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DULY SERVED
DATE 12/11/15
JOSEPH CRYAN, SHERIFF
UNION COUNTY, NEW JERSEY
BY [Signature]
Sheriff's Officer

SUMMONS

Attorney(s) DMR S. MARKIS
Office Address Union County Jail
Town, State, Zip Code 15 E. HARTSTOWN PLAZA
ELIZABETH, NJ 07207
Telephone Number NA
Attorney(s) for Plaintiff DMR S. MARKIS

Superior Court of
New Jersey

UNION COUNTY
LAW DIVISION

Docket No: 002-1380-15

Plaintiff(s)

Tom MAPP (PIFDPD) vs. DIRECTOR OF PRISON (PIFDPD)
J. M. LIGAN (PIFDPD) vs. DIRECTOR OF PRISON (PIFDPD)

Defendant(s)

CT. CLERK (PIFDPD) vs. TONY ALSTON (PIFDPD)
Approx 5 other PIFDPD
ATTORNEYS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey, and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

[Signature]
Clerk of the Superior Court

DATED: 12/11/15

Name of Defendant to Be Served: SUPERVISOR OF INTERNAL AFFAIRS

Address of Defendant to Be Served: PLAINFIELD Police Department

300 E 9TH STREET
PLAINFIELD NJ 07207

Omar S. Harris 220284
Union County Jail
15 Elizabethtown Plaza
Elizabeth, New Jersey 07207

Omar S. Harris Plaintiff
Adrian Mapp et al
Grace Park
Defendants
Union County Prosecutor

FILED

NOV 20 2015

**ROBERT KIRSCH
J.S.C.**

Superior Court of New Jersey
Law Division Union County
Docket # UNNL-001380-15

ORDER
Civil Action

The above captioned matter being presented to the court and the facts being considered, it is the decision of the court by the Hon. Judge Robert Kirsch JSC that Plaintiff motion to leave to amend complaint be granted, adding Acting Union County Prosecutor, Grace Park.

Date November 20, 2015

Hon. J.S.C. Signature _____

ROBERT KIRSCH, J.S.C.

unopposed

Omar S Harris 220284 8A10

Union County Jail
15 Elizabethtown Plaza
Elizabeth, NJ 07207

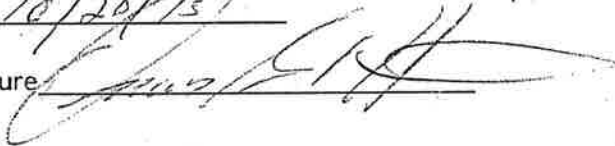
Superior Court of New Jersey Law Division Union County
Docket #UNNL-001380-15
Notice of Motion to leave to amend complaint pursuant to court rules civil action

Omar S Harris Plaintiff

VS

Adrian Mapp *et al*
Grace Park Defendants
Union County Prosecutor

Please take notice that date and time (to be set by court) the above captioned Plaintiff shall move before the honorable _____ for an order granting Plaintiff leave to amend complaint. The Plaintiff will rely on the affidavit in lieu of a more formal brief certification.

Date 10/28/15
Signature 

Omar S Harris 220284 8A10
Union County Jail
15 Elizabethtown Plaza
Elizabeth, NJ 07207

Superior Court of New Jersey Law Division Union County
Docket #UNNL-001380-15
Affidavit brief in support of notice of motion to leave for amend complaint certification Civil Action

Omar S Harris Plaintiff

VS

Adrian Mapp *et al*
Grace Park Defendants
Union County Prosecutor

I Omar S Harris herby state as follows:

1. I am the Plaintiff in the above captioned matter.
2. I am fully familiar with the facts of the case.
3. I make this motion to leave to amend complaint in order to add more critical evidence thus better supporting case. Also to make complaint more literal.
4. On 2/17/2015 approximately 7pm, Plaintiff was unlawfully arrested while in the parking lot of Kennedy Fried Chicken Restaurant in Plainfield, NJ by Defendant Joseph Mulligan, Fortunka and the rest of the Defendants listed in the original complaint along with 6 more undercover police officers that jumped out of unmarked vehicles.
5. Defendant arrested Plaintiff without reading Miranda rights as they searched him vigorously and confiscated his wallet among other items.
6. Plaintiff was taken to Plainfield police department and charged with possession of CDS and various other indictable drug offenses. Bail was eventually set at \$25,000 (ID by Detective Mulligan, Fortunka, Alston, Metz etc.) reports
7. On approximately 2/9/15 Plaintiff was taken to Union County Jail (where he filed his complaint) and still resides in lieu of \$25,000 bail pending future court appearance.
8. On 4/7/15 Plaintiff appeared before Hon. Judge Daniels and was offered 5 years with 29 M disqualifier to plead guilty. Plaintiff declined the offer and the case was sent to the Union County grand jury.

9. There after the Plaintiff received his discovery in which consisted of reports, documents and police statements. He also found what he believed to be forensic lab reports and other police reports by the involving Defendants.

10. Plaintiff filed 1st amendment "Right of the People" to assemble to petition the government for redress of grievance for the Defendant to have deliberately falsified reports, falsely charged Plaintiff with indictable criminal offense where there was no probable cause, factual material or evidence to conclude the heresy from the established proof of a crime being committed.

11. Plaintiff has been a victim of entrapment as he was incarcerated, restricted of his freedom without probable cause, in violation of his 1st, 14th, 5th, 6th and 8th amendment rights of the United States Constitution.

12. Plaintiff filed his complaint April 16, 2015 in which he has time to prepare a stronger defense as he sought more material evidence in which he must include to best support his claims (set forth in the original complaint)

13. Plaintiff makes this motion affidavit brief certification in the interest of good faith and fundamental fairness.

14. Plaintiff feels that he has a constitutional right to be allowed to produce more crucial material, factual evidence in order to best support claims.

15. Plaintiff would also wish to add Union County Prosecutor Grace Park to the list of Defendants for his deliberate inactions in conjunction with the Defendant. For the foregoing reasons Plaintiff (in the above captioned matter) request that the Hon. Judge this granting Plaintiff notice of motion to leave to amended complaint.

Apposed _____

Unopposed _____

Date _____

Omar S Harris 220284 _____

CERTIFICATION

Plaintiff hereby certify that the foregoing statement made by him are true to the best of his knowledge. If they are found to be willfully false he is subjected to punishment.

Date 10/26/15 _____

Omar S Harris _____

Omar S Harris 220284 8A10
Union County Jail
15 Elizabethtown Plaza
Elizabeth, NJ 07207

Omar S. Harris Plaintiff

Mayor of Plainfield, NJ Adrian Mapp *et al.*,
DEFENDANTS
Grace H Park
Union County Prosecutor

Superior Court of New Jersey Law Division Union County
Docket #UNNL-001380-15
Civil Action Amended Complaint

This amended complaint is being filed in the interest of good faith and fundamental fairness. Plaintiff infers that Defendant (stated herein) has deliberately violated his constitutional rights in which caused him irreparable damage as the direct and proximate result of negligence, recklessness, disregard for law of public safety as well as their duties as law enforcement public servants. Plaintiff was caused to suffer, has suffered and will suffer pain in mind and body and has suffered and will continue to suffer economic loss. Plaintiff was unable and will be unable in the future to continue his usual and customary activities as direct malicious acts of the Defendant (stated herein)

Wherein Plaintiff deposes and says:

1. On 2/7/15 at approximately 7pm Plaintiff was unlawfully arrested while in Plainfield, NJ on Park Ave at 5th St by Defendants Mulligan, Fortunka and the rest of Defendants (listed herein) except Mapp and approximately 6 other Plainfield Police Division actors as they exited unmarked police vehicles.
2. Defendants arrested Plaintiff without reading him his Maranda rights as they searched him vigorously and confiscated his wallet, cell phone and other personals placing him under arrest.
3. Plaintiff was taken to Plainfield police department, booked and charged with possession of CDS and various other indictable drugs, offenses. His bail was eventually set at \$25,000 by detectives Mulligan, Fortunka, Alston, Metz, reports.
4. On approximately 2/9/15 he was taken to Union County jail where he filed hi initial complaint and still resides in lieu of \$25,000 bail and pending more court appearances.
5. On 4/7/15 the Plaintiff appeared before Hon. Judge Daniels and was offered 5 years with 29 months disqualifier to plead guilty. Plaintiff declined the offer and the case was sent to Union county Grand Jury. Thereafter Plaintiff had his discovery in which consisted of various police reports (and what is believed to be forensic lab results) police statements by the arresting Defendants that were involved in the arrest.
6. The discovery contained what was believed to be evidence of a lawful constitutional arrest, except probable cause, sufficient evidence to show a crime has been committed or the evidence that a crime was committed by the Plaintiff prior to the search, in violation of process.

