apprehending traffic violator to the dispatcher, using the radio in order to communicate the location, request back-up (if required), and to request motor vehicle and warrant check.

Interviews or interrogates motor vehicle operators and visually inspects operator's license, vehicle registration, and proof of insurance card, in order to obtain information and admission or confession to violations of motor vehicle code.

Evaluates statements, facts, and evidence to determine if a traffic ticket should be issued as a result of an operator's actions.

Warns motor vehicle operators of observed traffic violations by orally informing them of their actions and explaining related provisions of the motor vehicle code, in order to discourage future violations.

Issues traffic summons to observed traffic violators by writing the required information on the summons, giving the violator his copy, and explaining the violation and procedure for compliance, in order to enforce traffic regulations.

Observes behavior and administers appropriate test(s) to suspected violators in order to determine whether they are under the influence of drugs, narcotics, or alcohol.

MOTOR VEHICLE ACCIDENTS

Summons ambulance, wrecker, or other emergency equipment needed at an accident scene in order to provide the necessary services as quickly as possible.

Protects accident scene from disturbance by appropriately positioning police car and by lighting and placing flares at strategic locations in order to divert traffic and to prevent further destruction, or removal of evidence.

Removes (or assists in removing) dead or injured from wrecked and/or overturned vehicles by manually lifting them.

Transports motor vehicle accident victims to the hospital when no other emergency vehicle is available in order to minimize time lost in receiving necessary medical treatment.

Identifies, protects, and documents any short-lived evidence found at the accident scene, using approved departmental procedures in order to prevent evidence from being overlooked or destroyed.

Inspects and/or operates devices (lights, brakes, steering, tires, etc.), of vehicles involved in accidents to determine if their operating condition contributed to the cause of the accident.

At the scene of a motor vehicle accident, interviews operators, occupants, and witnesses, using simple interviewing techniques and writing notes of important information in order to help determine how, when, and why the accident occurred.

Explains procedures that motor vehicle operators should follow concerning insurance claims and filing accident forms.

Evaluates statements, facts, and evidence gathered at a motor vehicle accident scene in order to determine if a summons should be issued.

Measures the distance from the accident vehicles and markings made by the vehicles to fixed points (mile post markers, nearest intersection, city limits, etc.), using a tape measure, or measuring wheel in order to determine the exact location, and possible cause of the accident.

Sketches a rough diagram of the accident scene, showing movement of vehicles and pedestrians before and after impact and location of physical evidence in order to record this information for future investigation.

Completes accident report forms by printing or typing data gained from accident investigation (including a short narrative and a diagram of the accident) in order to officially record the results of the investigation and to provide information to all parties involved.

Transports blood or urine samples of motor vehicle operators to police labs in cases of suspicious auto accidents in order to obtain evidence as to whether the operator was driving under the influence of drugs or narcotics.

INVESTIGATIONS

Locates and interrogates available witnesses after an incident by talking with people in the area in order to obtain information for further investigation.

Make notes of activities and facts of initial investigations in order to record information for future reference.

Collects and labels evidence taken from the crime scene, using approved departmental procedures, in order to preserve evidence.

Relates suspicious activities and other important information to detectives by direct or written communication in order to facilitate the investigative process.

Takes photographs, or directs a photographer to take specific pictures

at a crime scene in order to establish visual evidence.

Searches property involved in criminal incidents by visual inspection and by disassembling property items when necessary in order to discover dangerous objects, missing items, or other evidence.

Attempts to locate owners of damaged property by utilizing existing records and/or questioning area residents in order to inform the owner of the damage and to obtain information.

Assists victims in the use of the "mug book" in order to make identification of suspects.

Prepares property report on items to be used as evidence in order to document its existence, characteristics, and availability.

Prepares investigative reports, or supplements for each phase of an investigation in order to provide an official running record of the investigation.

Completes request for examination of evidence forms, including a narrative description of the crime and a checklist of evidence in order to insure a thorough analysis of the evidence.

ARRESTS

Apprehends and subdues suspects by chasing them on foot, or in patrol car and by using physical force and applying handcuffs, if necessary, in order to take suspect into custody and to prevent injury to the officer or others.

Searches the body and clothing of suspects for possible weapons, using visual and physical means in order to insure the safety of the officer and others.

Transports arrested persons to headquarters, or detention facility, using handcuffs and other security measures necessary in order to book them according to proper procedures.

Advises parents of juvenile offenders in custody of procedures relative to the case in order to insure that parents understand their responsibilities.

Refers juvenile cases to the Youth Officer (juvenile department) by submitting known details in order to have the case handled by appropriately trained personnel.

