

Received
6/3/19

TUCKERTON MUNICIPAL COURT**MOTION FOR DISCOVERY**

From Defendant: **Gerald F Whealton**
61 Admiral Dr.
Tuckerton, NJ 08087-2802
Phone # 609-916-7280
E-mail :

Date 05/08/2019

Complaint # TL-002851

To: **Tuckerton Prosecutor**
Tuckerton Municipal Court,
route #9 court bldg.
Tuckerton, NJ 08087

The Defendant hereby request Motion for Discovery.

The items being requested are as follows:

The complete legible unaltered files consisting of paper documents / picture(s) / computer files and all Notices / violation letters that were sent in accordance with Borough's ordinances.

All complaints which were reported, in writing, by the Mayor & Borough Council or general public as provisioned in E-Code Article #210-5 ...

Writings, ordering the abating or remedying of any violation as provisioned in E-Code Article #210-5 ...

All written notice of a violation as provisioned in E-Code Article #210-7 ...

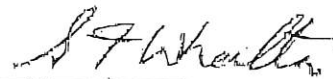
The Defendant hereby request MOTION TO PROVIDE INTERROGATORIES SET #1 DISCOVERY be answered on enclosed document & returned,

The Defendant hereby requests to produce Discovery.

If you have any questions please contact Defendant, by e-mail preferred....

Dated this 8 day of MAY 2019

Signature of Defendant:

**Gerald F. Whealton Pro-Se**

MOTION to provide INTERROGATORIES SET#1 DISCOVERY

TUCKERTON MUNICIPAL COURT

Date: JUNE/12/2019

State of New Jersey

Plaintiff

CERTIFICATION

INTERROGATORIES SET #1

Complaint Summons # tl-2851

Gerald Whealton

Defendant

I. JAMES MCANDREWS (Badge # 92) do hereby certify and say:

As provisioned in E-code # 210-5 (complaints which were reported. In writing, by the Mayor. Borough Council or General public). Who is the complaining person?

Answer:

Print:

JAMES J. MC ANDREW Code Enforcement Officer

Please attach writing/s. (label as attachment # 1-1 set#1)

As provisioned in E-code # 210-5 (writings/s. Ordering the abating or remedying of any violation)

Answer: YES SUMMONS # 1532-TL-002851

Was a writing sent? (yes X) / (no)

Please attach writing/s. (label as attachment # 1-2 set#1)

As provisioned in E-code # 210-7 (Written notice of a violation) was a writing sent?

Answer: YES

Was a writing sent? (yes X) / (no)

Please attach writing/s. (label as attachment # 1-3 set#1) SUMMONS # 1532-TL-002851

What is the E-code/Zoning Enforcement Officer current certificate/s date of issue?

Answer: APPOINTED DEPUTY ZONING OFFICER 1/1/19 CODE ENFORCEMENT 1/3/17

Month: 01 /Day: 01 /Year 2019

Please attach copy of Certification.

I declare under penalty of perjury under the laws of the State that the foregoing is true and correct.

(DATE) JUNE/ 14TH /2019

(SIGNATURE)



JAMES MCANDREWS (BADGE # 92)

SUMMONS
#

COURT I.D.	PREFIX	COMPLAINT NUMBER
1532	TL	002851

**TUCKERTON
MUNICIPAL COURT**
420 E. Main Street
Tuckerton, NJ 08087

Complaint

The State of New Jersey											
(Please Print)						VS.					
Defendant's Name: First				Initial		Last					
GERALD WHEALTON											
Address											
61 ADMIRAL DR TUCKERTON											
State		Zip Code		Telephone:							
NJ 08087											
Birth Date:		Mo.		Day		Yr.		Sex		Eyes	
DL #											
										State	
										Exp. Date	

STATE OF NEW JERSEY
COUNTY OF

OCEAN

} SS:

Complaining Witness: JAMES J Mc ANDREW

(Name)

of Code ENFORCEMENT OFFICER #92

(Identify Dept./Agency Represented) (Badge No.)