- (alleged)
7. Detective Mulligan submitted validated, legal, factual material, testimony regarding the arrest, search seizure of Plaintiff (on the night of question) in the form of police report affirmed by oath as truthful testimony (see the report my Mulligan)
 8. Detective Mulligan states "During the month of January 2015" I debriefed a confidential informant (therein after referred to as CI in regards to narcotics activity) See supplementary report by Detective Mulligan.
 9. "The informant has been reliable by providing information regarding narcotics trafficking to me and other members of Plainfield police narcotics/vice section." (see report)
 10. CI stated to me, "A black male by the name of Omar Harris receives phone calls from suspected drug buyers looking to purchase narcotics from him." (ID at Detective Mulligan report)
 11. "After a price of narcotics are agreed upon, the buyers are told by Mr. Harris to go to Park Ave and E. 5th Street (ID at Detective Mulligan report) "Once there Mr. Harris distributes quantities of heroin to buyers".
 12. "CI" further describes Omar Harris as a black male with a heavy over 6 feet tall approximately 220 lbs. in his mid-forties with an injured foot, requiring him to use crutches.
 13. Detective Mulligan stated "I gave him Defendant's cell phone number that is used during drug operation. (908) 361-8009 (ID OT report) the informant never expressed how he/she knew the information.
 14. Report further stated "During the later weeks of January into February 2015 I called (908)361-8009 and a male answered the phone" (Id at supplementary report)
 15. "The male and I had several narcotic related conversations and I portrayed myself as an individual interested in purchasing a quantity of heroin from him (Id at report) no basis of proof was established from "CI". LEGAL ARGUMENT
 16. The beginning of Defendant's reports lists probable cause as information from a "confidential informant" as he debriefed him/her during the month of January/February 2015. The report described the CI as being reliable by providing information regarding narcotics trafficking to me and other members of Plainfield section (see report)
 17. "Information related by informant may constitute a basis for probable cause." Such information through hearsay may provide a sufficient basis for probable cause, so long as a substantial basis for crediting the hearsay is presented." (Novembrino, supra, 105 NJ, at111, 519A2d, 820(quoting Jones V United States, 362 US 257, 269, 80s ct 725, 735m 4L Ed, 2d697.707 (1960)
 18. "The sufficiency of the information related by the informant as a basis for establishing credible proof."
 19. Termined by c standard that calls for consideration and analysis of all relevant circumstances. In Illinois v Gates, 462 US 213, 103, s ct 2317, 761 Ed. 2d 527 (1983) THE United States supreme court held that the reliability of informant's tips must be analyzed under the totality if the circumstance". Id 2T238, 103 s. ct at2332, 76L. Ed 2daT548
 20. See State vs Lewis, 116 NJ, 477, 486, 561, A.2d 1153, (1989) (Observing in case invading a 93 warrantless search. "We follow the totality of the circumstances test for probable cause.
 21. Two factors generally considered to be highly relevant if not essential, are included in the "totality of circumstances" are the "veracity" and the informants basis of knowledge". Gates supra, 462 VS oT 238, 103s. ct at 2332, 76L Ed 2d 1153 (1989)
 22. In Mulligan's report it clearly reports that his investigation began after he received uncorroborated, unsupported speculative information from a confidential informant. It states "Omar Harris receives phone calls from suspected drug buyers". No factual basis. "Suspected drug buyers "(Id at report) and this is considered factual, reliable basis for probable cause without basis of knowledge.

23. Mulligan's report does not state any basis of knowledge for the informants of information, nothing factual to support "the totality of circumstance test to determine probable cause in violation of process.
24. "The basis of knowledge is relevant to determine that the information was obtained in a reliable way" Novembrino supra, 105 NJ aT113, 519p 2d 820.
25. "The basis of knowledge" can be disclosed by an informant of the tip itself relates expressly or clearly in how the informant knows of the criminal activity.
26. Thus in Novembrino, we stated "In the absence of a statement obtaining the manner in which the information was gathered, it is especially important that the tip describe the accused criminal activity in sufficient detail that the evident that we are relying on something that is more substantial than the casual rumor circulating in the underworld or an accusation based on individual's general reputation. I bid (citing Spinelli, supra 393 US at 916, 89s ct. at 589, 21L Ed, 2dat 644)
27. The "CI" never stated that he/she observing criminal activity never disclosed purchase of narcotics, did not prove knowledge as to how he/she who calls Plaintiffs phone nor was there mention of any controlled days between Plaintiff's and "CI" observed by state witness, nothing substantial to support allegations.
28. The report of discovery does not verify as to whether or not an affidavit for warrant was sought if the tip from the informant established probable cause based on the totality of the circumstances.
29. Detective Mulligan had January 2015 until February 2015 to establish probable cause, factual material evidence in which to support tip. The description of the "CI: provided told the description that could be from a casual glance at Plaintiff without any personal intimate information, the whereabouts of Plaintiff, residence, where he works. Also description failed to mention that Plaintiff has shoulder length dreads in hair which is the most obvious distinguished characteristic feature Plaintiff is recognized by. Yet the suspected confidential failed to see this. (id Mulligan's report)
30. Defendant Mulligan failed to corroborate the tip from the "CI" with independent police information, NCIC (Criminal history) to determine where or not Plaintiff has history of distributing drugs or whether or not the tip had any truth in violation with Plaintiff constitutional rights Due process.
31. Defendant's report documents the "CI"'s tip stating Plaintiff receives phone calls from suspected drug buyers in which has no factual basis as it states "suspected drug buyer". This plainly suggests speculation as to the information absence of substantial factual evidence to establish probable cause.
32. This part of information is purely speculation as suggestive and does not prove that a crime is being committed or has been committed.
33. In general, any evidence derived form a search incident to an unlawful arrest is inadmissible (see Wangsun v united states 371 US 471 (1963) As the states witness Mulligan based the entire investigation from uncorroborated unsupported uninvestigated, pointless speculated tip from an unidentified untested confidential informant labeled reliable.
34. He has provided that the states witness is in violation of Due Process, as he failed to establish probable cause in which to conduct a narcotics investigation, thus leading to search arrest seized of Plaintiff in violation of Plaintiff's constitutional rights,
35. State vs Kurland 130 NJ super 110 114-115 (App. Div 1974) "'the informant's exportation of gain from providing the information so inheriting raises credibility questions, that even where the informant's claims to be reporting personal observations, the circumstances beyond the

