

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. PHILIP T SEIDLE	
1303	W	2015	001192		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712 (732) 775-1765 COUNTY OF: MONMOUTH				ADDRESS: 143 WALNUT STREET, APT. #4 NEPTUNE NJ 07753	
# of CHARGES 3	CO-DEFTS	POLICE CASE #: 15AP16735		DEFENDANT INFORMATION	
COMPLAINANT NAME: DANIEL KOWSALUK				SEX: M EYE COLOR: BROWN DOB: 04-11-1964	
				DRIVER'S LIC. # SOCIAL SECURITY # TELEPHONE #:	
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 06-16-2015 in ASBURY PARK CITY, MONMOUTH County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID PUPOSELY AND OR UNLAWFULLY CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN THE DEATH OF T.S. WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY POSSESS A FIREARM WITH PURPOSE TO USE IT UNLAWFULLY AGAINST THE PERSON T.S. WITHIN THE JURISDICTION OF THIS COURT, HAVING A LEGAL DUTY FOR THE CARE OF, T.S. WHO IS UNDER 18, CAUSED SAID CHILD HARM THAT WOULD MAKE THE CHILD AN ABUSED OR NEGLECTED CHILD. PROBABLE CAUSE: SERIOUSNESS OF THE CRIME.					
in violation of:					
Original Charge		1) 2C:11-3		2) 2C:39-4A	3) 2C:24-4A
Amended Charge					
OATH: Subscribed and sworn to me this <u>16th</u> day of <u>JUN</u> , yr <u>2015</u> Signed: <u>DANIEL KOWSALUK</u> (Signature of Complaining Witness) Signed: <u>JEFFREY WHITE, Law Enforcement Officer</u> (Signature of Person Administering Oath and Title)					
DATE OF FIRST APPEARANCE <u>06-19-2015</u> TIME <u>12:05pm</u> DATE OF ARREST <u>06-16-2015</u>					
PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT					
☐ Probable cause IS NOT found for the issuance of this complaint.					
Signature of Court Administrator or Deputy Court Administrator		Date	Signature of Judge		Date
☒ Probable cause IS found for the issuance of this complaint. <u>PATRICIA GREEN, Judicial Officer</u> <u>06-16-2015</u> (Signature and Title of Judicial Officer issuing Warrant) (Date)					
TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.					
Bail Amount Set: <u>\$2,000.00 NO 10%</u> by: <u>JUDGE FRANKIS VERNOLA JSC</u> (if different from judicial officer that issued warrant)					
☒ Domestic Violence – Confidential		☐ Related Traffic Tickets or Other Complaints		☐ Serious Personal Injury/ Death Involved	
Special conditions of release:				DEFENDANT'S COPY Page 4 of 7	
☐ No phone, mail or other personal contact w/victim ☐ No possession firearms/weapons ☐ Other (specify):					

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

THE STATE OF NEW JERSEY :
Plaintiff, :
v. : Indictment No. *15-11-1963*
PHILIP SEIDLE, : Case No. 15-02376
Defendant. :

FIRST COUNT

MURDER

FIRST DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that PHILIP SEIDLE, on or about June 16, 2015, in or about the City of Asbury Park, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Murder, by purposely or knowingly causing the death of T.S., or by purposely or knowingly causing serious bodily injury resulting in the death of T.S., contrary to the provisions of N.J.S.A. 2C:11-3a(1) and/or (2), and against the peace of this State, the Government, and dignity of the same.

SECOND COUNT

POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE

SECOND DEGREE CRIME

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

on or about June 16, 2015, in or about the City of Asbury Park, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Possession of a Weapon for an Unlawful Purpose, by possessing a weapon, to wit: a firearm, with a purpose to use it unlawfully against the person of T.S., contrary to the provisions of N.J.S.A. 2C:39-4a(1), and against the peace of this State, the Government, and dignity of the same.