Reads "Constitutional Rights" to suspect and obtains signature from

suspect on the written statement of the rights in order to effect a lawful arrest.

Identifies suspect by inspecting his driver's license or similar document(s) in order to assist in determining if suspect has a prior arrest on record.

Fingerprints and/or photographs violators or suspects using equipment at the I.D. station, in order to process a standard arrest.

Operates a video recorder on persons arrested for drunkenness or narcotics use in order to have a record of behavior as evidence.

Completes reports necessary to substantiate an arrest by printing, or typing all required information (including a narrative description) on appropriate forms in order to document an arrest.

Contacts appropriate court authority by telephone in order to determine the amount of bail or bond required to release the accused.

Transports arrested persons according to appropriate criminal code (juvenile, adult, female, etc.) in order to situate detained parties at required locations.

COURT TESTIMONY: **PREPARATION AND APPEARANCE**

Prepares to testify in court by collecting documents, reports and other evidence related to the case, reading all reports and notes, and talking with other officers, supervisors, solicitors, and witnesses, in order to insure accuracy and effectiveness of testimony.

Notifies and/or subpoenas witnesses and victims of crime before scheduled court hearings to insure their availability to testify.

Testifies in court by presenting **facts and/or evidence related** to the case and by **answering** attorney's and magistrate's questions in order to help insure the **proper disposition of the case.**

SUPPORTIVE DUTIES

Process incoming calls by listening to caller and identifying important information, determining what action to take (i.e., dispatching a patrol car to investigate, or referring caller to another agency) and initiating this action in order to insure an appropriate response.

Dispatches patrol cars via radio by selecting and contacting available

units and by transmitting the location and nature of problem to the selected cars in order to respond to incoming calls, or to provide support for primary units.

Maintains log of all incoming calls and radio transmissions by recording information (i.e., time call is received, unit dispatched, unit arrives, unit leaves, and location and nature of emergency) on appropriate forms in order to provide documentation of activities.

Operates computer terminal by entering or reading information on screen in order to transmit, or to receive data from N.C.I.C., S.C.I.C., or other central information source.

Guards prisoners and arrested persons by appropriately positioning self in relation to prisoners, and by using handcuffs when necessary in order to prevent escape and to protect the prisoners from harm.

Makes a check of jailed prisoners by touring the facility at regular time intervals, and by making a notation on each cell sheet in order to account for the presence and safety of all prisoners.

May be required to learn to utilize various types of electronic and/or manual recording and information systems used by the agency, office, or related units.

REQUIREMENTS:

EDUCATION:

Graduation from high school or vocational high school or possession of an approved high school equivalent certificate.

AGE:

Not less than 18 nor more than 35 years of age at the announced closing date for filing applications for the position. In determining maximum age eligibility of veterans, the time spent in active military service during periods specified in Department of Personnel law and rules will be deducted from the attained age.

NOTE: Appointees will be required to successfully complete a training program mandated by the New Jersey Police Training Commission within 18 months of appointment.

LICENSE:

Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle, rather than

employee mobility, is necessary to perform the essential duties of the position.

CITIZENSHIP

Must be a citizen of the United States.

MEDICAL EXAMINATION

As a prerequisite for appointment, appointees may be required to pass a thorough medical and psychiatric examination to be administered by the appointing authority. Any psychological, medical or physical condition or defect which would prevent efficient performance of the duties of the position, cause the appointee to be a hazard to himself/herself or others, or become aggravated as a result of performance of these duties, will be cause for rejection.

KNOWLEDGE AND ABILITIES:

Knowledge of rules and regulations of the department.

Knowledge of personnel and equipment available.

Knowledge of the people in the assigned area.

Knowledge of public agencies and facilities.

Knowledge and awareness of national and local events and how they might affect the job.

Knowledge of one's own limitations in dealing with emergencies.

Knowledge of ways of handling crowd situations.

Knowledge of basic first aid.

Knowledge of traffic laws and ordinances.

Knowledge of and willingness to take proper action in preventing potential accidents from occurring.

Knowledge of investigative procedures.

Knowledge of officer's role in dealing with emergencies.

Knowledge of current laws, procedures, and trends governing search and seizure activities.

Knowledge of proper procedure for obtaining a warrant.

Knowledge of laws affecting arrest procedures.

Knowledge of amount of force required to make arrests.

Knowledge of the criminal justice system.

Knowledge of the elements of state laws.

Knowledge of and ability to effectively use services and equipment available.

Knowledge of procedures to follow in dealing with an emergency.

Ability to communicate ideas with spoken words.

Ability to write clear, and concise letters, reports, descriptions, or instructions.

