

TIMOTHY MCDOUGALD
459 Franklin Blvd.
Somerset, New Jersey 08873

(732) 207-4867

RECEIVED
OCT 17 2013
TOWNSHIP OF FRANKLIN
CLERK'S OFFICE

PLAINTIFF :
IN THE MATTER OF THE CLAIMS OF :
TIMOTHY MCDOUGALD :
VS. :
DEFENDANT(S) :
TOWNSHIP OF FRANKLIN(SOMERSET), FRANKLIN TOWNSHIP MUNICIPAL :
EMPLOYEE DAMARIS SANTIAGO, in her Official and Individual capacity :
:

NOTICE OF CLAIM PURSUANT TO TORT CLAIMS ACT

TO: CERTIFIED MAIL

FRANKLIN TOWNSHIP CLERK, ANN McCARTHY
MUNICIPAL BUILDING
475 DEMOTT LANE
SOMERSET, NEW JERSEY 08873

CERTIFIED MAIL

FRANKLIN TOWNSHIP MUNICIPAL BUILDING
EMPLOYEE DAMARIS SANTIAGO, in her Official and Individual capacity
475 DEMOTT LANE
SOMERSET, NEW JERSEY 08873

PLEASE TAKE NOTICE, that pursuant to the New Jersey State Tort Claims Act, claims are hereby presented by the above named claimant as follows:

1. The name and mailing address of claimant is:

TIMOTHY MCDOUGALD
459 Franklin Blvd.
Somerset, New Jersey 08873
(732) 207-486

2. The Person and mailing address to which notice concerning the claims are to be sent:

TIMOTHY MCDOUGALD
459 Franklin Blvd.
Somerset, New Jersey 08873
(732) 207-4867

3. The date, place and circumstances giving rise to the claims are summarized as follows:

Plaintiff/Claimant relies on facts presented in my complaints filed with the township council and municipal management/supervisors(**see attached**) and in this Tort Claim submitted pursuant to N.J.S.A. 59 for the incident(s) that occurred on or about August 5,2013 in Franklin Twp, Somerset, NJ at the Municipal building 475 DeMott Lane, whereby the named/mentioned Franklin Twp. employee,Damaris Santiago, did refuse to file/process my **municipal complaint(s) for harassment** according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint**, thereby discriminating against me and violating my right to file a municipal complaint which then resulted in one of the individuals from my original complaint remaining free and using that opportunity to commit a physical assault on me about two months later on September 27,2013 at Nicholas Pizza located on Hamilton Street in Franklin Twp/Somerset NJ. To add insult to injury, when I came back to the municipal building to file another complaint and advised the defendant of the physical assault I suffered due to her failure to file/process my original complaint from two months ago, Damaris Santiago had the audacity to callously state "You think filing a complaint will stop what happened to you".

4. A general description of the injuries, damages and loss incurred is so far as presently known:

The claimant suffered a violation and deprivation of his Civil rights and Constitutional Rights, as well as **physical harm/injury** including injury to my face/head and neck, teeth, and lacerations to my lips and nose, as well as mental anguish and emotional distress.

The names of the public entities and/or employees causing injuries, damages, loss are presently known to claimant only as; the TOWNSHIP OF FRANKLIN, FRANKLIN TOWNSHIP MUNICIPAL EMPLOYEE DAMARIS SANTIAGO, in her Official and Individual capacity, as well as the chain of command of personnel assigned to the duties of supervising subordinate personnel.

5. The amount of claims based on money damages for personal injuries, pain and suffering, permanent injury, and mental and emotional damages will be made at a later date.

I, Timothy McDougald, hereby affix my signature to this Notice of Tort Claim certifying that all the facts stated by me herein are true, correct and complete to the best of my knowledge, understanding, recollections and belief.

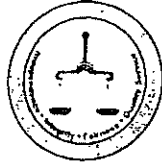
Dated: October 11, 2013


TIMOTHY MCDUGALD; CLAIMANT/PLAINTIFF

Badal Shah
Notary Public
New Jersey Somerset county
My Commission Expires 10-23-17
No. 2428417



Sworn on the 15th day of October 2013



COMPLAINT INFORMATION FORM

Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Defendant's Name: Xavier Bailey

Defendant's Address: 312 Townsend Street New Brunswick NJ 08901

Defendant's Phone # (if known): _____

Defendant's Date of Birth (if known): _____

Defendant's Driver's License # (if known): _____ State _____

If this is a motor vehicle complaint, list license plate # of other vehicle:
State _____

Description of vehicle (if known): Black vehicle with black tinted window

Names and addresses of witnesses (use additional paper if necessary):

Your Name (you are the complainant): Timothy McDougall

Your Address: 459 Franklin Blvd Somerset NJ 08873

Your Telephone #: 732 207 4867 E-mail: _____

FOR COURT USE ONLY

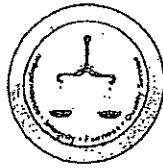
Court Administrator/Deputy Initials: _____ Date: _____

Corresponding complaint #'s: _____

(Every request **requires** the filing of a complaint.)