- informant's story must help corroborate the data before it will be found to establish probable cause.
36. Quoting Carroll v United States, 267 US 132,162 (1925) The court held that police have probable cause when "the facts and circumstances within the officer's knowledge and when they had reasonably trustworthy information is sufficient in themselves to warrant a man of reasonable caution in belief that an offense has been committed.
 37. Plaintiff infers that after obtaining the unsupported, uncorroborated tip from the "CI" in which showed no convincing details and was purely speculative as to who was calling Plaintiff's phone, there appeared to be no proof of a criminal being conducted as to warrant probable cause for police action.
 38. The absolute touchstone of the warrant for any search incident to arrest itself must be lawful. Thus before making an arrest, an officer must have probable cause to believe that the arrestee has committed a crime offense for which a custodial arrest is permissible. See Maryland v Pringle 540 vs 366 (2003) State v waltz 61 NJ 83 (1973).
 39. Plaintiff was arrested on 12/27/14 approximately 11 days prior to this incident by detective Mulligan, Fortunka (and approx. 6 other officials of Plainfield P.D) in which was unlawful, unconstitutional in which the Defendants failed to establish probable cause to search, detain, arrest Plaintiff and eventually justify the illegal accost as the product of a tip from an informant (Id at report of Dec 27, 2014 by Detective Mulligan)
 40. Plaintiff already attempted to seek remedial action for this action (12/27/14) and is presently waiting the filing of this separate complaint. However, Plaintiff will briefly show where this prior complaint is directly related to Defendant's personal probable cause to unlawfully arrest also it shows a consistent pattern of misconduct. Part of Defendant Mulligan, Fortunka)
 41. Plaintiff was lawfully at Plainfield train station on or about 12/27/14 approximately 9pm sitting on the platform bench while waiting for the 10pm train when he was suddenly grabbed from the bench and searched, detained and arrested. (Id report Mulligan Dec 27, 2014).
 42. Plaintiff was sitting because he has prior surgery on his left ankle which left him with an external fixation (metal through left heel of foot and metal bar in his left shin) in which required that he stay off his feet as much as possible, he used crutches to travel around.
 43. Plaintiff was with a friend and he was searched as well. I was told that I had a warrant for my arrest by Defendant Mulligan, I was handcuffed (without the reading of Miranda warnings) taken to the Plainfield Police Station to be searched again.
 44. Defendant attempted to search me but found it hard to get my pants off because of the metal that was on my leg and ankle. My phone was taken as well as my wallet.
 45. Approximately 2 hours Defendant had possession of my property then Plaintiff was given a summons and allowed his crutches as he left charged with possession of CDC, conspiracy etc. (see report dated December 27, 2014)
 46. In the report Defendant stated " I was assigned to the Plainfield Police Division Narcotics Vice Section and in there of the Plainfield train station" (Id invest, report 12/27/14 by Mulligan)
 47. It further states "I was in the area with my partner Detective Christopher Fortunka and other members of the unit to address citizen and commuter complaints of narcotics activity" (Id report)
 48. The report does not state who the complaints (alleged) where in referenced to not did they have a particular identification of suspects that complaints were in reference to regarding narcotics activity (Id report 12/27/14)
 49. The report further states "It should be noted this is a high narcotic area, here numerous narcotic related arrests were made" (Id at 12/27/14 report Detective Mulligan)

50. "At approximately 21:07 hours, Detective Fortunka parked our police vehicle and began walking to the train station platform. Upon doing some r observed a group of about four to five older black males standing idle with no apparent destination" (see report)
51. So far it appears no probable cause to stop, search, arrest, accost anyone who is observed even with the description of the "four or five black males standing idle with no apparent destination" arouses the suspicion as they stated in the report earlier on. "I was in the area with my partner Detective Christopher Fortunka and the other members of the unit to address citizen and commuter complaints of narcotic activity".
52. The report continues it should be noted. "This group is known to us as a nuisance group, bothersome to the commuters" (id report of 12/27/14 Mulligan)
53. "As Detective Fortunka and I reached the group, they suddenly realized we were the police and began to disperse" (see report by Mulligan)
54. "Two males known to me as Omar Harris and Charles Jordan Mickens quickly placed something in their right front pants pocket upon observing the police. I detained Mickens, while Detective Fortunka detained Harris" (Id at report 12/27/14)
55. This is an example of the two Defendants deliberately targeting Plaintiff and unlawfully detaining, searching, restricting his freedom without sufficient, substantial, probable cause as they (supposedly) were assigned to the station for the reason of complaints. They saw what might have been gleaned as probable cause to question "four to five black males with no apparent destination" (Id at Mulligan report 12/27/14) yet they profiled and targeted more favorable black male and justified the action with "quickly placed something in their right front pants pocket" (Under Sibron v New York) the search was unlawful unless there was the suspicion of a weapon being placed in the Plaintiff's pockets.
56. "For a warrant search incident to an arrest to be lawful, probable cause to arrest must exist prior to the search". Any evidence discovered during the search cannot be used to establish probable cause to arrest. (Sibron v New York 392 vs 40, 63 (1968). "It is axiomatic that an inordinate search may not proceed an arrest and serves as its justification.
57. In this case there was no probable cause to bypass the other people at the station. Apparently the report does not state a crime was being committed by Plaintiff where it drew the attention from the "four or five older black males" that were closer to the Defendants.
58. Again, Plaintiff does now wish to attempt to charge Defendant twice with the same offense as he already is in the process of pursuing this 12/27/14 case in another civil suit. He only wishes to show where this deliberate acts omission on part of the Defendants directly relates to the 2/7/15 as it explains how my phone numbers obtained. (see reports 12/27/14 and 2/7/15) by Defendant Mulligan)
59. "Our case makes it clear that seizure doesn't occur simply because a police officer approaches an individual and asks a few questions, as long as a reasonable person would feel free to disregard the police and go about his business. The encounter is consensual and no reasonable suspicion is required.
60. "The encounter will not trigger 4th amendment scrutiny unless it loses its consensual nature". The court made precisely this point in Terry v Ohio 392 vs1, 19n.6 (1968) "Obviously not all personal intercourse between policemen and citizens involve meant "seizure of persons"
61. "Only when the police by means of force or show of authority have in some way restrained the liberty of a citizen, may we conclude that a "seizure" has occurred. In this case (12/27/14) the report by Mulligan clearly states that Plaintiff was detained though without probable cause. He was searched, arrested, charged and booked. The rest is documented in the police report and records and are in violation of Plaintiff's constitutional rights of the 1st, 14th, 8th, 5th and 6th amendment of the United States Constitution.

62. In the instant case Detective Mulligan's report states "I am very familiar with Omar Harris from prior narcotics investigations and arrests and I know he frequents parks and other surrounding areas (Id Mulligan report)
63. Independent police corroboration is very important in establishing truthfulness of a tip. There are multiple police who also work in Plainfield police division in which can be access information as to where a confidential informant's tip is truthful or accurate.
64. Nowhere in the reports does it states that the state witness had other access of credible information regarding Plaintiff's involvement in criminal activity NCIC, other police, co-workers, concerned citizens, business owners that frequent on Park Ave. or have businesses in the area. There was no other attempt to establish veracity or basis of foundation for information yet the "CI" was considered reliable.
65. Because the information contained in on informant's tip is hearsay and must be proven trust worthy to be considered as probative evidence. Corroboration is an essential part of the determination of probable cause."
66. "Independent corroboration is necessary to ratify the informant's veracity and validate the truthfulness of the tip. "The informant's veracity is inadequately documented in the officer's Affidavit could be bolstered by a corroborative investigation" (Novermbrino, Supra, 105 NJ at 113, 519, 19 A. 2d 820)
67. In this case, the fact that Defendant Mulligan and Fortunka unlawfully arrested, searched, accosted Plaintiff 12/27/14 is the only recorded arrest that is rested in NCIC (as well as Plaintiff's criminal history (See NCIC). The unlawful, unconstitutional and violation of Plaintiff's constitutional rights is listed as the only reason Defendant Mulligan states "I am very familiar with Omar Harris "because of the incident that occurred at the Plainfield train station in which he and other police agents conspired to arrest and charge Plaintiff with false criminal indictable offenses under false pretenses.
68. This deliberate willful misinformation put in the report has very little credibility regarding tip from a confidential informant. It has been deliberately fabricated as a justification of making an unlawful arrest, search seizure to cover up the fact that the arrest was staged as a sale that did not go as planned by the Defendant (see Report)
69. Plaintiff criminal offense he was charged with on 12/27/14, was sent to Union Count Prosecutor on 12/28/14. It was remanded to Plaintiff Municipal Court on 2/6/15 (1 day prior to the date of 2/7/15). The false CDC charge was reduced to failure to turn over drugs to police (see NCIC)
70. On 12/27/14 Defendant had opportunity, access and power of authority to confiscate Plaintiff's phone and obtain his phone numbers. (Id at arrest report by Defendant Mulligan 12/27/14)
71. Defendant's alleged information from confidential informant had no basis of foundation. It lacked factual information to support the fabricated information. The description of Plaintiff lacked the most distinguished characteristic feature Plaintiff has (shoulder length dreads) on his head, crutches to help Plaintiff move. The informant never stated where Plaintiff lived, never verified whether or not he/she observed any drug transaction etc. to support tip because there was no informant and Defendant fabricated entire investigation, arrest, tip, probable cause in violation of Plaintiff's constitutional rights of sue process (Id at reports).
72. The report does not state the Defendant inquired as to the source of the information was factual, material. No proof from individual, independent resources like police or co-workers that can verify whether or not Plaintiff has ever been arrested on Park Ave in Plainfield or have been compliment as a drug dealer. That is because Defendant couldn't find sufficient evidence to establish probable cause to seek an affidavit to warrant so he staged a heroin buy in hopes of making an arrest without any evidence to suggest Plaintiff's involvement in a criminal act. (Id report)