Ability to find general concepts or rules which explain how a given series of individual items are related to each other; it involves the ability to logically proceed from individual cases to general principles.

Ability to apply a broad, general idea, or principle effectively, to a particular problem or case.

Ability to follow rules and procedures.

Ability to gather, organize, and utilize information.

Ability to find practical ways of dealing with problems.

Ability to read with reasonable speed and understanding so as to absorb written information.

Ability to maintain a high level of muscular exertion for some minimum period of time. This involves the degree of muscular force exerted against a fairly immovable, or heavy object in order to lift, push, or pull that object.

Ability to make repeated trunk and/or arm leg bending or stretching movements where speed as well as degree counts; it includes the ability of these muscles to recover from the strain and distortion of repeated flexing.

The ability involves the capacity to maintain physical activity over prolonged periods of time.

Ability to hold up or move body's own weight repeatedly or at one time without stopping, using the force of arm and trunk muscles.

Ability to use the trunk, arms, and legs together in movement.

Ability to make gross, rapid, arm movements.

Ability to work fast and accurately in situations where there is pressure or emotional strain.

Ability to put up with and handle verbal abuse from a person or a group.

Ability to work as a member of a group.

Ability to take the lead, or take charge when working or dealing with others.

Ability to deal with people politely and helpfully beyond the giving and receiving of instructions.

Ability to learn to utilize various types of electronic and/or manual recording and information systems used by the agency, office, or related units.

Ability to read, write, speak, understand, or communicate in English sufficiently to perform the duties of this position. American Sign Language or Braille may also be considered as acceptable forms of communication.

Persons with mental or physical disabilities are eligible as long as they can perform the essential functions of the job after reasonable accommodation is made to their known limitations. If the accommodation cannot be made because it would cause the employer undue hardship, such persons may not be eligible.

This job specification is applicable to the following title code(s) which

Job Spec Code	Variant	State, Local or Common	Class of Work Service Week	State Class Code	Local Class Code	Salary Range	Note	are different work week or work month and/or variants of the job class title:
02728	Bilingual	L	C	N/A	01		-	
02729	In Spanish And English	L	C	N/A	01		-	

	Bilingual				
	In				
07776	English	L	C	N/A	01
	And				
	Korean				

This job specification is for local government use only.
Salary range is only applicable to state government.
Local salaries are established by individual local jurisdictions.

08/20/2005

EATONTOWN POLICE DEPARTMENT

ARREST REPORT

Identification Number
39478

1. Complaint Number I-2013-003298		2. Mun. Code 1311		3. Phone Number (732) 542-0100		4. UCR		5. Prosecutor's Case Number		6. Criminal Case Number C-2013-000090	
7. Name Last FRANK		First JAMES		Middle MICHAEL		8. Phone		9. Alias-Nickname			
10. Full Address 71 RT35 APT 4, EATONTOWN NJ 07724								11. Place of Birth NEW JERSEY		12. Date of Birth	
13. Age 20	14. Sex M	15. Race WHITE		16(A). Ethnicity HISPANIC		16. Height 6' 0"	17. Weight 150 lb	18. Hair BLN	19. Eyes BLU	20. Complexion FAR	21. Marital Status Single
22. Other Descriptive Information TATTOO RIGHT ARM, PICTURE DEPICTING A CROSS						22-A. FBI # 67B728PC8		22-B. SBI # 766995D		23. Driver's License Number	
24. Employer / School ROSARIO DEMO & CONST.						25. Occupation / Grade SUPERVISOR				26. Social Security Number	
27. Employer / School Address SOUTH 7TH , LONG BRANCH, NJ 07740										28. Employer / School Phone	

DETAILS OF ARREST

29. Arrest Date 3/26/2013		30. Time 15:00		31. Location of Arrest BORO OF EATONTOWN PD - 47 BROAD STREET, EATONTOWN NJ 07724				32. Municipal Code 1311		Warrant / Summons No. S 2013 000147			
33. Crime BURGLARY				34. N.J.S. Statute 2C:18-2				35. Arresting Officer DETECTIVE GUGLIUZZA, JOHN 970,					
36. Complainant's Name and Address DETECTIVE GUGLIUZZA, JOHN BORO OF EATONTOWN PD - 47 BROAD STREET, EATONTOWN NJ								37. Phone Number 732-542-0100					
38. Crime Date 3/2/2013		39. Time 23:30		40. Location of Crime STONY HILL APARTMENTS - 85 STONY HILL ROAD APT A, EATONTOWN NJ 07724								41. Municipal Code 1311	
42. Arrest Type ON P.C.		43. Juvenile Status		44. Code		45. Constitutional Rights - By Whom YES - DET. JOHN GUGLIUZZA				46. How Responded WAIVED IN WRITING			
47. Own YES		48. Multiple NO		49. Other NO		50. Printed YES		51. Photo YES		52. Prev. Rec. YES		53. UCR A.S.R. Reported Month, Yr.	
54. Vehicle Information - VIN - Year - Make - Body Type - Color - Registration Number & State - Other Descriptive Information													