November 2010

** complaints are taken from 9:30AM till 3:30PM on monday, wednesday & friday **



CERTIFICATION IN SUPPORT OF PROBABLE CAUSE

State of New Jersey

Court Name Franklin/Somerset

County of: Somerset

Court Address 495 DeMott Lane
Somerset NJ 08873

Date of Incident: July 4 2013

Location of Incident: Franklin Div Municipality: Franklin

I offer the following facts and information to establish probable cause in this

complaint against Xavier Bailey
(Defendant's Name)

whom I would like to charge with 2C:33-4
(List Statute(s) or Ordinance(s))

How do you know the identity of the person you are charging? I seen his face

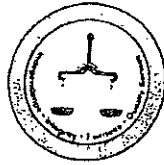
Describe incident in detail:

SEE Attached
Complaint Witness Affidavit

Certification: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

[Signature]
Signature of complaining witness

8/5/2013
Date



CONFIDENTIAL DOMESTIC VIOLENCE COMPLAINT INFORMATION FORM
(Not to be Disclosed)

Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Defendant's Name: _____

Defendant's Address: _____

Defendant's Phone # (if known): _____

Defendant's Date of Birth (if known): _____

What is your relationship to the defendant?: _____

When did the offense occur?: _____

Where did the offense occur?: _____

Is there a domestic violence restraining order in effect?: _____

In which county was the restraining order obtained?: _____

What is the effective date of the restraining order?: _____

Names and addresses of witnesses (use additional paper if necessary):

Your Name (you are the complainant): _____

Your Address: _____

Your Telephone #: _____ E-mail: _____

FOR COURT USE ONLY

Court Administrator/Deputy Initials: _____ Date: _____

Corresponding complaint #'s: _____

(Every request requires the filing of a complaint.)

November 2010

To: Franklin Township Municipal Court

475 DeMott Lane

Somerset, New Jersey 08873

ATTENTION: Municipal Court Administrator/Deputy; Municipal Court Judge Wright

From: Timothy McDougald

459 Franklin Blvd

Somerset, New Jersey 08873

(732) 207-4867

COMPLAINT WITNESS AFFIDAVIT
CERTIFICATION IN SUPPORT OF PROBABLE CAUSE

Defendant(s):

- 1) Anthony Chattoo**
- 2) Brandon Chattoo**
- 3) Xavier Bailey**

Allegations(s): Harassment 2C :33-4

Supporting Facts:

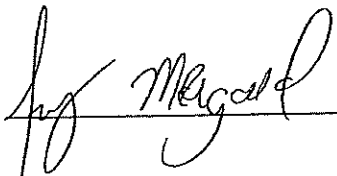
I, the complainant, Timothy McDougald, being of full age and sound mind duly affirms and states for the record:

On or about July 4, 2013, at approximately 7:25pm, I was jogging in Franklin township and noticed, what appeared to be, a black car and a dark green Dodge Charger come to a abrupt stop at the intersection of Franklin boulevard and Highland avenue. I then noticed Anthony Chattoo exit the

vehicle from the drivers seat as his brother, Brandon Chattoo, and friend, Xavier Bailey also exited another vehicle and all three individuals approached me in a physically menacing or threatening manner and proceeded to chase me, which put me in fear of imminent bodily injury.

Please note: According to NJ Courts rule 7:2-1(b) **Acceptance of Complaint**, the municipal court administrator or deputy court administrator shall accept for filing "every" complaint made by "any" person. I am also aware that the municipal court could offer "mediation" in lieu of complaint, and I have no objection to mediation as a possible resolution to this matter.

I, Timothy McDougald, hereby affix my signature to this affidavit of Complaint affirming/certifying that all facts stated by me herein are true, correct and complete to the best of my knowledge, understanding, recollections and belief.



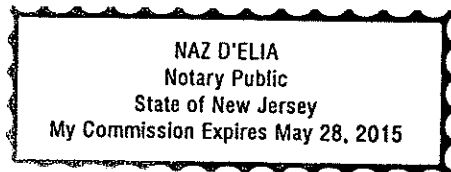
Affiant/Complainant

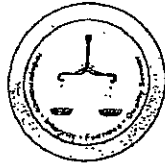
8-2-2013

Date

State of New Jersey County of Middlesex
Subscribed and sworn before me on 8-2-13
(Date)

(Notary Signature)





CERTIFICATION IN SUPPORT OF PROBABLE CAUSE

State of New Jersey

Court Name Franklin / Somerset

County of: Somerset

Court Address 495 DeMott Lane
Somerset NJ 08873

Date of Incident: July 4 2013

Location of Incident: Franklin Blvd Municipality: Franklin

I offer the following facts and information to establish probable cause in this

complaint against Brandon Chattoo
(Defendant's Name)

whom I would like to charge with 2C:33-4
(List Statute(s) or Ordinance(s))

How do you know the identity of the person you are charging? I seen his face.