implemented

73. The report further states "Then on February 7, 2015, I called 908-361-8009 and a male answered the phone. I asked if he would be around because I needed some heroine. I told the male I needed 5 bags, and then I briefed the members of the narcotic/vice station of the pending narcotic deal. (Id report). Still no legal authorities of warrant attempts were administered by Defendant.
74. The report further states "During this investigation, Metz would be the undercover officer and would assume my identity as the person the male dealer was talking with. I used Detective Metz as the undercover due to the fact that Harris and I are familiar with each other and I was concerned he would recognize me as a police officer (see report)
75. "Detective Metz was dressed in plain clothes and utilized an undercover vehicle that was fitted with a wireless transmitter. This was done in case the male called my phone he would now be speaking with Detective Metz".
76. Defendants candidly admitted to setting up an illegal drug buy from Plaintiff as the result of allegedly receiving a tip from a confidential informant. It had no corroboration, no basis of foundation or information or support thus verifying the truthfulness of the alleged tip (Id at report)
77. Without sufficient evidence in which to establish probable cause to submit in affidavit for application for search warrant, no corroboration from fellow officers to show a history of prior arrests for criminal activity regarding drug offenses, also without legal, constitutional authorization (except LT Obrien willingly participated) they planned an execution of a drug buy (complete with phone number of Plaintiff which was taken on 12/27/14 during the illegal confiscation of Plaintiff's cell phone) all they needed was Plaintiff to have drugs. (Id at reports)
78. The report further states "He was provided with a quantity of US currency that represented official funds of the Plainfield Police division. The currency provided was forty five dollars, which was marked and photo copied prior to this investigation" (Id report)
79. "Detective Metz called the mentioned number and Omar answered his cell phone. via transmitter I could hear
80. "Prior to Detective Metz driving to Park Ave, I discreetly entered the area and observed Omar Harris standing at the intersection of Park Ave and East 5th St. (Id at Mulligan report)
81. "Via transmitter I could hear the two conversing. Harris directed Metz into the parking lot of Kennedy Fried Chicken Restaurant located on the south east corner of Park Ave and East 5th St." (Id Mulligan report)
82. "Detective Metz then drove in to the parking lot and parked. Harris walked directly up to Detective Metz's passenger side of the vehicle and distributed a quantity of suspected heroin to him (ID at report Mulligan's)
83. There is a distinct contradiction between reports regarding where Plaintiff was supposedly standing at the time he was allegedly spoke to Detective Metz.
84. Detective Metz's report states "Upon reaching Park Ave and E. Front St. I parked in the 100 block of E. 5th street facing east bound and called 908-361-8009. A male (apparently the same male as before believed to be Harris) then answered the phone (Id at report by Detective Metz)
85. "The male then directed me to the parking lot of Kennedy Fried Chicken (501 Park Ave.) at which point I parked and immediately observed Omar Harris leaning on a garbage can on the south east corner of the restaurant". (Id at Metz report)
86. First Plaintiff at the time was just out of ankle surgery, had the need of crutches and an ankle support device attached to his left ankle to help support his walking because of the pain of his wounded ankle he was unable to stand for long periods of time.

87. Then Detective Mulligan stated that he "discreetly entered the area and "observed" Omar Harris at the intersection of Park Ave and East 5th St. "Harris directed Detective to drive into the parking lot of Kennedys Fried Chicken Restaurant.
88. Yet Detective Metz stated he was leaning on a garbage can on the southeast corner of the restaurant. (Id at the inconsistency in the two reports)
89. These reports dispute material, factual evidence in which these two reports supposed to present yet Plaintiff could not have been in two places at the same time (see reports)
90. Also Metz report states that "I observed Harris removing and separating numerous items from his wallet which I immediately believe to be a quantity of CDS). A short time later Harris approached the passenger side of the undercover vehicle, handed me 5 glassine envelopes of suspected heroin and took the \$45 United States currency from my right hand" (Id at Metz report)
91. Detective Mulligan report states that "Detective then drove into the parking lot and parked. Harris walked directly up to Detective Metz's passenger side of the vehicle and distributed a quantity of suspected heroin". (Id at Mulligan's report)
92. Again there is a dispute as to what actually transpired during the alleged drug transaction. Metz states Plaintiff was "separating items from his wallet". "A short time later Harris approached the passenger side of the undercover vehicle". Indicating that he had to wait for a short time later. (Id at Report Metz)
93. Mulligan's report states "Detective then drove into the parking lot and parked. Harris walked directly up to Detective Metz's passenger side of the vehicle and distributed suspected heroin" (Id at Mulligan's report) in which suggests
94. Two different stories of what really transpired on the night question. Mulligan's report insinuates that Plaintiff immediately walked up to Metz's vehicle and Metz report stated there was a substantial amount of time as Plaintiff was "separating items from his wallet" and Mulligan stated that the alleged transaction was a quick complete.
95. These two discrepancies in the reports represent two differences that make it difficult to ascertain facts where (supposedly) two Detectives saw the same alleged transaction and yet two different actions occurred (Id at reports)
96. These two misrepresentations of (alleged) facts this submitted in the form of official court documents (policy report) that are signed and certified as truthful factual evidence, this contained incomplete, untruths which to deliberately submit false allegations which to sabotage Plaintiff in violation of Plaintiff constitutional rights of Due Process, Equal Protection of the laws.
97. Plaintiff notices that none of the reports state where or not Plaintiff had use of his crutches during alleged drug transaction, as if he did not previously have surgery (Id at reports) because of the very rare (if any) it would be convincing if told that a person on crutches distributes drugs in a drug area. This (small) bit of information was deliberately held in the reports.
98. Mulligan reports states "I discreetly entered the parking lot areas and observed Harris standing at the intersection of Park Ave and East 5th St." (Id at Mulligan report)
99. None of this states that he had left the area of Kennedy Fried Chicken Restaurant. Metz report states "I then returned to Plainfield Police division Headquarters where I later turned over the quantity of suspected heroin to Detective Mulligan". Again, Mulligan was at the scene where the alleged transaction took place and he was at the police division department at the same time.
100. Deliberate fabrication of reports consistent with an unlawful arrest and the need to justify, abuse of authority in violation with Plaintiff's constitutional rights.
101. Also there were four reports by four Detectives. Three of the reports do not state "They observed Harris distribute any drugs. As a matter of fact, material, factual testimony (See reports)

102. Mulligan's report states "I discreetly entered the area and observed Omar Harris standing at the intersection of Park Ave and E. 5th Street (Id Mulligan report). He even states "Harris walked directly up to Detective's passenger side of the vehicle and distributed a quantity of suspected heroin". Yet Metz stated there was an amount of time before Plaintiff (allegedly) distributed heroin (Id at report Metz)
103. Detective Mulligan's report does not state he was the one that was distribution from Plaintiff yet he does not specifically state he "Observed" any drug transaction (Id at Mulligan report). Also Metz states that he went back to police station and turned over the CDS to Mulligan (two places at one time) deliberately inconsistent reports, results of fabrication of official documents.
104. Detectives Fortunka and Troy Alston did not state they (observed) any drug transaction on part of Plaintiff as they were involved concerning the conspiracy to commit unlawful arrest, charge, search, seizure of Plaintiff.
105. "Defendant submits that the informant's privilege is inapplicable where the informer is an essential witness on the basic issue in the case, where the informer in an active participant in the crime for which Defendant is prosecuted or where disclosure is mandated by fundamental principal of fairness to the accused" (State v Milligan, 71 NJ 383 (1976))
106. Plaintiff states that this act and omissions, thus inflicted in part his person is deliberate, indifferent, willful act of illegal unlawful arrest, search and direct connection of the unlawful unconstitutional act omissions that occurred on 12/27/14 in violation of Plaintiff's constitutional rights.
107. Plaintiff also assert that these deliberate act on part of the Defendant's (stated herein) were done with racially motivated intent to cause harm to the Plaintiff by intentionally providing false, unproven, uncorroborated, falsified misinformation to conduct unauthorized investigation as the direct result of information gathered from Plaintiff cell phone.
108. Plaintiff was wrongfully arrested, searched and taken into custody on 12/27/14. His cell phone was taken as wells as wallet and other personal belongings.
109. Detective Mulligan looked into his cell phone and inquired information that was personal and private (without Plaintiff's consent) including his phone number. Also he programmed the name "Joe" into Plaintiff's phone (when he calls from his phone) the name "Joe" will appear (as if Plaintiff knows that person).
110. Plaintiff was singled out from the "Four to five" black males standing with "no apparent destination". Specifically (without substantial or probable cause, legally, constitutionally for a more personal reason other than according to the law enforcement practice and procedure. (see report)
111. Plaintiff was charged with possession of CDS, conspiracy paraphernalia etc. where there was no probable cause to search existed, no threat of weapon or arrest existed prior to search the arrested Plaintiff long enough to access his phone and plan other search and seizure.
112. Eventually Plaintiff was issued a summons and given back his property not knowing his phone was also searched in violation of his constitutional rights of the 4th amendment, 1st, 8th and 14th. Also states laws concerning privacy and confidential information in cell phone and private property.
113. Defendant's report further states that "It should be noted that this group is known to us as nuisance group, bothersome to the commuters" (Id at report 12/27/14)
114. This statement "a nuisance group" in which he doesn't specifically state in what violation of laws these people have violated nor did he ask them aby questions as to their reason for being at the train station, nor did he even state he had probable cause to inquire as to their being at the train station.