BAIL HEARING

55. Date 3/26/2013		56. Court SUPERIOR COURT		57. Judge/Authorized Person HON. GEORGE CIERI	
58. Bail Amount		59. Results of Hearing		60. Code	
61. Place Committed/Detained RELEASED ON A SUMMONS					

FINAL RESULTS

62. Date		63. Court		64. Judge	
65. Verdict		66. Code		67. Disposition	
68. Date		69. Code			

JUVENILE INFORMATION

70. Parent/Guardian Contacted By		71. Date		72. Time		73. Released To:		Relationship	
74. Full Address - Number - Street - City - State - Zip Code - Municipality						75. Date		76. Time	
76. Parent/Guardian		79. Full Address - Number - Street - City - State - Zip Code - Municipality						80. Phone Number	
81.-89. Narrative / Add'l Charges ***** PARTIES AND CHARGE(S) ***** NAME: FRANK, JAMES MICHAEL DOB: [REDACTED] STATUTE: 2C:20-3 THEFT CHARGE DATE: 3/26/2013 CHARGING OFFICER: DETECTIVE GUGLIUZZA, JOHN JUDGE NAME: CIERI The accused was arrested after an interview revealed his involvement in this case. The accused was processed and released on a summons, pending court. See Investigation Report for complete details. **Subject does not have a driver's license number									
Name: DETECTIVE GUGLIUZZA, JOHN		91. Badge Number 970		92. Completed YES		93. Date of Report Mar 26, 2013		94. Reviewed By SERGEANT HEALY, THERESA	
90. Signature									

A Prosecutor Is Punished

For what may be the first time on record, a former prosecutor in Texas is going to jail for failing to turn over exculpatory evidence in a murder trial. The 10-day jail sentence for the prosecutor, Ken Anderson, is insultingly short — the victim of his misconduct, Michael Morton, spent nearly 25 years in prison. But because prosecutors are so rarely held accountable for their misconduct, the sentence is remarkable nonetheless.

In 1987, Mr. Morton was convicted of beating to death his wife, Christine, and sentenced to life in prison. He maintained his innocence, and in 2010 DNA testing confirmed that he was not the killer.

Even before a Texas court vacated Mr. Morton's conviction, his lawyers alleged that Mr. Anderson, the prosecutor in his case, had deliberately withheld evidence that would have exonerated him. During Mr. Morton's trial, the judge had ordered Mr. Anderson to turn over any such evidence and received only a few documents in return. In fact, Mr. Anderson possessed many documents he did not turn over, including a transcript of a phone conversation revealing that the Mortons' 3-year-old son had described

his mother's killer as a "monster" who was not his father.

Mr. Anderson, who later became a judge, has said he did not consider the judge's order official because it was not written down. But he was fully aware of his ethical duty to disclose important exculpatory evidence and that a failure to disclose violates due process rights under the Constitution. In April, a judicial investigation found probable cause to believe that Mr. Anderson was in criminal contempt for withholding the documents. On Friday, he pleaded no contest. In addition to receiving the jail sentence, he was disbarred and stripped of his law license.

This case may sound extreme, but prosecutorial misconduct is far too common, and the remedies for it, if any, usually come long after the harm has been done. Criminal defense lawyers have called for judges to issue a standard written order reminding prosecutors of their ethical duty and to warn them of contempt charges if they do not comply. Prosecutors should welcome this practice to reinforce professional standards and identify the wrongdoers among them.

MONMOUTH COUNTY GRAND JURY
CASE NO: 13-0971
INDICTMENT NO.: 13-05-00859

x- - - - - x
STATE OF NEW JERSEY :
:
: TRANSCRIPT
-vs- :
: OF
JOSE PEREZ and SHAWN TRAPP :
: PROCEEDINGS
Defendants :
x- - - - - x

Heard on: May 1, 2013

A P P E A R A N C E S:

STACY HANDLER, ESQ.
Assistant Monmouth County Prosecutor

TERRY GRIBBEN'S TRANSCRIPTION SERVICE
27 BEACH ROAD - UNIT 4
MONMOUTH BEACH, NEW JERSEY 07750
(800) 603-6212
(732) 263-0044 * FAX (732) 263-0075
www.tgribbentranscription.com

I N D E X

WITNESS

DIRECT

PTLM. CHRISTOPHER CASSON 3

EXHIBITS

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Casson - Direct

3

MS. HANDLER: We're on the record. This is number 11 on your list, Jose Perez and Shawn Trapp. We're going to -- it's charged as a burglary, terroristic threats, criminal mischief. We're going to hear from one witness, and that's Ptlm. Cason.