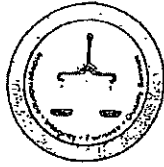
Describe incident in detail:

SEE Attached
Complaint Witness Affidavit

Certification: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

[Signature]
Signature of complaining witness

8/5/2013
Date



CONFIDENTIAL DOMESTIC VIOLENCE COMPLAINT INFORMATION FORM
(Not to be Disclosed)

Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Defendant's Name: _____

Defendant's Address: _____

Defendant's Phone # (if known): _____

Defendant's Date of Birth (if known): _____

What is your relationship to the defendant?: _____

When did the offense occur?: _____

Where did the offense occur?: _____

Is there a domestic violence restraining order in effect?: _____

In which county was the restraining order obtained?: _____

What is the effective date of the restraining order?: _____

Names and addresses of witnesses (use additional paper if necessary):

Your Name (you are the complainant): _____

Your Address: _____

Your Telephone #: _____ E-mail: _____

FOR COURT USE ONLY

Court Administrator/Deputy Initials: _____ Date: _____

Corresponding complaint #'s: _____

(Every request requires the filing of a complaint.)

November 2010

To: Franklin Township Municipal Court

475 DeMott Lane

Somerset, New Jersey 08873

ATTENTION: Municipal Court Administrator/Deputy; Municipal Court Judge Wright

From: Timothy McDougald

459 Franklin Blvd

Somerset, New Jersey 08873

(732) 207-4867

**COMPLAINT WITNESS AFFIDAVIT
CERTIFICATION IN SUPPORT OF PROBABLE CAUSE**

Defendant(s):

- 1) Anthony Chattoo
- 2) Brandon Chattoo
- 3) Xavier Bailey

Allegations(s): Harassment 2C :33-4

Supporting Facts:

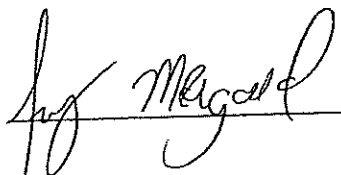
I, the complainant, Timothy McDougald, being of full age and sound mind duly affirms and states for the record:

On or about July 4, 2013, at approximately 7:25pm, I was jogging in Franklin township and noticed, what appeared to be, a black car and a dark green Dodge Charger come to a abrupt stop at the intersection of Franklin boulevard and Highland avenue. I then noticed Anthony Chattoo exit the

vehicle from the drivers seat as his brother, Brandon Chattoo, and friend, Xavier Bailey also exited another vehicle and all three individuals approached me in a physically menacing or threatening manner and proceeded to chase me, which put me in fear of imminent bodily injury.

Please note: According to NJ Courts rule 7:2-1(b) **Acceptance of Complaint**, the municipal court administrator or deputy court administrator shall accept for filing "every" complaint made by "any" person. I am also aware that the municipal court could offer "mediation" in lieu of complaint, and I have no objection to mediation as a possible resolution to this matter.

I, Timothy McDougald, hereby affix my signature to this affidavit of Complaint affirming/certifying that all facts stated by me herein are true, correct and complete to the best of my knowledge, understanding, recollections and belief.



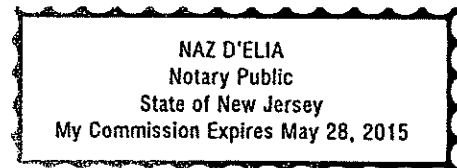
Affiant/Complainant

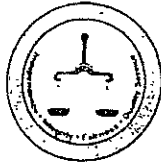
8-2-2013

Date

State of New Jersey County of Middlesex
Subscribed and sworn before me on 8-2-13
(Date)

(Notary Signature)





COMPLAINT INFORMATION FORM

Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Defendant's Name: Anthony Chattoo

Defendant's Address: 4 Mason Ave New Brunswick NJ 08901

Defendant's Phone # (if known): _____

Defendant's Date of Birth (if known): _____

Defendant's Driver's License # (if known): _____ State _____

If this is a motor vehicle complaint, list license plate # of other vehicle:
State _____

Description of vehicle (if known): Dark Green Dodge Charger

Names and addresses of witnesses (use additional paper if necessary):

Your Name (you are the complainant): Timothy McDougald

Your Address: 459 Franklin Blvd Somerset NJ 08873

Your Telephone #: 732 207 4867 E-mail: _____

FOR COURT USE ONLY

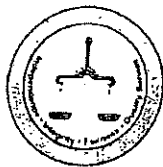
Court Administrator/Deputy Initials: _____ Date: _____

Corresponding complaint #'s: _____

(Every request **requires** the filing of a complaint.)

November 2010

** complaints are taken from 9:30AM till 3:30PM on monday, wednesday & friday **



CONFIDENTIAL DOMESTIC VIOLENCE COMPLAINT INFORMATION FORM
(Not to be Disclosed)

Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Defendant's Name: _____

Defendant's Address: _____

Defendant's Phone # (if known): _____

Defendant's Date of Birth (if known): _____

What is your relationship to the defendant?: _____

When did the offense occur?: _____

Where did the offense occur?: _____

Is there a domestic violence restraining order in effect?: _____

In which county was the restraining order obtained?: _____

What is the effective date of the restraining order?: _____

Names and addresses of witnesses (use additional paper if necessary):

Your Name (you are the complainant): _____

Your Address: _____

Your Telephone #: _____ E-mail: _____

FOR COURT USE ONLY

Court Administrator/Deputy Initials: _____ Date: _____

Corresponding complaint #'s: _____

(Every request requires the filing of a complaint.)