115. The beginning of his report justifies his reason for being at the train station as he states "I was in the area with my partner" Detective Christopher Fortunka and other members of the unit to address citizen and commuter complaints of narcotic activity (Id at report Mulligan 12/27/14)
116. "As Detective Fortunka and I reached the group, they suddenly realized we were the police and began to disperse". (Id at report)
117. The Defendants did not find it strange and suspicious that the other "four or five black individuals began to disperse". They intentionally had their attention on the people that I did not see them (their backs to the Defendants as Plaintiff was seated on the platform). They intentionally, maliciously targeted Plaintiff and justified it as probable cause to arrest, search and charge Plaintiff with CDS charge offense.
118. This is where the Defendant had enough time to access Plaintiff's phone and data thereof to Plan the unlawful arrest and search on 12/27/15. Plaintiff's phone had personal phone numbers from family, friends and other personal data in which he needed and had a constitutional right to have it in his possession. None of the data included threats, terroristic or breach of national security in which would require a court ordered warrant arrest.
119. The report in this case of 2/7/15 reports that "During the month of January 2015, I debriefed a confidential informant "CI" stated to me a black male by the name of Omar Harris receives phone calls from suspected drug buyers looking to purchase drugs" (Id at report)
120. "CI" further described Omar Harris as a black male, with a heavy build, over 6'1 tall, approximately 220lbs, in his mid-forties with an injured foot requiring him to use crutches" (Id at report)
121. This report states descriptions that are easily gleaned from my appearance (casual glance). The only way a person could know who calls my phone id from accessing my cell phone and reading my email (illegal, unlawful obtaining information) accessing private and personal information for personal gain and falsify the police actions as those from a tip from an informant. The "CI" never mentioned the long dreads.
122. The tip does not disclose where Plaintiff lives, where he gets drugs, how much is the drugs (not hard to know information) and the informant uses Plaintiff first and last name (Id at report) because the Defendant previously arrested Plaintiff 11 days prior to this so called investigation.
123. The informant never verified any personal knowledge such as buy drugs from the Plaintiff, observing any drug transactions, any concerned citizen complaints, verifiable or reliable information about Plaintiff to support claims of drug distribution. None of this was presented by Defendant in report by "CI"
124. No history of drug distribution of fellow police report to verify prior arrest for drug distribution or loitering on Park Ave. or anywhere else to contribute to Defendant's "CI" information or hypothesis of Plaintiff's distribution of drugs.
125. There was no substantial evidence to prove probable cause to gleam that a crime has been committed enough to file and submit affidavit to a warrant to issue thus given support and legal, constitutional authority to arrest Plaintiff.
126. Defendants did not observe any criminal conduct (as he had 11 days from December 27, 2014 until early month of January) to corroborate his tip from the (alleged) informant, yet when the arrest of 12/27/14 the (alleged) report evidence was sent to the union county prosecutor's office on 2/6/15 the case was remanded to the municipal court Plaintiff downgraded as there was no probable cause for further legal action (see criminal history)
127. "The grand jury cannot be denied access to evidence that is credible, material, and clearly exculpatory, so as to "induce a rational grand jury to conclude that the states is not made at prima facie case against the accused".

141. "Both the 6th amendment of the United States constitution and New Jersey constitution guarantee a Defendant the right of compulsory process for obtaining witness in his favor and the right of confrontation under State v Garcia, 195 NJ 192 (2008) State vs Engram 195 NJ 23 (2008)
142. "New Jersey Constitution Article 1 Para, Id "The Right of an accused to present witnesses in its own defense is a fundamental right available to a Defendant under the constitution" Garcia, Supra at 192
143. The confidential informant's identity is critical to the preparation of defense in this matter and foes to the entire credibility of the state case and investigation leading to the arrest of the Defendant.
144. Furthermore, the state has not vouched for the reliability of this informant in any affidavits, in fact the incident reports does not state whether or not the confidential was tested yet it did state it is reliable and his "proven reliable through independent investigations, resulting in over 25 arrests where quantities of CDS, currency and weapons have been seized" (Id at reports of Detective Mulligan)
145. There was no basis provided for the Detectives to conclude that this witness had any degree of reliability in which to show the small minute portion of suggestive information without any support or veracity or basis of foundation to be considered probable cause for them to base their case in violation of Plaintiff's due process rights of the United States constitution.
146. There is nothing in any of the reports by the states witness that they had made any attempt to verify the truthfulness of the information that was provided them from the informant which he had from the beginning of "January 2015. I debriefed the reliable confidential informant" (Id at police report). Until February 7 2015, to valid and support or find facts pertaining to the information (findings not probable cause they decided to execute an investigation that did not prove profitable in which state had to justify the illegal, unconstitutional arrest, search and seizure of the Plaintiff in violation of his 1st, 4th, 5th 6th 8th amendment rights.)
147. This disappointment led to the Defendant to use the information they obtained from Plaintiff's telephone and justify it as a tip from an informant.
148. Plaintiff infers that information from his cell phone was used to illegally unlawfully search, arrest and seize Plaintiff in violation of his constitutional rights, PS Plaintiff has been illegally targeted to be unlawfully incarcerated by the Defendants.
149. Plaintiff has no proof that the information was provided from a confidential information which his constitutional rights have been violated by Defendants as they falsely charged him with an unjust offense without probable cause in violation of due process of the laws.
150. Defendant asserts that all of their acts omissions were all done legally, constitutionally and all in accordance with the laws, bylaw rules, regulations within due process as the direct result of information from a tip from a confidential reliable informant.
151. There is nothing in the report that states the Defendants had a controlled buy, observed by a "CI" or was provided with a signed authorized warrant thus issued from a judge authorizing them to access Plaintiff's phone for information and using information for perception of prosecution according or pursuant to any laws binding by the United States constitution.
152. Plaintiff infers that the information that was supposedly obtained from a reliable confidential informant was the direct falsification of a justification for making an illegal unlawful arrest in violation of the 1st 4th 5th 6th 8th amendment of the United States constitution.
153. "Police are charged to enforce laws until and unless they are declared unconstitutional. The enactment of law forecloses speculation by enforcement officers concerning its constitutionality with possible exception of a law grossly unconstitutional that any person of reasonable prudence would be bound to see its flaws"