(Witness enters Grand Jury Room)

STATE'S WITNESS, PTLM. CHRISTOPHER CASSON, SWORN
DIRECT EXAMINATION BY MS. HANDLER:

Q Sir, please state your name and spell your last name for the record.

A Christopher Casson, C-A-S-S-O-N.

Q And you're employed by whom?

A Eatontown Police Department.

Q I'm going to direct your attention to Saturday, March 2nd, 2013 at a few minutes before ~~three, 2:53-a-m--~~ You and Sgt. Nelson responded to the Pan American Motel in Eatontown?

A Correct.

Q And that was on a report of a disturbance in the parking lot outside the office, correct?

A Yes.

Q The victim was identified as a James Frank. And he was standing outside of Room 2 with the door wide open, but there was a panel broken out of the door, is that correct?

1 A That's correct.
 2 Q The inside of the room appeared to be
 3 ransacked with the belongings strewn about, correct?
 4 A Yes.
 5 Q What Mr. Frank told you was that he was
 6 staying at the motel in room number two temporarily.
 7 He said he was asleep in the bed and he was woken up by
 8 a loud crash at the front door. He said almost
 9 immediately after the crash, the lights in the room
 10 were turned on and a male burst into the room. And he
 11 had recognized the male as an acquaintance named Shawn
 12 Trapp, correct?
 13 A Yes.
 14 Q He was accompanied by another male whom the
 15 victim only knew as a Jose. And he said Trapp went
 16 right to the night stand beside his bed, began pulling
 17 out drawers and dumped the contents on the ground,
 18 continually moved about the room dumping the contents
 19 of the night stands and the dresser while looking
 20 through his belongings, correct?
 21 A Yes.
 22 Q He said Trapp was yelling at him, accusing
 23 him of stealing something from the apartment earlier
 24 and demanded to know where he was. And then he said
 25 Trapp and Jose began assaulting him and pulled him from

looking for belongings
 Jose stole
 tape
 Out of Sequence of

1 his bed, correct?
 2 A Yes.
 3 Q He said they threatened to kill him and Jose
 4 dragged him out of the room into the parking lot,
 5 correct?
 6 A Yes.
 7 Q He said he was able to run away from the duo
 8 through the parking lot towards White Street. He said
 9 Trapp and Jose ran after him, but eventually stopped
 10 and went back into his room. They stayed in his room
 11 for a little bit, a short period of time then went to a
 12 car and drove away, correct?
 13 A Yes.
 14 Q He returned to his room and he said he was
 15 not injured during the attack, and you didn't see any
 16 signs of injury on him, is that correct?
 17 A Correct.
 18 Q What was his demeanor when you were dealing
 19 with him?
 20 A Very excited. That's pretty much the best. He
 21 was very excited, very jittery.
 22 Q Did he appear to be under the influence of
 23 any alcohol that you could tell?
 24 A Not that I could tell.
 25 Q He explained to you that he had been at a

1 party earlier at Mr. Trapp's residence in the Stony
2 Hill apartment complex and that he had been invited by
3 a mutual friend, a Brian Stokes (phonetic), who he
4 called Channel. He said he had spent some time in
5 Trapp's apartment but then left and came back to his
6 motel room to sleep, correct?

7 A Yes.

8 Q And you asked if he had knowledge of anything
9 being stolen from Trapp's apartment, and he denied any
10 knowledge. He said he didn't steal anything, correct?

11 A Correct.

12 Q He said there was a number of people at the
13 party, but he was adamant he had nothing to do with the
14 theft if there was one, correct?

15 A Correct.

16 Q Now, you met -- you and Sgt. Nelson met with
17 Mr. Grissom, who is the motel manager, correct?

18 A Yes. Grissman (phonetic).

19 Q Grissman. So, he said that he was asleep --
20 I'm sorry. Mr. Grissman resides at the hotel?

21 A Yes.

22 Q He said he was asleep when he was woken up by
23 a very loud crash and a commotion outside of his
24 residence, which is immediately adjacent to Mr. Frank's
25 room. He went to the motel front window after someone

*A get together
where they already
confront*

1 rang the bell, and he met with a stocky Hispanic male
2 with short dark hair, wearing a jacket with something
3 on the left breast, correct?