November 2010

To: Franklin Township Municipal Court

475 DeMott Lane

Somerset, New Jersey 08873

ATTENTION: Municipal Court Administrator/Deputy; Municipal Court Judge Wright

From: Timothy McDougald

459 Franklin Blvd

Somerset, New Jersey 08873

(732) 207-4867

**COMPLAINT WITNESS AFFIDAVIT
CERTIFICATION IN SUPPORT OF PROBABLE CAUSE**

Defendant(s):

- 1) Anthony Chattoo**
- 2) Brandon Chattoo**
- 3) Xavier Bailey**

Allegations(s): Harassment 2C :33-4

Supporting Facts:

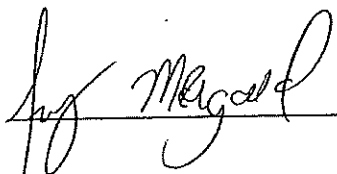
I, the complainant, Timothy McDougald, being of full age and sound mind duly affirms and states for the record:

On or about July 4, 2013, at approximately 7:25pm, I was jogging in Franklin township and noticed, what appeared to be, a black car and a dark green Dodge Charger come to a abrupt stop at the intersection of Franklin boulevard and Highland avenue. I then noticed Anthony Chattoo exit the

vehicle from the drivers seat as his brother, Brandon Chattoo, and friend, Xavier Bailey also exited another vehicle and all three individuals approached me in a physically menacing or threatening manner and proceeded to chase me, which put me in fear of imminent bodily injury.

Please note: According to NJ Courts rule 7:2-1(b) **Acceptance of Complaint**, the municipal court administrator or deputy court administrator shall accept for filing "every" complaint made by "any" person. I am also aware that the municipal court could offer "mediation" in lieu of complaint, and I have no objection to mediation as a possible resolution to this matter.

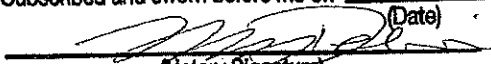
I, Timothy McDougald, hereby affix my signature to this affidavit of Complaint affirming/certifying that all facts stated by me herein are true, correct and complete to the best of my knowledge, understanding, recollections and belief.

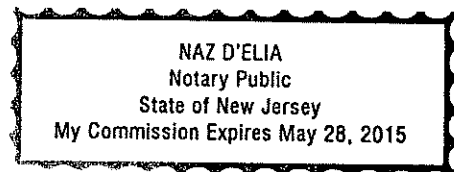


Affiant/Complainant

8-2-2013

Date

State of New Jersey County of Middlesex
Subscribed and sworn before me on 8-2-13

(Notary Signature)



COMPLAINT - SUMMONS

COMPLAINT NUMBER			
1808	S	2013	000546
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
FRANKLIN TWP MUNICIPAL COURT 495 DEMOTT LANE SOMERSET NJ 08875 (732) 873-2500 COUNTY OF: SOMERSET			
# of CHARGES 1	CO-DEFTS	POLICE CASE #:	
COMPLAINANT NAME: TIMOTHY MCDUGALD 459 FRANKLIN BLVD SOMERSET NJ 08873		DEFENDANT INFORMATION SEX: EYE COLOR: DOB: DL STATE: DRIVER'S LIC. #: SOCIAL SECURITY #: SBI #: TELEPHONE #:	

THE STATE OF NEW JERSEY
VS.
XAVIER BAILEY
ADDRESS: 312 TOWNSEND STREET
NEW BRUNSWICK NJ 08901

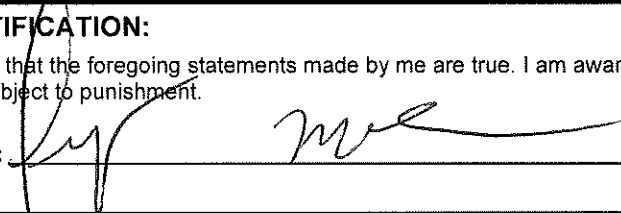
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 07-04-2013 in FRANKLIN TWP, SOMERSET County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, WITH PURPOSE TO HARASS ANOTHER, DID APPROACH THE COMPLAINANT IN A THREATENING MANNER AND PROCEEDED TO CHASE HIM, PUTTING THE COMPLAINANT IN FEAR OF IMMINENT BODILY INJURY. THIS OCCURRED AT FRANKLIN BLVD. IN VIOLATION OF NJS 2C:33-4B

in violation of:

Original Charge	1) 2C:33-4B	2)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed: 

Date: 10-02-2013

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF SUMMONS

☐ Probable cause IS NOT found for the issuance of this complaint:

Signature of Court Administrator or Deputy Court Administrator

Date

Signature of Judge

Date

☒ Probable cause IS found for the issuance of this complaint-summons:

YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

DATE TO APPEAR: 10-16-2013

TIME: 5:00pm

Signature and Title of Judicial Officer determining PC & Issuing Summons

Date

☐ Domestic Violence - Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

POLICE COPY



COMPLAINT - SUMMONS

COMPLAINT NUMBER			
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
1808	S	2013	000544
FRANKLIN TWP MUNICIPAL COURT 495 DEMOTT LANE SOMERSET NJ 08875 (732) 873-2500 COUNTY OF: SOMERSET			
# of CHARGES 1	CO-DEFTS	POLICE CASE #:	
COMPLAINANT NAME: TIMOTHY MCDUGALD 459 FRANKLIN BLVD SOMERSET NJ 08873			
DEFENDANT INFORMATION		DOB:	
SEX: EYE COLOR:		DL STATE:	
DRIVER'S LIC. #:		SBI #:	
SOCIAL SECURITY #:		TELEPHONE #:	

THE STATE OF NEW JERSEY

VS.

BRANDON CHATTOO

ADDRESS: 4 MASON AVENUE

NEW BRUNSWICK

NJ 08901

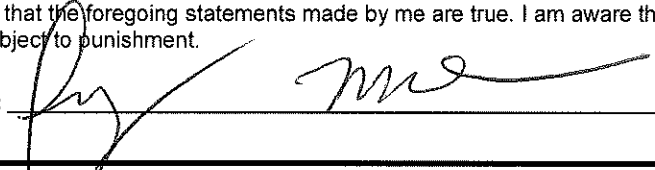
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 07-04-2013 in FRANKLIN TWP, SOMERSET County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, WITH PURPOSE TO HARASS ANOTHER, DID APPROACH THE COMPLAINANT IN A THREATENING MANNER AND PROCEEDED TO CHASE HIM, PUTTING THE COMPLAINANT IN FEAR OF IMMINENT BODILY INJURY. THIS OCCURRED AT FRANKLIN BLVD. IN VIOLATION OF NJS 2C:33-4B

in violation of:

Original Charge	1) 2C:33-4B	2)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed: 

Date: 10-02-2013

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF SUMMONS

☐ Probable cause IS NOT found for the issuance of this complaint:

Signature of Court Administrator or Deputy Court Administrator

Date

Signature of Judge

Date

☒ Probable cause IS found for the issuance of this complaint-summons:

YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

DATE TO APPEAR: 10-16-2013

TIME: 5:00pm

Signature and Title of Judicial Officer determining PC & Issuing Summons

Date

☐ Domestic Violence - Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

POLICE COPY



COMPLAINT - SUMMONS

COMPLAINT NUMBER			
1808	S	2013	000545
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
FRANKLIN TWP MUNICIPAL COURT 495 DEMOTT LANE SOMERSET NJ 08875 (732) 873-2500 COUNTY OF: SOMERSET			
# of CHARGES 1	CO-DEFTS	POLICE CASE #:	
COMPLAINANT NAME: TIMOTHY MCDUGALD 459 FRANKLIN BLVD SOMERSET NJ 08873		DEFENDANT INFORMATION SEX: EYE COLOR: DOB: DRIVER'S LIC. #: DL STATE: SOCIAL SECURITY #: SBI #: TELEPHONE #:	

THE STATE OF NEW JERSEY
VS.
ANTHONY CHATTOO
ADDRESS: 4 MASON AVENUE
NEW BRUNSWICK NJ 08901

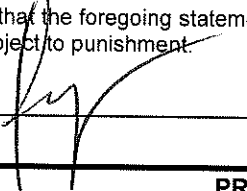
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 07-04-2013 in FRANKLIN TWP, SOMERSET County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, WITH PURPOSE TO HARASS ANOTHER, DID APPROACH THE COMPLAINANT IN A THREATENING MANNER AND PROCEEDED TO CHASE HIM, PUTTING THE COMPLAINANT IN FEAR OF IMMINENT BODILY INJURY. THIS OCCURRED AT FRANKLIN BLVD. IN VIOLATION OF NJS 2C:33-4B

In violation of:

Original Charge	1) 2C:33-4B	2)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed: 

Date: 10-02-2013

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF SUMMONS

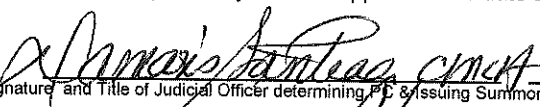
☐ Probable cause IS NOT found for the issuance of this complaint:

☒ Signature of Court Administrator or Deputy Court Administrator _____ Date _____ Signature of Judge _____ Date _____
Probable cause IS found for the issuance of this complaint-summons:

YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

DATE TO APPEAR: 10-16-2013

TIME: 5:00pm


Signature and Title of Judicial Officer determining P.C. & Issuing Summons

Date: 10/2/13

☐ Domestic Violence - Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

POLICE COPY

COMPLAINT - SUMMONS

COMPLAINT NUMBER			
1808	S	2013	000547
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
FRANKLIN TWP MUNICIPAL COURT 495 DEMOTT LANE SOMERSET NJ 08875 (732) 873-2500 COUNTY OF: SOMERSET			
# of CHARGES 1	CO-DEFTS	POLICE CASE #:	
COMPLAINANT NAME: TIMOTHY MCDUGALD 459 FRANKLIN BLVD SOMERSET NJ 08873		DEFENDANT INFORMATION SEX: EYE COLOR: DOB: DL STATE: DRIVER'S LIC. #: SOCIAL SECURITY #: SBI #: TELEPHONE #:	
		ADDRESS: 4 MASON AVE SOMERSET NJ 08873	

