

Department of Law & Public Safety
Office of the Attorney General



Division of Criminal Justice

Elie Honig, Director

DCJ



Richard J. Hughes Justice Complex

2015 Annual Report

Introduction

In 2015, the Division of Criminal Justice cemented its standing as New Jersey's leading law enforcement agency. Our work this year on the streets and in the courtroom resonated forcefully in the communities that we serve, while our groundbreaking policy work placed New Jersey at the national forefront on crucial issues of accountability, transparency, and community relations.

The Division charged more cases and more defendants in 2015 than in any year since 2009. For the third year in a row, we charged more cases and defendants than in the prior year. Of course, our success lies not merely in the statistics, but in the impact of the cases themselves. In 2015, we prosecuted sweeping cases against violent street gangs that had terrorized the citizens of Camden, Atlantic City, Trenton, New Brunswick, Newark, Paterson, and Jersey City. We seized illegal firearms from drug dealers and gang members, and we prosecuted previously-unsolved shootings and murders. We prosecuted and convicted dozens of corrupt public officials, from state legislators to mayors to municipal officials to law enforcement officers. We took down and prosecuted the leadership of two mafia families. We disabled two international carjacking rings that preyed violently on innocent victims. We recovered millions of dollars in taxpayer money that had been stolen by thieves of all types, including dozens who stole money intended for the victims of Superstorm Sandy. We unmasked vast, multi-million dollar fraud schemes targeted at the elderly and the poor, bringing the perpetrators to justice while recovering money for hundreds of victims. We incapacitated dozens of child predators, including those who search for and victimize children online. We re-shaped the legal landscape in New Jersey through our precedent-making advocacy in the appellate courts. The list goes on, and the theme remains the same: our work in 2015 made New Jersey a better and safer place to live.

Beyond our litigation work, the Division continued to lead the way on statewide development of law and public policy through our work in the appellate courts; through our supervision of, and partnerships with, the 21 County Prosecutors; and through our cutting-edge law enforcement training programs. DCJ further provided vital law enforcement services – including victim-witness support, DNA database monitoring, grant funding, and medical examiner services – across the state. We also took the lead on vital statewide initiatives, including bail reform, development of enhanced investigatory procedures in police-involved shooting cases, a multi-faceted body-worn camera program, and unprecedented development of partnerships with community leaders across the state.

To highlight the outstanding work we have done, this report summarizes some of the leading cases that the Division prosecuted in 2015, and other accomplishments beyond the courtroom. Every one of our successes, at bottom, springs from the efforts of the people who work for this Division every day. As we move into 2016, we will continue to prove ourselves worthy of the great trust that the people of this State have placed in us to make New Jersey a better and safer place to live.

Elie Honig, Director
Division of Criminal Justice

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Gangs & Organized Crime Bureau

Operation Fistful. In a major organized crime takedown, the Division charged 11 defendants – including high-ranking made members and associates of the Genovese Organized Crime Family – with racketeering, conspiracy, loansharking, money laundering, illegal gambling and other charges. The defendants included Charles “Chuckie” Tuzzo, a Genovese “capo,” and Vito Alberti, a Genovese soldier. The Division charged that the defendants utilized a network of licensed and unlicensed check cashing businesses to conduct massive loansharking, gambling, forgery, and money laundering schemes that generated over \$10 million in criminal proceeds for the mafia. The defendants face multiple charges, including first degree racketeering, which carries a potential sentence of ten to 20 years in state prison. DAsG Lauren Scarpa, Annmarie Taggart, Vincent Militello, and Jamie Picard; Deputy Chief Chris Donohue; Lt. Brian Bruton; Dets. Patrick Sole, Mario Estrada, and Matthew Tully.