4 A Yes.

5 Q Now, this Hispanic male was later identified
6 to be who?

7 A That was Jose Perez.

8 Q Okay. So, he says that he was irate, using
9 coarse profanity and he was yelling at Mr. Grissman to
10 call the police because there was a thief living in the
11 motel, correct?

12 A Yes.

13 Q The male then left the front window lobby,
14 walked back around the building. And he said after
15 that, the police were called and he stepped outside to
16 see Mr. Frank standing outside and the door to room
17 number two broken open, correct?

18 A Correct.

19 Q Mr. Grissman gave you access to the motel
20 security camera and queued up the footage regarding the
21 incident and you were able to see video footage of part
22 of the incident, correct?

23 A Correct.

24 Q It detailed the arrival of two males. The
25 first is a slim, light skinned black male wearing an

*It's clear they
thought they was
doing the right thing
because they would call the
police?*

1 orange tee shirt, and that was identified as Mr. Trapp,
2 correct?

3 A Yes. It was.

4 Q The other individual was the stocky, darker
5 skinned male wearing a jacket with a design on the left
6 breast and that's Jose Perez, correct?

7 A Correct.

8 Q They arrive in a vehicle which they drove
9 into the back parking lot of the motel, the man in the
10 orange tee shirt, Mr. Trapp was observed running at and
11 kicking the door for room number two, which resulted in
12 his leg going through the door, and he kind of falls to
13 the ground, correct?

14 A Correct.

15 Q He stood up, reaches through the now broken
16 door and opens the room door by putting his hand
17 inside?

18 A Yes.

19 Q And he -- both males enter the room. The
20 stocky male, Mr. Perez briefly left the room, went to
21 the motel's front window lobby and can be observed
22 having a brief but animated conversation. That would
23 have been his discussion with Mr. Grissman about call
24 the police, correct?

25 A That's correct.

*again they waited
the police to come*

1 Q The stocky male with the -- goes back into
2 room number two and he's observed dragging Mr. Frank
3 out of room number two into the parking lot, at which
4 point Mr. Frank ran through the lot at White Street
5 with both males in pursuit, is that correct?

6 A Yes.

7 Q You could see both males, Trapp and Perez, go
8 back into room number two, enter again for several
9 minutes and then they returned to their vehicle and
10 drove out of the Pan American lot onto Route 35,
11 correct?

12 A Yes.

13 Q Photographs were taken of the scene, is that
14 correct?

15 A Yes. They were.

16 Q Okay. I'll just start with Grand Jury
17 Exhibit Number 1. If you can show me, is that a
18 picture of the door to room -- that's a picture of the
19 door to room number two?

20 A Yes. It is.

21 Q And it shows that the panel is actually
22 broken out, is that correct?

23 A That's correct.

24 Q Okay. And -- yeah, you can pass around Grand
25 Jury Exhibit Number 1. Okay. I'm now going to show

*that an opinion!
Frank ran because
he knew the police
was on their way*

1 you Grand Jury Exhibits 2, 3 and 4. These are
2 photographs of the interior of room number two?

3 A Yes. They are.

4 Q And you know, essentially, those photographs
5 show the state of the room as you saw it on that
6 evening?

7 A Yes. It was accurate.

8 Q It appears as though some of the belongings
9 were rifled through, is that correct?

10 A Yes.

11 Q So, while you and Officer Nelson were at the
12 scene at the motel, Ptlm. Covell (phonetic) and Ptlm.
13 Fix were taking a theft report from 85A Stony Hill Road
14 who they identified as Shawn Trapp, correct?

15 A Correct.

16 Q Sgt. Nelson responds to 85 Stony Hill Road
17 and he immediately identifies Mr. Trapp as the
18 individual on the video who kicked in the door to Mr.
19 Frank's room, correct?

20 A Yes.

21 Q He's in fact still wearing the same tee shirt
22 and matches the physical description of the male in the
23 video, correct?

24 A Yes.

25 Q And they also locate and identify Mr. Perez

they related room situation
at that point

1 on the video, correct?

2 A Yes.

3 Q What were they reporting to Officer Covell?
4 What did they say happened?

5 A They were reporting -- I don't have the report in
6 front of me. They were reporting a theft of I believe
7 an Xbox from inside of the residence during the party.

8 Q And they believed that the victim in this
9 particular case was the individual who stole that Xbox?

10 A Yes. They did.

11 Q However, there was no Xbox ever recovered
12 from the victim's room, is that correct?

13 A Yes.

14 Q The door to room number two had already been
15 repaired by the time you came back on March 3rd to
16 obtain copies of the security camera footage. But what
17 Mr. Grissman told you is, you know, he repaired the
18 door and said the cost of a new door if the repairs
19 didn't hold was going to be about \$200, is that
20 correct?