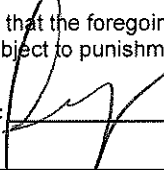
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 10-02-2013 in FRANKLIN TWP, SOMERSET County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT SIMPLE ASSAULT UPON THE COMPLAINANT BY PUNCHING THE COMPLAINANT IN THE FACE CAUSING HIS LIPS, NOSE AND MOUTH TO BLEED. THIS OCCURRED AT NICOLAS PIZZA AT APPROXIMATELY 6:15 PM. IN VIOLATION OF NJS 2C:12-1A

in violation of:

Original Charge	1) 2C:12-1A	2)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed: 

Date: 10-02-2013

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF SUMMONS

☐ Probable cause IS NOT found for the issuance of this complaint:

Signature of Court Administrator or Deputy Court Administrator

Date

Signature of Judge

Date

☒ Probable cause IS found for the issuance of this complaint-summons:

YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

DATE TO APPEAR: 10-16-2013

TIME: 5:00pm

Signature and Title of Judicial Officer determining PC & Issuing Summons

Date

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets or Other Complaints

☐ Serious Personal Injury/ Death Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

POLICE COPY

Complainant

To: Franklin Township Council and Mayor

495 DeMott Lane

Somerset, New Jersey 08873

Fr: Timothy McDougald

459 Franklin Blvd.

Somerset, NJ 08873

Re: Formal Complaint against a Franklin Township Municipal Employee and request for immediate disciplinary action.

Greetings Mayor Levine & Council Members,

I am filing this formal complaint against Court Administrator Damaris Santiago for violating my Civil Rights and her refusal or deliberate failure to perform her duty as a public servant to treat all residents of Franklin equally under the law and failing to uphold equal protection under the law.

In the month of July, 2013 I came to the Franklin Twp. Municipal building located at 475 Demott Lane Somerset, NJ 08873 to obtain the forms necessary to file a municipal complaint for harassment against some individuals who had harassed me. I met with Damaris Santiago and requested the forms which she did provide.

I took the forms home with me and completed them and also attached my own notarized affidavit of complaint to the municipal complaint form on which I noted to see attached. I then submitted this complaint to the Franklin Twp Municipal Court via certified mail for prompt filing/processing according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint**.

Unfortunately Ms. Santiago failed to file my complaint.

On or about August 2, 2013 she called me and advised me that I was not allowed to put three(3) defendants names and addresses on one(1) complaint sheet and that I had to fill out three(3) new individual complaints. She also made it a point to advise me that I didn't have to attach my typed affidavit of complaint for her to file my complaint.

Although it appeared to me as if she was finding reasons to deliberately put off filing my complaint, I immediately came back up to the municipal court and obtained three(3) new municipal complaint forms. I took them home and completed them but chose to reattach my typed affidavit of complaint to the municipal courts standard complaint forms, which is my right to attach. I then re-submitted my complaint to the Franklin Twp Municipal Court via certified mail for prompt filing/processing according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint.**

According to the certified mail receipt, the defendants received my complaint on August 5, 2013 and my complaint had all of the necessary information to file it immediately, which is what I reasonably expected would be done.

Unfortunately, even after making the corrections she advised me to make, she still failed to file my complaint.

Consequently, her gross negligence or willful failure to file my complaint allowed the three(3) individuals who initially harassed me to remain on the street "undeterred" for two(2) more months and further resulted in one of the individuals committing another crime against me by physically assaulting me at Nicholas Pizza on Hamilton Street Somerset, NJ 08873 at about 6:00pm.

Subsequently, I came back to the Franklin Twp. Municipal building to file another complaint. I filed a police report and then advised the police I wanted to file a complaint and the officers advised me that I had to come back on Tuesday, October 1, 2013 to file a simple assault complaint with the clerk.

I did what the officers advised and also requested the clerks to advise me of the status of my original complaint. Unfortunately, Ms. Santiago was not in, and to my surprise, the clerks on duty that day stated that they could not find my original complaint in their records. I expressed serious concerns over that since my safety was being threatened for months now and they advised me that they would call me as soon as they found it.

Unfortunately, no one ever called me that day or the next day, and being extremely concerned for my personal safety, on or about October 2, 2013 I went back to make sure my complaint was filed and find out what happened with my initial complaint. This time Damaris Santiago was present to explain what happened with my initial complaint, but her explanation was absolutely unacceptable. Ms. Santiago stated that the municipal complaint I filed back on August 5, 2013 has been sitting on her desk the whole time and has not been filed/processed. She claimed the law required her to wait to hear from me or the detective before she could file/process my municipal complaint.