154. "society will be ill served if its police took it upon themselves to determine which laws are and which laws not constitutionally entitled to enforcement" (Michigan vs DeFillippo, 443 US 31 (1979))
155. "Federal and New Jersey constitution guarantees criminal Defendants" a meaningful opportunity to present a complete defense" (Crane vs Kent vcky 476 US 693, 690, 116 sct 2142, 2146 91 Ed 636 675 (1986) Internal quotation marks omitted) Budis supra 125 NJ at 531, 593 A2d 784 (same)
156. "That opportunity would be an empty on if the sate were permitted to exclude complete, reliable evidence bearing on credibility when such evidence is central to the Defendant's claim of innocence" Crane, Supra 476 US at 690, 106 S ct at 2147, 90 LED 2d at 645
157. Plaintiff reiterates he has been set up, wrongfully charged, arrested, unlawfully incarcerated, falsely set up to be labeled as drug dealer, in direct violation of Plaintiff's constitutional rights of the Unites States constitution.
158. Plaintiff infers that Defendants are in violation of the civil rights act of 871 (KLU KLUX KLAN) act 13 stat 13 "that any person who under color of any law statue, ordinance, regulation, custom or usage of any state, shall any such law statue ordinance, regulation, custom or usage of the state to the contrary notwithstanding be liable to the party injured in any action at lawsuit inequity or other proceeding for redress.
159. The Klu Klux Klan Act 17 stat 13 was enacted on April 20, 1871, less than a month after President Grant send a dramatic message to congress describing the breakdown of law and order in the southern states.
160. Breakdown of law and order in the southern states, "Hours of oratory were devoted to the details of the Klan outrages, arson, robbery, whippings shootings, murders and other forms of violence being committed in disguise and under cover of night"
161. These acts of lawlessness went unpunished, legislator asserted because Klan members and sympathizers controlled of influenced the administration of the state's justice system.
162. It is clear from the legislative debates that, in view of the acts, sponsors, the victims of Klan outrages were deprived of equal protection of the law if perpetrators systematically went unpunished".
163. "Proponents of the measure repeatedly argued that given their effectiveness of the state law enforcement and the incidents federal rights to "Equal Protection of the laws" and independent federal remedies was necessary and congress had the power to provide it" (see Monroe vs Pope 365 US 167, 174, 81s ct at 473, 477, 51Ed 2d 492 (1966) see eg, cong Globe, 39th cong sess 475-476
164. Plaintiff re alleges paragraphs 1 thru 125 and here by files this complaint to the rules, regulations and laws of this state and country, constitution and re alleges that the Defendants violated his constitutional rights of the US constitution and 42 USC. 1983, 1985 he sates his claim upon which relief can be granted.
165. Plaintiff infers that union county prosecutor Grace Parks partially (if not wholly) responsible as chief law enforcement. It is within her responsibility to evaluate and investigate regarding the state has established a prima Fabie case of whether probable cause exist to seek an indictment.
166. She was fully familiar with the fact that the sate provided no factual material evidence to show the (alleged) tip from the confidential informant, thus provided to the state.
167. There was no independent investigation corroboration from the Detectives to further support the tip as Plaintiff has no prior distribution arrest or charges in his arrest history to suggest a pattern of drug activity.
168. Prosecutor Grace Park also knew of the arrest on December 27, 2014 in which Plaintiff was falsely arrested, charged with drug offense and searched, his cell phone was taken and Detective

Mulligan programmed his name and number in the phone so his name "Joe" would show up on the phone when he called.

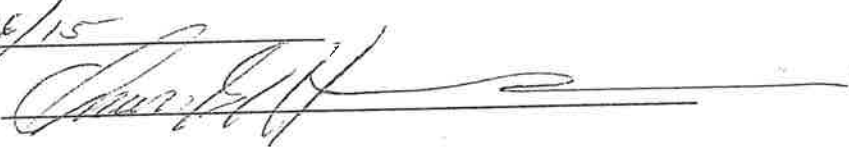
169. Defendant Park is fully capable of investigating this case as she also decided to send the Plainfield police department case back to Plainfield municipal court on 2/6/15 for reason she knows it was not enough probable cause to indict.
170. Plaintiff will also like to add Ms. Grace Parks to this civil suit to hold her responsible for conspiring to deny Plaintiff his constitutional right to due Process Equal Protection of the laws.
171. "Where a county prosecutor willfully refuses to act without just cause or excuses, he/she is guilty of breach of duty, rendering him/her liable to indictment formation and neglecting carrying out his/her duties without regards to whether his/her actions and neglect resulting from her corruption" (state v Winne, 12 NJ 152, 96A 63 (1953))
172. Plaintiff was indicted on 5/14/15 (Indno150500377-I) in which he now awaits further court appearances in which is violation of his constitutional rights as a result of the Defendant inequities stated herein.
173. Again, Plaintiff hereby adds Grace H. Park to the Defendants and holds her liable for she knew about the Defendant's acts and omissions and has taken the "blind eye" and refuses to seek justice but decided to allow the Defendant to wrongfully charge Plaintiff with the instant offense.
174. This complaint (amended) had been brought pursuant to New Jersey civil rights act (NJSA 10-6-2 and article 1 section 7 of the New Jersey state constitution)
175. Plaintiff has at all times been material here to a lawful citizen of the United States of America who are presently is incarcerated in Union County Jail in Elizabethtown Plaza, Elizabeth, NJ 07207
176. The Defendants herein were at all times relevant to employees of the Plainfield Police Department (except Mayor of Plainfield) Adrian Mapp and Union County Prosecutor Grace Park and were acting under color of law and municipal law.
177. All allegations in this complaint are verifiable through records, reports, statements, official documents, etc. material factual evidence.
178. Wherefore Plaintiff requests the court grounds the same relief as the original complaint.

Date: 10/26/15 Plaintiff Signature 

Defendants are "persons" within the meaning of New Jersey Civil Rights Act (NJSA10:6-2 and acted under color of state and municipal law)

CERTIFICATION

I hereby certify that the foregoing statement made by me are true to the best of my knowledge, if the foregoing statements made by me are found to be willfully false, I am subject to punishment.

Date: 10/26/15
Plaintiff Signature 

NOTE: There is no documented evidence of the existence of informant.

Report
Notes:

The detective Mulligan (P/4700) (dated 2/3/15) advised the
documented informant (source) stated "prior the month (reliable
of January 2015) I obtained available confidential (confidential
informant) "herein referred to as 'CI' in regards to narcotic
activity."

NOTE

1.8.2

DEFINITION

Informant

According to New Jersey Prosecutor's Manual (Volume 1 Admin-
istrative Rules 121.8.2 DEFINITION OF INFORMANT STATES:

For the purpose of these guidelines, an informant is def-
ined as an individual who furnishes information purpo-
sing to disclose violation & provision of the laws of this
state or of the United States to a representative charged
with the duty of enforcing such laws; and the individual
whose identity is to remain confidential. Evidence Rule:

Evidence

Rule 51b

51b. "Importantly, this latter definition includes per-
sons who may: (a) themselves be criminals, (b) be only asso-
ciated with criminals, or (c) be members of the legitimate
public who have a certain useful information of criminal nature
i.e. "tip" or "lead". The testimony may be impeached as credible
testimony.

The detective's report was dictated by the T-1000
he debriefed the 'CI'. He never described a debriefing
process he debriefed the confidential informant.

Whether, the debriefing was witnessed by a sup-
ervisor or other person, law enforcement officer, per-
son of (equal) or more authority under the (state or
federal law), (check the witness as to verify, method
manner and interest of the information was extrac-
ted from the (alleged) confidential informant.

NOTE: The report does not state (and discovery of states
material evidence) does not disclose any documentar-
ion in which to verify, review, or prove that the
existence of each debriefing occurred or whether it
was administered in a legal, documented, truthful
reliable way, in which this exact information could
be retrieved for legal purposes for trial, etc.

NOTE: The report fails to state whether or not this reliable
important credible information was recorded/document

was the CI provided information
information was he provided drug
any way, however, was he desperate of
getting his money from prostitution?

or video taped for depositions, in case the informant is considered material witness in defense case. pursuant to Evidence Rule 516.

Note: The Reports fail to provide documentation that shows the information from the Confidential Informant (pursuant to 21.9.5 Verification of Informant).

W. 8.5
certification
of Informant

It states: "In all cases involving informants who are receiving monetary or other valuable consideration, or about to receive some form of prosecutive consideration, in all cases involving persons with criminal records or reputations for involvement or associations with persons with criminal records, it shall be the responsibility of the law enforcement agency to ensure that an appropriate background investigation of the informant is conducted in order to determine whether that agency will use or not use that informant."

The State's discovery fails to verify whether these rules have been complied with nor do any of the Discovery reports, documents, investigation Reports, Supplemental Reports ect show where there were any searches conducted to evaluate, Report verify whether or not the informant's information has been obtained in a reliable way, instead of being given because of need of drugs, money ect. that persons in which to submit without full information.