21 A Correct.

22 Q Mr. Frank actually gave a formal statement to
23 Det. Gugliuzza of your police department, is that
24 correct?

25 A Yes. It is.

left key facts out
and misled jury
because Frank was prone
to have stolen items

1 Q I'm going to show you a copy of a document,
2 and you can let me know if this is the statement.
3 James Frank. Okay. Showing you Grand Jury Exhibit
4 Number 5. If you can tell me if that is Mr. Frank's
5 statement?

6 A Yes. It is.

7 Q And what date did Mr. Frank give that formal
8 statement?

9 A It was on March 2nd, 2013.

10 Q And how old is Mr. Frank?

11 A He is 20 years old.

12 Q And if you can turn to the second page of
13 that statement and start with the substantive question
14 about "Calling your attention to." Just start reading
15 the questions and answers to the Grand Jury please.

16 A Okay.

17 Q "Calling your attention to the burglary of an
18 occupied dwelling, tell me in your words what happened.

19 A Earlier in the day, around four p.m. to four or
20 five p.m., Brian Stokes came to my room at the Pan
21 American Motel. We were hanging out there for a while,
22 then we walked back to his house. We hung out there
23 for a while, and then we walked back to the Pan Am and
24 chilled there for a little bit.

25 "We then got a call from a couple of girls, so we

2

3P9

20.2

5P9

20.4B

1 walked all the way back to his house and that is when
2 we met with the girls. From Brian Stokes' house, we
3 then walked over to Shawn and Jose's apartment with the
4 girls. Then we were hanging out there for a while, an
5 hour or two. I am under 21, so everyone that was at
6 Shawn and Jose's were leaving to go to Porta. Brian
7 and I went back to his house. Brian was 21 and didn't
8 have any money to go out. We walked back to Brian's
9 house, we hung out for a little while.

10 "At some point, I got bored and decided to go
11 home. I went home, walked over to 7-Eleven, then came
12 back to my room where I laid down and fell asleep.
13 While I was sleeping, I heard banging on my door to my
14 room. As I awoke, I saw pieces of the front door
15 flying around. Shawn and Jose came into the room, and
16 Shawn started throwing my stuff around. He pulled the
17 drawers out and emptied them out. I had clothes on the
18 table and he wiped those off and threw them onto the
19 floor. He started ransacking my room.

20 "Shawn then got in my face and started yelling 'I
21 know you got my shit, mother fucker. Give me my shit.
22 I'll fucking kill you.' He called me a piece of shit.
23 While he was shouting at me, he was trying to punch me.
24 He swung a couple of times. I was able to move my head
25 out of the way so he didn't hit me. I then said to

1 him, 'Listen to me'. Relax. There were many other
2 people at your house. Why don't you ask them before
3 you come in here accusing me?" Shawn began to calm
4 down and said to that he was kind of drunk. Shawn
5 became apologetic to me and said he would talk to those
6 other people that were at his house.

7 "Jose then came into the room and said 'Beat the
8 brakes off that mother fucker. Beat his ass, Trapp.'
9 That is when Jose came over and grabbed me by my shirt,
10 dragged me out of the bed onto the floor and dragged
11 right up to the door of the room. I was able to get to
12 my feet and run out of the room. I ran to the back of
13 the motel and out onto the street behind it. Jose and
14 Shawn chase after me about half way and then they
15 turned around and walked back to the car.

16 "Jose said to Shawn, 'Go get Chail (phonetic) and
17 his grandmother and kill that bitch.' Jose then said
18 'I'm going to wait for this pussy to come back.' I
19 could see Jose go back into the room and throwing stuff
20 all over. Shawn pulled up to the office and was
21 waiting in the car. I then saw Joe walk out and talk
22 to Jose and Shawn and then they left."