However, she is not licensed to practice law, she is not a prosecutor, municipal magistrate or judge so she is not qualified to determine probable cause nor is it her role as clerk or court administrator to go beyond her scope and make legal determinations that she should hold off on filing my municipal complaint until she believes I have proven probable cause. **Her job and role is simply to Accept (file/process) Complaints** and then a municipal magistrate or judge will determine probable cause.

Under the circumstances, I felt indignant and expressed my serious concerns regarding her failure to file my complaint. I further advised her that her explanations for her failure made no sense at all according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint**. I also advised her that due to her failure I was assaulted and injured by one of the same individuals I originally complained about and she is liable for my injury. She continued to try and justify her decision not to file my complaint by claiming her hands were tied by the law, but when I advised her that she actually violated the law when she refused to file my complaint and that her violation contributed to me ending up getting assaulted, she had the nerve to callously state "**You think filing a complaint will stop what happened to you**".

Her "callous attitude" of "deliberate indifference" just **added insult to injury** and clearly demonstrated that she had no concern for my safety and no remorse or compassion for what happened to me. I indignantly responded to her negative statement that "Yes, indeed, that's what the law is for(my protection)" and, "if she would have done her job appropriately and properly filed/processed my initial complaints that could have probably deterred this man from assaulting me".

It appears that the pattern and practice of police misconduct has spilled over to the municipal court employees. I strongly believe that there are members of the Franklin Twp Police Department who want me dead and did not want my complaints to be filed/processed so that the individuals I complained about could remain free to harm or kill me. And it appears that Ms. Santiago has conspired with these officers to achieve that end. Luckily I was only assaulted instead of killed.

And not only did Ms. Santiago violate the law according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint**, she also violated **the Code of Conduct for Judiciary/Court Employees--Canon 1. Performance of Duties**, including but not limited to:

(A) Court employees shall uphold the Constitutions and laws of the United States and the State of New Jersey, and shall faithfully carry out all duties assigned to the employee's judicial function.

Comment: Judiciary employees shall put loyalty to the principles embodied in this Code above loyalty to persons or parties.

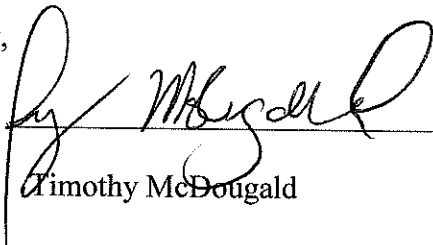
(B) Every court employee shall endeavor at all times to perform official duties properly, courteously, and with diligence.

(E) No court employee shall in the conduct of official duties discriminate on the basis of or manifest by words or conduct, bias or prejudice based on race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socio-economic status or handicap.

I am requesting that Ms. Santiago receive immediate disciplinary actions regarding her misconduct.

Mayor Levine and Council Members, since you have sworn a solemn oath to uphold the Constitution and protect individuals rights and you are the Chief Executive Officer of the township and over the administration of the townships daily operations, that would include being responsible for overseeing and managing municipal employees, so you are also then responsible for the conduct of the municipal court administrator Damaris Santiago, so please address the issues/concerns I have raised as soon as possible as they are of grave concern and deserve immediate attention.

Sincerely,


Timothy McDougald

Badal Shah
Notary Public
New Jersey Somerset County
My Commission Expires 10-23-17
No. 2428417



Sworn on the 15th day of October 2013

To: Franklin Township Municipal Manager

Robert G. Vornlocker

495 DeMott Lane

Somerset, New Jersey 08873

Fr: Timothy McDougald

459 Franklin Blvd.

Somerset, NJ 08873

Re: Formal Complaint against a Franklin Township Municipal Employee and request for immediate disciplinary action.

Greetings Municipal Manager,

I am filing this formal complaint against Court Administrator Damaris Santiago for violating my Civil Rights and her refusal or deliberate failure to perform her duty as a public servant to treat all residents of Franklin equally under the law and failing to uphold equal protection under the law.

In the month of July, 2013 I came to the Franklin Twp. Municipal building located at 475 Demott Lane Somerset, NJ 08873 to obtain the forms necessary to file a municipal complaint for harassment against some individuals who had harassed me. I met with Damaris Santiago and requested the forms which she did provide.

I took the forms home with me and completed them and also attached my own notarized affidavit of complaint to the municipal complaint form on which I noted to see attached. I then submitted this complaint to the Franklin Twp Municipal Court via certified mail for prompt filing/processing according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint**.

Unfortunately Ms. Santiago failed to file my complaint.

On or about August 2, 2013 she called me and advised me that I was not allowed to put three(3) defendants names and addresses on one(1) complaint sheet and that I had to fill out three(3) new individual complaints. She also made it a point to advise me that I didn't have to attach my typed affidavit of complaint for her to file my complaint.

Although it appeared to me as if she was finding reasons to deliberately put off filing my complaint, I immediately came back up to the municipal court and obtained three(3) new municipal complaint forms. I took them home and completed them but chose to reattach my typed affidavit of complaint to the municipal courts standard complaint forms, which is my right to attach. I then re-submitted my complaint to the Franklin Twp Municipal Court via certified mail for prompt filing/processing according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint.**

According to the certified mail receipt, the defendants received my complaint on August 5, 2013 and my complaint had all of the necessary information to file it immediately, which is what I reasonably expected would be done.