Operation North Pole. In the largest criminal takedown conducted in Camden in over a decade, the Division arrested and charged by indictment and accusation 56 defendants who operated a massive, multi-million dollar drug distribution network in North Camden. The defendants included case workers, supervisors, suppliers, and leaders of the drug network, several of whom had ties to Mexican drug trafficking cartels. The defendants face first degree racketeering charges and first and second degree narcotics distribution charges. During the arrests and related search warrants, the Division seized six illegal firearms, several ounces of cocaine and heroin, and over \$200,000 cash. To date, 32 defendants have pleaded guilty, with sentences ranging from four to ten years in state prison. DAsG Andy Johns, Darryl Richardson, Julia Glass, Rachel Weeks, and Martin Steiner; Lt. Rich Carlin; Dets. Peppi Pichette, Brian Woolston, James Blong, Jeffrey Lorman, Mike Gonzalez, Mike Rasar, John Collins, Jon Norcia, Terry Shaw, and Richard DaSilva.

Operation Heat. In a case involving the indictment of 34 leaders, members and associates of the Lucchese Organized Crime Family, the Division convicted by guilty plea six high-ranking mafia figures, including (1) Matthew Madonna, a ruling member of the Lucchese Family, who pled guilty to second degree racketeering and was sentenced to five years in state prison; (2) Ralph Perna, a captain of the Lucchese Family, who pled guilty to first degree racketeering and faces eight years in state prison; and (3) Martin Taccetta, the former New Jersey underboss of the Lucchese Family, who pled guilty to first degree racketeering and was sentenced to eight years in state prison, concurrent to the life sentence he is currently serving. The defendants, through the Lucchese Family, operated an international criminal gambling enterprise that transacted billions of dollars in wagers and used violence and extortion to collect debts. The case also involved a scheme in which Lucchese Family members conspired with members of the Nine Trey Gangsters set of the Bloods street gang to smuggle drugs and pre-paid cell phones into East Jersey State Prison. AAG Christopher Romanyszyn; Deputy Chief of Detectives Christopher Donohue; Lt. Brian Bruton; Sgts. Audrey Young, and Ho Chul Shin; Dets. Patrick Sole, Mario Estrada, and Richard DaSilva.

State v. George Bussanich, et al. The Division charged seven defendants with racketeering, money laundering, securities fraud, and conspiracy for defrauding investors of over \$3 million that they diverted for personal use to purchase luxury cars and homes. Among other frauds, the defendants misled over 14 investors in the sale of unregistered investment notes in a fund that purported to invest in various medical companies when in fact the fund was simply a holding company controlled by Bussanich. The investors at times received monthly “returns,” which gave the impression that the

investments were legitimate and profiting when in fact those returns were paid out of the unspent original investment principal. DAsG Brandy Malfitano and Amy Sieminski; Lt. Brian Bruton; Dets. Matthew Tully, and Patrick Sole.

State v. Derek Fuqua, et al. The Division indicted 21 defendants who operated a high-volume heroin distribution enterprise out of heroin mills and stash houses in New Brunswick, Piscataway, and Edison. The charged defendants include Fuqua, who is charged with leading a narcotics trafficking network, a first degree crime that carries a maximum sentence of life in state prison including 25 years without parole. The other defendants face various racketeering, narcotics, and firearms offenses. To date, eight defendants have pled guilty. During the arrests and searches, police recovered two kilograms of heroin (worth over \$150,000), six firearms, first degree quantities of cocaine, over \$150,000 cash, and various items related to heroin production and distribution. DAG Erik Daab.

Operation Next Day Air. The Division indicted 15 defendants who ran a narcotics trafficking ring that used the U.S. mail and other parcel services to deliver dozens of kilograms of cocaine from California to New Jersey. Eleven of the defendants have been convicted, including two who were convicted by a jury at trial. The defendants included brothers Andrew and Kemar Davis, who were charged as leaders of the narcotics trafficking conspiracy and face potential sentences of 25 years to life in state prison upon conviction. Andrew Davis directed the ring from Jamaica. In total, the Division seized 26 kilograms of cocaine – worth over \$750,000 – plus two handguns and over \$500,000 cash. Kemar Davis pled guilty to first degree charges of being a leader of a narcotics trafficking network, and was sentenced to 20 years in state prison, with 12 years parole ineligibility. Andrew Davis was convicted of first degree drug distribution and second degree money laundering and faces 30 years in state prison. DAsG Julia Glass and Erik Daab.