Note:

There is no basis of foundation for the information in which the Confidential Informant disclosed (see Report) the description (information) failed to itemized and distinct isolated incident in which was witnessed by the "CI" involved the presence of the "CI" or informant the direct contact between the "CI" and Hays, in which would have verified (at least direct communication between the two). The information described an action that is more generalized "phone call from suspected drug buyer" get price quotation distributes in "talk over" without specific answers as to a particular isolated incident or

Note:

There is no basis of foundation for the information in which the Confidential Informant disclosed (see Report) the description (information) failed to itemized and distinct isolated incident in which was witnessed by the "CI" involved the presence of the "CI" or informant the direct contact between the "CI" and Hays, in which would have verified (at least direct communication between the two). The information described an action that is more generalized "phone call from suspected drug buyer" get price quotation distributes in "talk over" without specific answers as to a particular isolated incident or

See report (Agency NSC 2012) Springfield, MA, otherwise date 12/27/14. Verne planfield City Court 20136-2 p. 3 of 189, p. 1 application, 2015-2 Conspiracy, p. 11, CDS, CC, Anal. Log, Summary, Warren, No. 5 20140018302012 Disposition date 2/6/15. Acc number: VMA 1500054-001 [Disposition: REMAND LOWER COURT @ LCCT: 20135-110 Failed to file CDS to file

and Summary Warren No. 5 20140018302012, Agency NSC 20135-110 LCCT: 20136-6 p. 55/101 (Hypotheticals) This same

Report (after arrest 12/27/14) lists probable cause for arrest as in plain sight of a person playing "something in to their right front pants pocket upon observing the police" to "I should also be heard" "days earlier" "I can

provide information from a reliable, confidential informant that ONER HOBBS distributes quantities of suspected heroin while seated at the train station"

"Further, I was advised he keeps the heroin in his pockets" (Idat Report by Det. Melanson 12/27/14).

This report also speaks of a more Registered Plaintiff entered alleged confidential informant who incidentally

provides uncorroborated false information of absence of a veracity and be basis of Foundation material.

The CT came to have gathered his/her information. There is no report of personal observation of a stop

personal observations or purchases of evidence which the CT can validate, verify how the information

was come to him/her. Defendant has no pri. or Criminal History (much to show consistent

pattern, nor is there any record (again) that the CT specified a separate, isolated particular

incident, action transaction (which to include a formal basis based on involvement observation or experience with

REG) or from more than a simple uncorroborated unsubstantiated tip information. This Report (probable

cause was fabricated and was the only way in which the police can corroborate and access

defendant cell phone and obtain his phone number. (See planfield police division officers property Receipt dated 12/27/14) cc: for proof. There was a video surveillance

Camera in which recorded the activities of the police officers involved with the present actions (documented herein on 12/27/14). In the present case the report states "It has been proven reliable by providing information regarding various subjects to me and other members of the Plainfield police investigative section." "The information has been proven reliable through independent investigations resulting in over 25 arrests" where quantities of CPS, currency and weapons have been seized" (Gd at Report by Det. Milligan 2/7/15). According to 21.8.6 of the New Jersey

21.8.6
documentation
information
received from
informant

Prosecutor's manual states: "Information received from informants should be documented on approved forms prescribed by the law enforcement agency and records of such information received shall be maintained in the manner prescribed by that agency." Plain none of the discovery (provided to the state's witness) or prosecution discloses any information documented that Union County prosecutors office received from such documentation verify existence of this confidential informant and/or information thus provided thereof for this or any other investigation or arrests investigations. The defense seeks evidence to authenticate or verify further corroborated the detectives receiving information from confidential informant regarding Harris' vehicle and address. The prosecutors office did not disclose any information pertaining to registration identification number used to document track confidential informants pursuant to Attorney General's guidelines regarding the use of confidential informants. There is no documentation in which the state can show that the confidential informant's information was recorded. The state's brief in opposition to defendant's motion does not contain any proof of documentation thus verifying knowledge of informant's or knowledge (thereof) in which authorized the detectives to conduct an investigation based.

as uncorroborated, unsubstantiated, and unconfirmed
unproven, reliable information from an unrespe-
cted confidential informant. The state prosecutor
failed to disclose information if whether or not the
informant exists, the basis of foundation for the
information (supposedly obtained from a "P.E." the
prosecution failed to investigate whether or not
the CI was just a fabricated testimony in
part of Detective Madison Tuck which was deliberately
withheld or partly untrue with intent to hinder
prosecution in violation of due process. There is
no proof documentation that shows Union County
Prosecutor Office complied with the practices
described in the New Jersey prosecutor's manual
by Division of Criminal Justice, New Jersey County pro-
secutors Association) which would allow them to have
documentation (records) of confidential informants
information contacts, payments and made availa-
ble according to the requests by defense. Documenta-
tion of contacts with informants 21.8.7 "in case pro-
luding informants who are receiving monetary or other
valuable compensation, receiving prosecutive consid-
eration, and involving persons with criminal records or
reputations for involvement or associations with per-
sons with criminal records, law enforcement, police-
e/staff document in writing any contact with the
informant, whether or not that contact results
in the receipt of information." the documentation
shall be on forms prescribed by the law enforcement
agency and filed with that agency in accordance with
the prescribed procedures of that agency." The doc-
ument by the state did not provide any document
other disclosing whether or not they complied
with this particular directive. Did the state
give Madison document a copy of information from
the (alleged) confidential informant? Is there
is a confidential informant and is proof thereof.

21.8.7
documented
contacts
with informant

financial
relationships
with

21.8.10 Financial Relationships with Informants

7. "an informant shall be under a continuing obligation to fully disclose to the agency any financial relationship which exists with any employee of that agency" "where an employee of an agency has a financial relationship with an informant a full disclosure of the use of that informant by the agency, said employee shall be under a continuing obligation to fully disclose to the agency all details concerning that relationship." "The agency shall consider the details of any such financial relationship existing between an informant and one of its employees in deciding whether to use or continue to use said informant and in deciding which personnel of the agency shall be authorized to deal directly with the informant." There is no documentation that says Sgt. Sylvester included his name documentation in the original participant in the illegal false arrest / kidnapping of a registered, documented confidential informant and he was an immediate superior of the activities who also conspired in the eventual arrest of Harris. "US Constitution amend. V. The fifth amendment states in relevant part: 'No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.'" Ed. App. "infamous crime" is one that has had a long history of imprisonment. See Ex parte Wilson, 114 U.S. 419 (1885). The Supreme Court has held that the right to trial by grand jury is not made applicable to the states by the fourteenth amendment. See *Hurtado v. California*, 110 U.S. 516 (1884) ed. See also *United States v. Cox*, 342 F.2d 169, 186 (5th Cir. 1965) (stating that the grand jury is a "shield of justice" because "it is the protection of the innocent against unjust prosecution") In addition to being called a "shield" protecting against unjust prosecution, the grand jury has also been called a "buffer" protecting against unjust prosecution. See Stephen P. Gilman, RICH & ISRAEL S. POSNER, AMERICAN CRIMINAL PROCEDURE 695 (1996)

**PLAINFIELD POLICE DIVISION
SUPPLEMENTARY INVESTIGATION REPORT**

Mulligan,

Joseph

COMPLAINANT'S NAME _____

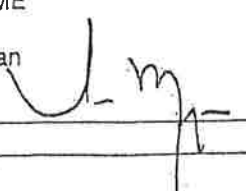
(LAST)

(FIRST)

1. CRIME/INCIDENT Possession of CDS		2. UCR CODE	3. PATROL DISTRICT Narcotics/Vice	4. CASE NUMBER 14-41674
5. CRIME [X]	6. ADDITIONAL CRIME	7. DATE OF CRIME/INCIDENT 27 December 2014		8. NEW CRIME IF CHANGED
9. INCIDENT []	10.	11. NJS 2C:35-10A(1)		12. STATUS CRIME Cleared Arrest/ Complete