THIRD COUNT

ENDANGERING THE WELFARE OF A CHILD

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that PHILIP SEIDLE, on or about June 16, 2015, in or about the City of Asbury Park, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Endangering the Welfare of a Child, by causing the child, to wit: T.S., age 7 years, harm which would make the child an abused or neglected child as defined in N.J.S.A. 9:6-1(e); 9:6-3 and/or 9:6-8.21(c)(1) by the performing of any indecent, immoral or unlawful act or deed, in the presence of a child that may tend to debauch or endanger or degrade the morals of the child and/or by inflicting or allowing to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or

impairment of the function of any bodily organ, contrary to the provisions of N.J.S.A. 2C:24-4a and against the peace of this State, the Government, and dignity of the same.


MARC C. LEMIEUX
FIRST ASSISTANT PROSECUTOR

Endorsed:

Foreperson

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

CASE NO. 15-2376
INDICTMENT NO.

THE STATE OF NEW JERSEY	:	
Plaintiff,	:	
V.	:	NOTICE OF AGGRAVATING
	:	FACTORS
PHILIP SEIDLE,	:	
Defendant.	:	

AGGRAVATING FACTORS AS TO COUNT ONE

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths, present that PHILIP SEIDLE, on or about June 16, 2015, in or about the City of Asbury Park, County of Monmouth, did commit the crime of Murder, by purposely or knowingly causing the death of T.S., by his own hand, as alleged in Count One of the Indictment and that the following aggravating factors are present with regard to Count One of the Indictment:

1. In the commission of the murder, PHILIP SEIDLE purposely or knowingly created a grave risk of death to another person in addition to T.S., pursuant to N.J.S.A. 2C:11-3b(4)(b), and against the peace of this State, the Government, and dignity of the same.
2. The murder of T.S. was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated assault to the

victim, pursuant to N.J.S.A. 2C:11-3b(4)(c), and against the peace of this State, the Government, and dignity of the same.

A handwritten signature in dark ink, appearing to read "Marc C. Lemieux", is written over a horizontal line.

MARC C. LEMIEUX
FIRST ASSISTANT PROSECUTOR

Endorsed:

Foreperson



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, MONMOUTH County

State of New Jersey

v.

Last Name

SEIDLE

First Name

PHILIP

Middle Name

T

Also Known As

Date of Birth

04/11/1964

SBI Number

412753G

Date(s) of Offense

06/16/2015

Date of Arrest

PROMIS Number

15 002376-001

Date Ind / Acc / Complt Filed

11/17/2015

Original Plea

☒ Not Guilty

☐ Guilty

Date of Original Plea

01/27/2016

Adjudication By



Guilty Plea



Jury Trial Verdict



Non-Jury Trial Verdict



Dismissed / Acquitted

Date: 03/10/2016

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
15-11-01963-I	1	MURDER - PURPOSELY	2C:11-3A(1)	1
		MURDER - KNOWINGLY	2C:11-3A(2)	
15-11-01963-I	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-FIREARM-ANYONE	2C:39-4A(1)	2
15-11-01963-I	3.	ENDANGERING-ABUSE/NEGLECT/SEXUAL ACT BY CARETAKER	2C:24-4A	2

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
15-11-01963-I	AMENDED 1	AGGRAVATED MANSLAUGHTER-EXTREME INDIFFERENCE HUMAN LIFE	2C:11-4A(1)	1
15-11-01963-I	AMENDED 3	ENDANGERING-ABUSE/NEGLECT OF A CHILD BY CARETAKER	2C:24-4A(2)	2

Sentencing Statement

It is, therefore, on 09/29/2016

ORDERED and ADJUDGED that the defendant is sentenced as follows:

COUNT 1: DEFENDANT IS SENTENCED TO THIRTY (30) YEARS TO THE CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS (CCDC). PURSUANT TO NERA, DEFENDANT MUST SERVE 85% OF THE SENTENCE IMPOSED WITH FIVE (5) YEARS OF PAROLE SUPERVISION UPON RELEASE FROM INCARCERATION.

COUNT 3: DEFENDANT IS SENTENCED TO FIVE (5) YEARS TO THE CCDC, CONCURRENT TO COUNT 1.

FINES/PENALTIES ARE PAYABLE TO THE DEPARTMENT OF CORRECTIONS.

COUNT 2 IS DISMISSED.