Operation China White. This investigation, conducted with New Jersey State Police and DEA, led to the arrest and indictment of six Camden-based defendants on first degree drug and money laundering charges. In connection with the case, the investigative team seized approximately nine kilograms of heroin and cocaine, approximately \$600,000 cash, and multiple weapons. The defendants have substantial ties to Mexican drug cartels. Trial is scheduled for March 2016. DAsG Julia Glass and Jeff Barile.

State v. Yusuf Ibrahim, et al. Ibrahim was indicted on two counts of first degree murder and other charges after he shot two victims at point-blank range, cut off their heads and hands, and buried the remains in a remote area of Atlantic County. After a search, the headless bodies were recovered in a shallow grave, and the heads and hands were recovered in a separate grave nearby. Ibrahim was apprehended shortly thereafter. He faces a sentence of 30 years to life in state prison for each murder. In a separate case, Ibrahim pled guilty to first degree robbery and was sentenced to 18 years in state prison, including more than 15 years without parole. DAsG Lauren Scarpa, Vincent Militello, Jamie Picard, and Frank Morano.

Operation Family Affair. The Division indicted seven members of a violent Trenton-based drug ring with attempted murder, racketeering, and heroin distribution offenses. Two of the defendants, Mark Fletcher and Keith Journigan, were charged with attempted murder after Fletcher ordered Journigan to shoot a rival drug dealer on the streets in Trenton. Journigan did in fact shoot the intended victim, who survived. Just ten days after the shooting occurred, the Division arrested Fletcher

and Journigan on the attempted murder charges. The defendants also distributed heroin and cocaine. Two of the defendants pled guilty to narcotics offenses. DAG Erik Daab.

State v. Louis Boggs, et al. The Division and State Police indicted 18 individuals who operated a major weapons trafficking ring based in Newark. The members of the ring illegally sold dozens of guns, including assault firearms and military-style launchers. Several of the guns were stolen, and one was linked to a prior murder. Boggs, the leader of the ring, pled guilty to first degree firearms trafficking charges and is facing a sentence of 18 years with a nine year period of parole ineligibility. Ten of the remaining defendants have pled guilty to first and/or second degree charges. DAG Amy Sieminski.

Operation White Silk. The Division arrested 20 defendants who operated a massive oxycodone distribution network, primarily based in Paterson. Ten defendants pled guilty before indictment, and the Division indicted the remaining ten defendants on charges including second degree narcotics distribution. Five additional defendants pled guilty post-indictment. The defendants include ringleader Aurelio Rodriguez and a network of brokers, dealers, and runners. The defendants' network trafficked tens of thousands of oxycodone pills, which were sold for millions of dollars. DAG Matthew Lafargue; Dets. Kevin Weinkauff, Louis Renshaw, Travis Johnson, Toni Petreski, Miguel Rodriguez, and Luis Cruz.

Operation Terminal. The Division indicted and convicted three defendants – including (1) Nunzio LaGrasso, a former top official of the International Longshoremen's Association; (2) Alan Marfia, a former Newark Police Department officer; and (3) Rocco Ferrandino, a timekeeper at Port Newark / Port Elizabeth – with running a scheme to extort money from dockworkers by demanding “tribute” for better jobs and wages. Both LaGrasso and Ferrandino were convicted of second degree conspiracy to commit commercial bribery and money laundering, and were sentenced to six and three years in state prison, respectively. Marfia pled guilty to third degree computer theft for using police databases to inform others about undercover police operations, and was sentenced to probation, and forfeited his public office. DAG Annmarie Taggart; Deputy Chief Christopher Donohue; Lt. Brian Bruton; Dets. Mario Estrada and Patrick Sole.