Unfortunately, even after making the corrections she advised me to make, she still failed to file my complaint.

Consequently, her gross negligence or willful failure to file my complaint allowed the three(3) individuals who initially harassed me to remain on the street "undeterred" for two(2) more months and further resulted in one of the individuals committing another crime against me by physically assaulting me at Nicholas Pizza on Hamilton Street Somerset, NJ 08873 at about 6:00pm.

Subsequently, I came back to the Franklin Twp. Municipal building to file another complaint. I filed a police report and then advised the police I wanted to file a complaint and the officers advised me that I had to come back on Tuesday, October 1, 2013 to file a simple assault complaint with the clerk.

I did what the officers advised and also requested the clerks to advise me of the status of my original complaint. Unfortunately, Ms. Santiago was not in, and to my surprise, the clerks on duty that day stated that they could not find my original complaint in their records. I expressed serious concerns over that since my safety was being threatened for months now and they advised me that they would call me as soon as they found it.

Unfortunately, no one ever called me that day or the next day, and being extremely concerned for my personal safety, on or about October 2, 2013 I went back to make sure my complaint was filed and find out what happened with my initial complaint. This time Damaris Santiago was present to explain what happened with my initial complaint, but her explanation was absolutely unacceptable. Ms. Santiago stated that the municipal complaint I filed back on August 5, 2013 has been sitting on her desk the whole time and has not been filed/processed. She claimed the law required her to wait to hear from me or the detective before she could file/process my municipal complaint.

However, she is not licensed to practice law, she is not a prosecutor, municipal magistrate or judge so she is not qualified to determine probable cause nor is it her role as clerk or court administrator to go beyond her scope and make legal determinations that she should hold off on filing my municipal complaint until she believes I have proven probable cause. **Her job and role is simply to Accept (file/process) Complaints** and then a municipal magistrate or judge will determine probable cause.

Under the circumstances, I felt indignant and expressed my serious concerns regarding her failure to file my complaint. I further advised her that her explanations for her failure made no sense at all according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint**. I also advised her that due to her failure I was assaulted and injured by one of the same individuals I originally complained about and she is liable for my injury. She continued to try and justify her decision not to file my complaint by claiming her hands were tied by the law, but when I advised her that she actually violated the law when she refused to file my complaint and that her violation contributed to me ending up getting assaulted, she had the nerve to callously state "**You think filing a complaint will stop what happened to you**".

Her "callous attitude" of "deliberate indifference" just added insult to injury and clearly demonstrated that she had no concern for my safety and no remorse or compassion for what happened to me. I indignantly responded to her negative statement that "Yes, indeed, that's what the law is for(my protection)" and, "if she would have done her job appropriately and properly filed/processed my initial complaints that could have probably deterred this man from assaulting me".

It appears that the pattern and practice of police misconduct has spilled over to the municipal court employees. I strongly believe that there are members of the Franklin Twp Police Department who want me dead and did not want my complaints to be filed/processed so that the individuals I complained about could remain free to harm or kill me. And it appears that Ms. Santiago has conspired with these officers to achieve that end. Luckily I was only assaulted instead of killed.

And not only did Ms. Santiago violate the law according to NJ Courts rule 7:2-1 (b) **Acceptance of Complaint**, she also violated **the Code of Conduct for Judiciary/Court Employees--Canon 1. Performance of Duties**, including but not limited to:

(A) Court employees shall uphold the Constitutions and laws of the United States and the State of New Jersey, and shall faithfully carry out all duties assigned to the employee's judicial function.

Comment: Judiciary employees shall put loyalty to the principles embodied in this Code above loyalty to persons or parties.

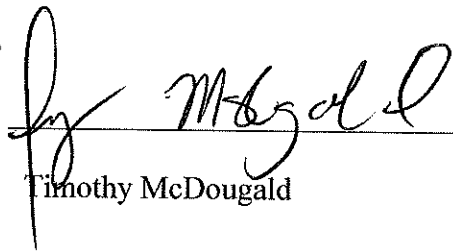
(B) Every court employee shall endeavor at all times to perform official duties properly, courteously, and with diligence.

(E) No court employee shall in the conduct of official duties discriminate on the basis of or manifest by words or conduct, bias or prejudice based on race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socio-economic status or handicap.

I am requesting that Ms. Santiago receive immediate disciplinary actions regarding her misconduct.

Municipal Manager, Robert G. Vornlocker, since you have sworn a solemn oath to uphold the Constitution and protect individuals rights and you are the Chief Executive Officer of the township and over the administration of the townships daily operations, that would include being responsible for overseeing and managing municipal employees, so you are also then responsible for the conduct of the municipal court administrator Damaris Santiago, so please address the issues/concerns I have raised as soon as possible as they are of grave concern and deserve immediate attention.

Sincerely,



Timothy McDougald

Badal Shah
Notary Public
New Jersey Somerset County
My Commission Expires 10-23-17
No. 2426417



Sworn on the 15th day of October 2013