23 Q "Do you know Shawn's last name?

24 A Shawn Trapp."

25 Q "How do you know Shawn Trapp?

1 A Through Brian."

2 Q "How long have you known Shawn?

3 A About three weeks."

4 Q "Who is Brian?

5 A Brian Stokes."

6 Q "How do you know Brian Stokes?

7 A I've known him for two years. I met him two
8 summers ago."

9 Q "Does Brian Stokes go by any other name?

10 A Channel."

11 Q "Do you know Jose's last name?

12 A I don't."

13 Q "How do you know Jose?

14 A Through Brian Stokes. He introduced me to both of
15 them."

16 Q "How long have you known Jose?

17 A About the same amount of time as Shawn."

18 Q "Do you know where Shawn and Jose live?

19 A In Stony Hill. I don't know the apartment
20 number."

21 Q "Approximately what time were you at Shawn
22 Trapp's apartment?

23 A Between nine p.m. and 10:30 p.m."

24 Q "How many people were at his apartment?"

25 A 11. There were also people coming and going."

1 Q "What time did you return to your room for
2 the night?"

3 A Around twelve a.m."

4 Q "Was the door to your room at the Pan Am
5 locked?"

6 A Yes. I had the chain lock on."

7 Q "Did you let them into the room?"

8 A No."

9 Q "How did Shawn and Jose get into your room if
10 the door was locked?"

11 A They kicked it in."

12 Q "What were you doing when they kicked in your
13 door?"

14 A I was laying there afraid for my life. I was
15 awoken by the banging on the door."

16 Q "What were Shawn and Jose accusing you of
17 stealing?"

18 A They said game system and Xbox. While he was in
19 the room, I told him to look around, if I took it, it
20 would be here."

21 Q "How did Jose" -- I'm sorry. "How did Shawn
22 and Jose threaten you?"

23 A Fucking bitch, fucking faggot, pussy, beat the
24 shit out of him, beat the brakes off of him, I will
25 fucking kill you."

1 Q "Were you frightened?"

2 A Yeah. I was. That is why I ran like hell. Those
3 are some big dudes."

4 Q "Did you think Shawn was going to kill you?"

5 A Yes."

6 Q "Were you injured during the incident?"

7 A No."

8 Q "How many times did Shawn Trapp try to hit
9 you?"

10 A Three or four times. I was able to duck them
11 every time."

12 Q "Shawn Trapp tried to hit you with a closed
13 fist?"

14 A Yes."

15 Q "Were you armed with any weapons?" Or I'm
16 sorry. "Were they armed with any weapons?"

17 A I didn't see any, but Jose said he had Glock and
18 he would shoot this fucking place up."

19 Q "Did you think Jose had a gun?"

20 A I don't know. I don't know him that well enough
21 to think that."

22 That was the end of the statement.

23 MS. HANDLER: Okay. All right. I don't have
24 any further questions. Does anybody have any questions
25 for the officer? No. Okay. Sir, I'm going to have

1 you wait outside.

2 THE WITNESS: Thank you.

3 (Witness exits Grand Jury Room)

4 MS. HANDLER: Okay. The charges before you
5 are terroristic threats and burglary. This is
6 terroristic threats. "A person is guilty of the crime
7 of third degree if he threatens to kill another with
8 the purpose to put him in imminent fear of death under
9 circumstances reasonably causing the victim to believe
10 the immediacy of the threat and the likelihood that it
11 will be carried out."

12 Burglary, "A person is guilty of burglary if
13 with purpose to commit offense therein or thereon, he
14 enters a research facility, structure or separately
15 secured or occupied portion thereof, unless the
16 structure was at the time open to the public or the
17 actor is licensed or privileged to enter." And
18 structure means any building, room, ship, vessel, car,
19 vehicle or any place adapted for overnight
20 accommodation of persons. It is a crime of the second
21 degree if in the course of committing the offense, the
22 actor purposely, knowingly or recklessly inflicts,
23 attempts to inflict or threatens to inflict bodily
24 injury on anyone or is armed with or displays what
25 appears to be explosives or a deadly weapon.

1 Otherwise, it is a crime of the third degree."

2 So, your options here, of course, you could
3 you know, certainly true bill burglary, terroristic
4 threats. There's built in remands if you feel that
5 this case would be more appropriately heard in
6 municipal court, and that would be a criminal trespass
7 and a harassment.

8 There's a charge of criminal mischief,
9 however, for it to be indictable, it would have to be
10 over \$500. And here, the testimony as I recall it, and
11 again, your recollection controls, but that the door
12 was worth \$200. And that's the criminal mischief
13 charge. So, I believe that's charged as an indictable.
14 But as your legal advisor, I'd request that you remand
15 that particular charge based on the value. Are there
16 any questions for me based on the law? No. Let's go
17 off the record.

18 * * *

C E R T I F I C A T I O N

I, Linda A. Landrigan, Certified Agency Transcriber, do hereby certify that the foregoing transcript of proceedings on Digital Time 11:59:30 to 12:17:46 is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings as recorded in the matter of STATE OF NEW JERSEY vs. PEREZ and TRAPP heard by the Grand Jury of New Jersey, Monmouth County, on May 1, 2013.

Linda A. Landrigan
/s/ LINDA A. LANDRIGAN

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AOC Number

TERRY GRIBBEN'S TRANSCRIPTION SERVICE July 26, 2013