State v. Manuel Perez-Guerrero, et al. The Division indicted seven Paterson-based defendants who operated multiple heroin mills with first degree charges of maintaining a heroin production facility, first degree charges of possession of heroin with intent to distribute, second degree firearms charges, and other offenses. In connection with the arrests, the Division and its law enforcement partners seized heroin, cocaine, and three handguns, while dismantling two operational heroin mills. The defendants face ten to 20 years in state prison. DAG Jamie Picard.

State v. David Companioni, et al. The Division charged, tried, and convicted Companioni and co-defendant Aday Fernandez for growing large crops of high-grade marijuana in two buildings in Newark. Companioni was sentenced to 20 years in state prison, with six years parole ineligibility. DAsG Ray Mateo and Jamie Picard.

State v. Otis Clyburn. The Division indicted and convicted Clyburn in three separate cases for leading a narcotics supply ring that distributed large quantities of heroin and cocaine out of various stash houses in Paterson. Clyburn pled guilty to charges contained in two indictments and an accusation. During the investigation, detectives seized more than 1,500 bricks of heroin – which equals over 75,000

doses – plus 150 vials of cocaine, 167 bags of crack cocaine, and over \$400,000 in cash. Clyburn pled guilty to first degree possession of heroin with intent to distribute and second degree money laundering, and was sentenced to 24 years in state prison with a 12 years period of parole ineligibility. DAsG Phil Mogavero and Amy Sieminski.

State v. Isaac Zambrano, et al. The Division indicted six Newark men on charges that they trafficked ten illegal guns, including two stolen guns, an illegal assault weapon with a high-capacity magazine, and illegal hollow-point bullets. Three of the men pled guilty and were sentenced on second degree weapons offenses. DAG Shontae Gray.

State v. Cesar Perez, et al. The Division indicted and convicted four defendants on first degree narcotics trafficking and money laundering charges for running a massive international cocaine distribution operation. During the investigation, the Division and State Police seized 40 kilograms of cocaine and \$1.1 million in cash from a warehouse controlled by the syndicate. Three defendants pled guilty and the fourth, Carlos Marroquin, was convicted at trial by a jury. Marroquin was sentenced to 32 years in state prison, including 16 years without parole. DAsG Phil Mogavero and Jacqueline Weyand.

Operation Speed Racer. The Division arrested and indicted five defendants on first degree heroin and methamphetamine charges. During the arrests and related seizures, law enforcement agents seized two kilograms of heroin and two kilograms of methamphetamine – together worth several hundred thousand dollars in street value – plus an illegal, stolen firearm. The defendants face between ten and 20 years in state prison on each of the first degree charges. DAG Julia Glass.

State v. Jose Correa, et al. The Division indicted four defendants who operated a heroin and cocaine mill in Elizabeth. During the arrests and related seizures, law enforcement agents seized cocaine, heroin, and oxycodone pills, plus extensive narcotics packaging equipment and \$24,000 cash. The defendants face first degree charges of narcotics distribution and maintaining a narcotics production facility. DAG Shontae Gray.

State v. Denise Nagrodski. The Division charged and convicted Nagrodski for attempting to hire a hit man to murder her daughter's ex-boyfriend and two other victims. Nagrodski twice met with an undercover officer whom she believed was a hit man, and provided the officer with \$1,000, photos of the intended victims, and a hand-drawn map of the victims' residences. Nagrodski pled guilty to first degree attempted murder and murder conspiracy charges, and was sentenced to ten years in state prison, including eight and a half years of parole ineligibility. DAsG Michael Klein and Brandy Malfitano.

Operation Tidal Wave. This investigation, conducted with the New Jersey State Police and DEA, led to the arrest of 32 individuals who were part of two drug trafficking organizations operating out of Monmouth and Ocean Counties. Five of the defendants face first-degree drug charges, which carry a maximum sentence of 20 years in state prison including ten years without parole. The remaining defendants face various drug and weapons offenses. During the investigation, arrests and searches, police recovered more than four kilograms of cocaine, over three ounces of heroin, 16 pounds of marijuana, one handgun, more than \$125,000 cash, and various items related to drug distribution. DAG Michael Klein.