Residing at 420 E MAIN ST TUCKERTON NJ

by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the

MARCH 5th 2019

Month

Day

Year

Time

in TUCKERTON

1532

County of

OCEAN

NJ

did commit the following offense:

PROPERTY MAINT

in violation of (one charge only)

(Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE	Describe Location
0061	ADMIRAL DR TUCKERTON

OATH: Subscribed and sworn to before

me this _____ day of _____, yr. _____

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

OR

(Signature of Complaining Witness)

(Date)

(Signature of Person Administering Oath)

(Signature of Complaining Witness)

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY

Probable cause is found for the issuance Of this Complaint-Summons

Yes

No

(Signature of Judicial Officer)

Yes

No

(Signature of Judge)

LAW / CODE ENFORCEMENT USE ONLY

☒ The complaining witness is a law enforcement officer or a code enforcement officer with territorial and subject matter jurisdiction and a judicial probable cause determination is not required prior to 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, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

☐ COURT APPEARANCE REQUIRED	COURT DATE	Month	Day	Year	Time	AM	PM
		4	2	19	11 AM		

3-5-2019

(Date Summons Issued)

(Signature of Person Issuing Summons)

Complaint-Summons

9F (9/09)

MOTION for DISCOVERY

TUCKERTON MUNICIPAL COURT

1
2
3
4 State of New Jersey

5 Plaintiff

6
7 vs Complaint # TL-002851

8
9 Gerald Whealton

10 Defendant

11
12 **This is my 2nd request for discovery. First request dropped off on 05/08/2019 at Tuckerton clerks office.**

13 The Defendant hereby request for Motion for Discovery.

14 The items being requested are as follows:

15 The complete legible, unaltered computer files, documents, violation letters, notices, that were sent/received in accordance with Borough's ordinances (e-code #210). Please send computer files on CD/DVD MEDIA

16 All complaints which were reported, in writing, by the Mayor & Borough Council or general public as provisioned in E-code Article #210-5 & writings, ordering the abating or remedying of any violation as Provisioned in E-code Article #210-5. All written notices of a violation as provisioned in E-code Article #210-7.

17 Please provide probable cause Discovery information,
E-code Article # 210-5. states:

18 **210-5 Administration and Enforcement**

The provisions of this article shall be administered and enforced by the Code Enforcement Officer of the Borough of Tuckerton. It shall be the duty of the Code Enforcement Officer to receive and investigate any and all complaints which are reported, in writing, either by the Mayor and Borough Council or by the general public. The Code Enforcement Officer shall, in writing, order the abating or remedying of any condition found to exist in violation of any provisions or requirements of this article.

19 Please provide the writing/s for probable cause...

20 The Defendant hereby request the attached MOTION to PROVIDE INTERROGATORIES SET #1 DISCOVERY be answered on enclosed document & returned...Attachment attached on page #2..

21 Original Discovery dated: 05/08/2019 hand delivered to the Tuckerton Clerk: see attachment Page # 3 & 4

(DATE) JUNE /12/2019

(SIGNATURE) 

GERALD WHEALTON PRO-SE

61 ADMIRAL DR., TUCKERTON, NJ

PHONE # 609-916-7280 / E-mail: jerry_whealton@hotmail.com

Page # 1 continue on Page # 2

§ 210-3 Storage and collection of certain articles prohibited.

It shall be unlawful for any person or persons, firm or corporation to allow to gather, store, maintain or collect on any private or public lands and premises within the Borough any debris, junk, trash, rubbish, waste material or any other articles deemed to be unsightly, objectionable or which tend to detract from the aesthetic appearance of the surrounding area.

BRADLEY D. BILLHIMER
Ocean County Prosecutor

VINCENT A. PETRECCA
Chief of Detectives



MICHAEL T. NOLAN JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR

Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027

June 18, 2019

Gerald Whealton
61 Admiral Drive
Tuckerton, New Jersey 08087

Dear Mr. Whealton,

The purpose of this letter is to inform you that the review of the complaint you submitted to the Ocean County Prosecutor's Office, Professional Standards/Corruption Unit on May 14, 2019 has been completed.

The review of your complaint revealed no criminal violations on the part of the Code Enforcement Officer cited in the allegation. However, concerns you may have with the summons you received can be addressed with the Borough of Tuckerton Judge, Prosecutor and/or Code Enforcement Supervisor.

Thank you for your cooperation in this matter.

Respectfully submitted,

Detective John P. LaRaia, Jr.
Special Investigations Unit
Cc: Sergeant Thomas Tiernan
OTHER 2019-0006