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

Total Custodial Term

030 Years 00 Months 000 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																													
A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.) ☐ DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2)) <table style="width:100%;"> <tr> <th></th> <th style="text-align: center;">Standard</th> <th></th> <th style="text-align: center;">Doubled</th> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>DP or</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>Petty DP</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> </table> Total DEDR Penalty \$ _____ ☐ The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)			Standard		Doubled	1st Degree	_____ @ \$		_____ @ \$	2nd Degree	_____ @ \$		_____ @ \$	3rd Degree	_____ @ \$		_____ @ \$	4th Degree	_____ @ \$		_____ @ \$	DP or	_____ @ \$		_____ @ \$	Petty DP	_____ @ \$		_____ @ \$	☒ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29). ☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4). ☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4). ☒ The defendant is hereby ordered to serve a <u>5</u> year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2). ☐ The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____ ☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8). ☐ The court imposes a Stalking Restraining Order. (N.J.S.A. 2C:12-10.1).	
	Standard		Doubled																												
1st Degree	_____ @ \$		_____ @ \$																												
2nd Degree	_____ @ \$		_____ @ \$																												
3rd Degree	_____ @ \$		_____ @ \$																												
4th Degree	_____ @ \$		_____ @ \$																												
DP or	_____ @ \$		_____ @ \$																												
Petty DP	_____ @ \$		_____ @ \$																												
Forensic Laboratory Fee (N.J.S.A. 2C:35-20) Offenses @ \$ _____		Total Lab Fee \$ _____																													
VCCO Assessment (N.J.S.A. 2C:43-3.1)																															
Counts	Number	Amount																													
1, 3	2 @	\$ 100.00																													
	@	\$ _____																													
	@	\$ _____																													
	@	\$ _____																													
Total VCCO Assessment \$ 200.00																															
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)																															
Offense		Mandatory Penalty \$ _____																													
Offense Based Penalties																															
Penalty		Amount \$ _____																													
Other Fees and Penalties																															
Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) ☒ \$ 30.00		Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2) ☒ 2 Offenses @ \$ 75.00 Total: \$ 150.00																													
Probation Supervision Fee (N.J.S.A. 2C:45-1d) ☐ \$ _____		Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) ☐ Offenses @ \$ _____ Total \$ _____																													
Transaction Fee (N.J.S.A. 2C:46-1.1) ☐ \$ _____		Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) ☐ \$ _____																													
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) ☐ \$ _____		Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) ☐ \$ _____																													
Fine \$ _____																															
Restitution Joint & Several \$ _____ ☐		Total Financial Obligation \$ 380.00																													
Details																															
License Suspension																															
☐ CDS / Paraphernalia (N.J.S.A. 2C:35-16) ☐ Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1) ☐ Eluding (N.J.S.A. 2C:29-2) ☐ Other		☐ Non-resident driving privileges revoked																													
Number of Months		Start Date																													
		End Date																													
Details																															
Driver's License Number		Jurisdiction																													
If the court is unable to collect the license, complete the following:																															
Defendant's Address																															
City		State	Zip																												
Date of Birth	Sex	Eye Color																													
	☐ M ☐ F																														

Time Spent in Custody R. 3:21-8 Date: From - To 06/16/2015 - 09/28/2016 - - - - - - - - - Total Number of Days <u>471</u>	Gap Time Spent in Custody N.J.S.A. 2C:44-5b(2) Date: From - To - - - Total Number of Days _____	Prior Service Credit Date: From - To - - - - - - - - Total Number of Days _____
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AGGRAVATING FACTORS

1. The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner.

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

3. The risk that the defendant will commit another offense.

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

MITIGATING FACTORS

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

The Court finds the Aggravating Factors substantially outweigh the Mitigating Factors.

This was a plea agreement between the Prosecutor and the defendant. The plea appears fair and in the interest of justice. The Court will impose a sentence in accordance with the terms of the agreement.

Attorney for Defendant at Sentencing EDWARD C BERTUCIO JR	Public Defender ☐ Yes ☒ No
Prosecutor at Sentencing MARC C LEMIEUX	Deputy Attorney General ☐ Yes ☒ No
Judge at Sentencing Joseph Oxley	
Judge (Signature) /s Joseph Oxley	Date 09/29/2016