Operation 3Ni. This investigation, conducted with the New Jersey State Police and DEA, led to the arrest of 13 Camden-based defendants for drug and firearms charges. As a result of this investigation, two kilograms of cocaine, over one kilogram of heroin, and multiple weapons were seized. DAG Rachael Weeks.

State v. Glen Bowman, et al. The Division indicted five defendants who operated a human trafficking ring based in Bergen and Passaic Counties. The defendants trafficked underage victims as part of a prostitution ring they advertised on Backpage.com. The defendants lured underage girls into lives of prostitution and forced the girls to have sex with customers at motels and elsewhere. The defendants are charged with first degree human trafficking and other offenses. DAsG Brandy Malfitano and Jamie Picard; Lt. Lisa Cawley; Sgt. Noelle Holl; Det. Timothy Savage.

State v. Michael McLeod, et al. The Division indicted four defendants on first degree human trafficking charges for trafficking a 14-year-old girl, and other young women, in a prostitution ring they operated in and around Hudson County. The defendants used violence and threats of violence to control their victims, including by holding a gun to the head of one woman who was forced to work as a prostitute for the defendants. DAG Annmarie Taggart; Sgt. Noelle Holl.

State v. Jimmie Smith. The Division indicted Smith, a coach and educational aide at JFK High School in Paterson, for first degree possession with intent to distribute narcotics and second degree aggravated assault. Defendant possessed seven ounces of cocaine and then attempted to flee from his arrest, injuring a detective. DAG Shontae Gray; Dets. Travis Johnson, Kevin Weinkauff, Louis Renshaw, Toni Petreski, Miguel Rodriguez, and Luis Cruz.

State v. Belermino Amaya, et al. The Division arrested two defendants for first degree possession with intent to distribute 21 kilograms of cocaine. A third defendant was arrested for second degree money laundering as he attempted to meet with the first two defendants to drop off drug money. The lead defendant (Amaya) pled guilty to an accusation charging first degree narcotics offenses. He is facing 12 years with a four and a half year period of parole ineligibility. DAG Jamie Picard.

State v. Paul Cano, et al. The Division charged eight defendants with narcotics offenses for their roles in a narcotics distribution network. Several search warrants were executed during the investigation. Four of the defendants were charged with first degree offenses and the rest were charged with second and third degree offenses. During arrests and searches, detectives recovered a kilogram of cocaine and a handgun. The lead defendant (Cano) pled guilty and is facing ten years with a five year period of parole ineligibility. Defendant Meerbaugh is pending trial. DAG Erik Daab.

State v. Jorge Avalos, et al. The Division indicted three defendants – Avalos, Luis Hernandez, and Francis Bailey – on first degree narcotics trafficking charges after law enforcement officers seized 21 kilograms of cocaine from a vehicle in Jersey City. The intercepted shipment of cocaine was worth over \$600,000 in street value. All three defendants have pled guilty; Avalos and Hernandez each were sentenced to ten years in state prison, including three years without parole eligibility. DAG Amy Sieminski.

State v. Kareem Tillery. The Division indicted Tillery on charges that he illegally trafficked six guns, including an assault weapon with hollow-point bullets, during an undercover investigation.

Tillery was charged with second degree unlawful possession of an assault firearm and other offenses. Tillery was convicted after trial and was sentenced to 20 years with a ten year period of parole ineligibility. DAG Shontae Gray.

State v. Dr. George Beecher, et al. The Division arrested seven defendants, including Dr. Beecher, who operated a drug ring that distributed tens of thousands of high-dosage pills of the addictive painkiller oxycodone. Dr. Beecher accepted payments to write fraudulent prescriptions for oxycodone for people he had never met or examined, and the other ring members then acquired and sold the painkillers in bulk to street-level dealers. DAG Michael King; Dets. Kevin Gannon and Michael Rasar.