NARRATIVE

On 27 December 2014, I was assigned to the Plainfield Police Division's Narcotic/ Vice Section and in the area of the Plainfield Train Station located in the 100 block of East Fourth Street. I was in this area with my partner, Detective Christopher Fortunka and other members of the unit to address citizen and commuter complaints of narcotic activity. It should be noted this area is a high narcotic area where numerous narcotic related arrests have been made. At approximately 2107 hours, Detective Fortunka and I parked our police vehicle and began walking to the train station platform. Upon doing so, we observed a group of about four to five older black males standing idle with no apparent destination. It should be noted, this group is known to us as a nuisance group, bothersome to the commuters. As Detective Fortunka and I reached the group they suddenly realized we were the police and began to disperse. Two of the males known to me as Omar Harris and Charles Jordan Mickens quickly placed something into their right front pants pocket upon observing the police. I detained Mickens while Detective Fortunka detained Harris. I asked Mickens what he placed into his pocket. Mickens replied, "An empty bag of dope, its empty, I didn't realize I had it". I then retrieved an empty glassine fold commonly used to package heroin from Mickens' right front pants pocket. Further, while in my presence, Detective Fortunka located a plastic bag of syringes protruding from Harris's right jacket pocket. Harris and Mickens were then placed under arrest for the drug paraphernalia and the hypodermic syringes. Search incident to arrest, Detective Fortunka also located three glassine folds of suspected heroin "Monster" from Harris' wallet. Both men were then transported to Police Headquarters and charged as follows, Harris, Possession of Hypodermic Syringes and CDS. Mickens, Possession of drug paraphernalia. All evidence was secured into an evidence locker and I signed the complaints. It should also be noted, days earlier, I received information from a reliable confidential informant that Omar Harris distributes quantities of suspected heroin while seated at the Train Station. Further, I was advised he keeps the heroin in his pockets.

12. TYPE NAME Joseph Mulligan	13. BADGE Det	14. PAGE OF	15. DATE AND TIME OF REPORT 27 December 2014
SIGNATURE 	16. TYPIST JM	17. DESK SUPERVISOR 	

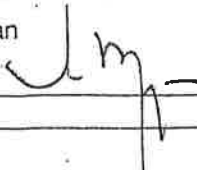
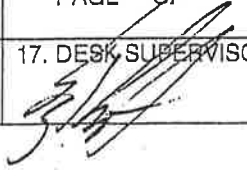
**PLAINFIELD POLICE DIVISION
SUPPLEMENTARY INVESTIGATION REPORT**

In furthering this investigation, this writer completed a Union County Prosecutor's Office Report of Criminal Investigation (UCP-9), depicting the facts of this case and forwarded it to the Union County Grand Jury. The actor(s) was arrested at the time of the incident and a warrant was signed

The Plainfield Police Division's Property Clerk who removed it from the property locker processed all evidence involved within this case. A Union County Prosecutor's form (ICP-23a), Request for Examination of Evidence, was completed requesting that the evidence seized in this matter be examined for any controlled dangerous substance. The Property Clerk then transported the evidence and request for examination form to the Union County Laboratory in Westfield, New Jersey for analysis. When the preliminary results are available, they will be enclosed within the case file.

STATUS OF CASE: Cleared Arrest

STATUS CRIME: Complete

12. TYPE NAME Joseph Mulligan	13. BADGE Det	14. PAGE PAGE OF	15. DATE AND TIME OF REPORT 27 December 2014
SIGNATURE 	16. TYPIST JM	17. DESK SUPERVISOR 	

Agency: NJ0201200 PLAINFIELD PD UNION
Name Used: HARRIS, OMAR DOB Used: 11/12/1968
Offense Date: 12/27/2014 Venue: PLAINFIELD CITY
001 Cnt 2C:36-2 POSS OF DRUG PARAPHERNALIA
001 Cnt 2C:5-2 CONSPIRACY
POSSESS CDS OR ANALOG

Summons/Warrant AOC Number: UNN15000054-001
No: S 20140018302012 Disposition Date: 02/06/2015
Agency: NJ020081J MUNICIPAL COURT PLAINFIELD

Disposition: REMAND LOWER COURT
001 Cnt: 2C:35-10C Deg: FAILED TO GIVE CDS TO POLICE

Summons/Warrant AOC Number: UNN15000054-001
No: S 20140018312012 Disposition Date: 02/06/2015
Agency: NJ020081J MUNICIPAL COURT PLAINFIELD

Disposition: REMAND LOWER COURT
001 Cnt: 2C:36-6 Deg: POSS/DIST HYPODERMIC NEEDLE

..... Arrest 017
Arrested 02/07/2015 Agency Case No: 42876
Agency: NJ0201200 PLAINFIELD PD UNION
Name Used: HARRIS, OMAR DOB Used: 11/12/1968
Offense Date: 02/07/2015 Venue: PLAINFIELD CITY
001 Cnt 2C:35-10A(1) POSSESS CDS OR ANALOG
001 Cnt 2C:35-10A(4) POSSESSION OF LESS THAN 50 G
002 Cnt 2C:35-5B(3) DISTRIBUTE HEROIN/COCAINE
002 Cnt 2C:35-7 CDS ON SCHOOL PROPERTY

PENDING COURT

Radiology Order Requisition**Patient Information**

Pt Name	Account Number	Sex	Birthday
Harris, Omar (014393269)	4659991	Male	11/12/1968

Patient Demographics

Address	Phone
701 CRANFORD AVE APT 218	908-361-8009 (Home)
LINDEN NJ 07036	908-361-8009 (Mobile)

ABN Associated with this Order

No ABN is associated with this order.

Encounter Information

Date & Time	Provider	Department	Dept Phone
12/4/2014 1:45 PM	Warren Chiodo, DPM	Pod Podiatry Uh	973-972-5088

Provider Information

Ordering User	Authorizing Provider
Distefano, Danielle, DPM	Chiodo, Warren
Attending Provider(s)	PCP
Chiodo, Warren	Aluya, Nelson Oke, MD

X-RAY TIB-FIB LEFT [54921429]

Active

Ordering User: Distefano, Danielle, DPM 12/04/14 1503	Authorized by: Chiodo, Warren
Electronically signed by: Distefano, Danielle, DPM 12/04/14 1503	

Order Diagnosis

V45.89 - Post-operative state

Order InformationPriority:
ROUTINE

Reviewed on: 12/3/2014

Allergies as of 12/4/2014

No Known Allergies

Medical History

Diagnosis	Date
Other general symptoms(780.99)	
Fx left ankle	

Surgical History

Procedure	Laterality	Date
OPEN RX ANKLE DISLOCATN+FIXATN	Left	8.24.14
Left ankle open reduction and internal fixation with use of bone graft.		
TREATMENT OF ANKLE FRACT	Left	11/3/2014
ORIF ANKLE FRACTURE BIMALLEOLAR performed by Chiodo, Warren at MAIN OR		

Electronically signed by: Distefano, Danielle, DPM
Authorized by: Warren Chiodo, DPM

Lic # < Not on File >
Lic # 25MD00307000

NPI: < Not on File >
NPI: 1356582126

CERTIFICATION OF SERVICE

I hereby certified that I have mailed out the notice of motion to leave for amended complaint affidavit and brief in lieu of motion certification and certification of service with supporting papers to the following Defendants via Union County Sherriff's Office administration building 1 Elizabethtown Plaza, Elizabeth, NJ 07207

1. Adrian Mapp Mayor of City of Plainfield City Hall)
515 Watchung Ave, Plainfield, NJ 07060

2. Lt. O'Brien (PLFDPD) Plainfield Police Department
200 E 4th St. Plainfield, NJ 07060

3. Detective Mulligan (PLFDPD)
Plainfield Police Department
200 E 4th St. Plainfield, NJ 07060

4. Detective Metz (PLFDPD)
Plainfield Police Department
200 E 4th St. Plainfield, NJ 07060

5. Detective Fortunka (PLFDPD)
Plainfield Police Department
200 E 4th St. Plainfield, NJ 07060

6. Detective Troy Alston
Plainfield Police Department
200 E 4th St. Plainfield, NJ 07060

7. Grace H. Park
Union County Prosecutor
Union County Prosecutor's Office
32 Rahway Ave.
Elizabeth, NJ 07207

I hereby certify that the foregoing statement made by me are true to the best of my knowledge, if the foregoing statements made by me are found to be willfully false, I am subject to punishment.

Date

10/26/15

Plaintiff Signature