State v. Dr. Vincent Esposito, et al. The Division indicted Esposito – a practicing doctor and former Madison Borough councilman – and pharmacist Srinivasa Raju with conspiring to prescribe thousands of oxycodone pills to individuals without a medical examination and without medical need. Esposito pled guilty to a second degree narcotics distribution charge, which can be reduced to a third degree charge upon sentencing. Raju similarly faces second degree narcotics distribution charges and is scheduled for trial in May 2016. DAG Brandy Malfitano.

State v. Dr. Eugene Evans, et al. The Division arrested and convicted a medical doctor for conspiring with a drug dealer to illegally distribute thousands of high-dose pills of the highly addictive painkiller oxycodone by writing fraudulent prescriptions for individuals the doctor had never treated or examined. Dr. Evans pled guilty to illegally distributing oxycodone and was sentenced to five years in state prison. David Roth, a drug dealer who conspired with Dr. Evans, pled guilty to second degree charges of conspiracy and distribution of controlled dangerous substances, and was sentenced to seven years in state prison. DAG Anthony Torntore.

State v. Shawn Flemmings The Division arrested Flemmings for first degree strict liability drug-induced death and third degree narcotics distribution charges. Flemmings sold heroin laced with fentanyl to a victim who died of a drug overdose. Flemmings faces a term of ten to 20 years with 85% parole ineligibility on the first degree strict liability charge. DAG Lauren Scarpa.

State v. Juan Perez-Nunez, et al. The Division indicted three defendants for first degree possession with intent to distribute methamphetamine (meth) in Hudson County. One defendant pled guilty and is facing charges of second degree conspiracy to distribute meth. Two defendants, Flores-Santos and Guerrero-Estrada, were tried and convicted of first degree possession with intent to distribute meth, conspiracy and distribution. They face a sentence of 20 years in state prison, with ten years of parole ineligibility. DAG Shontae Gray and Frank Morano.

State v. Bruce Turner. The Division returned two separate indictments against Turner, charging him with illegally possessing two guns, including an assault weapon, second degree heroin trafficking, and possession of approximately \$188,000 in illegal narcotics proceeds. Turner is a confirmed Blood member. He faces a sentence of five to ten years in state prison for both indictments. DAG Shontae Gray.

State v. Sharif Robinson. The Division charged, tried and convicted the defendant for selling a handgun and unlawful possession of a handgun. Robinson was sentenced to five years with a three year period of parole ineligibility. DAG Ray Mateo and Amy Sieminski.

Operation Kokomo. The Division charged six defendants with running a heroin distribution enterprise out of Paterson. Over 600 grams of heroin was seized in total in the investigation. The defendants are facing various first and second degree CDS charges. DAG Shontae Gray.

State v. Jeffrey Groth. The Division indicted Groth for possession with intent to distribute approximately 20 kilograms of cocaine, three kilograms of heroin, and over a pound of marijuana. He also was charged with third degree money laundering after the recovery of almost \$40,000 of illegal proceeds. Groth faces a sentence in the first degree range of ten to 20 years in State Prison. DAG Shontae Gray.

State v. Bienvenido Cuevas Ruiz, et al. The Division charged five individuals with maintaining a heroin and cocaine production facility and first degree possession with intent to distribute. The charges resulted from a State Police investigation into two heroin mills being run by the same organization in Newark. DAG Heather Hausleben.

State v. Francisco Suriel. The Division and State Police charged Suriel with distribution of 11 kilograms of cocaine and unlawful possession of two handguns. The charges stemmed from an investigation conducted by State Police and DEA out of Paterson, New Jersey. Suriel faces a sentence of ten to 20 years in state prison. DAG Heather Hausleben.

Operation Run DMC. In a seven-month long cocaine distribution investigation, the Division charged three defendants with distribution of crack cocaine. Lenwood Bettis and Tanisha Eli face charges of second degree distribution of controlled dangerous substances. Approximately one and half ounces of crack cocaine and two vehicles were recovered through the course of this investigation. DAsG Julia Glass and Nicholas Kamau.

Corruption Bureau

State v. Birdsall Services Group, et al. The Division continued its prosecution of Birdsall Services Group, its CEO, and six other top executives for conspiring to subvert the state's Pay-to-Play Act by disguising illegal corporate political contributions as personal contributions of firm employees. Under the scheme, Birdsall and its executives utilized firm employees to make political contributions to candidates in amounts under the \$300 reportable threshold. The firm and its executives then illegally reimbursed the employees through purported bonus payments and other means. In total, Birdsall -- which held millions of dollars in state contracts for engineering services prior to its bankruptcy and subsequent sale -- made hundreds of thousands of dollars in illegal contributions to dozens of officials and candidates. Beyond the seven charged executives who were indicted, two former Birdsall employees have pled guilty for their participation in the scheme. Further, Birdsall, as a corporate entity, pled guilty to a first degree money laundering charge and to a second degree charge of making false representations in government contracting. Birdsall also forfeited \$3.6 million to the State in criminal and civil forfeitures and penalties and was debarred from holding public contracts for ten years. Defendant Thomas Rospos is scheduled to be tried on February 22, 2016. DAsG Anthony Picione, Victor Salgado, and Mallory Shanahan, and former AAG Mark Ondris; Dets. Kiersten Pentony, Matthew Burd, Sonya Sullivan, Edward Augustyn, and Melissa Calkin; Det. Trainee Jessica Chace; former Det. Janine Buchalski; Auditor Catherine Lodato.

State v. Robert Schroeder. The Division continued its prosecution of former State Assemblyman Schroeder for defrauding investors and issuing bad checks in connection with various business dealings, causing a combined loss of over \$5 million. Assemblyman Schroeder was indicted on charges including misconduct by a corporate official and theft by deception. Schroeder is currently scheduled to go to trial on March 28, 2016. DAsG Jane Khodarkovsky, Jeffrey Manis, Veronica Allende, Cambridge Ryan, and former DAG Perry Primavera; Analyst Kathleen Ratliff; NJSP Corruption - North Unit.

State v. Lawrence Durr. The Division continued the prosecution of Durr -- a longtime mayor, committeeman, and planning board member in Chesterfield Township, Burlington County -- on official misconduct charges for entering an undisclosed deal to sell transferable development rights on a large farm to a developer, and then using his official positions to advance the developer's plan to build a major residential and commercial project. Durr received hundreds of thousands of dollars in illicit benefits through the arrangement. DAsG Jon Gilmore, Peter Lee, and Brian Uzdavinis; Civil Inv. Wayne Cummings; NJSP Corruption -- South Unit.

State v. Elias Chalet. The Division charged Chalet, a Bloomfield Township councilman, for soliciting and accepting two bribes totaling \$15,000 from a business owner in exchange for promising to use his position on the council to ensure that the township proceeded with its planned purchase of the business owner's commercial property. DAG Jane Khodarkovsky; NJSP Corruption - North Unit.

State v. Anthony Ardis, et al. After a two-month jury trial, former administrators and supervisors at the Passaic Valley Sewerage Commission ("PVSC") Ardis and Paul Bazela (who was also the Mayor of Northvale) were convicted on all counts, including third degree official misconduct, for directing PVSC employees to perform work, repairs, and improvements on two private residences belonging to Ardis's mother and girlfriend. After the jury's conviction, the judge vacated the verdict, finding that defendants should have received separate trials. The Division appealed, seeking reinstatement.

ment of the jury's verdict, and the Appellate Division heard argument on the State's appeal on October 19, 2015. The Appellate Division's ruling is still pending. Two other defendants, also former PVSC administrators, previously pled guilty in the case. DAG Jeffrey Manis and former DAG Heather Taylor; Lts. Lisa Shea and Harry Maronpot; Sgt. James Scott; Dets. Scott Donlan, Robyn Greene, Michael Behar, and former Det. Janine Buchalski; Analyst Kathleen Ratliff.

State v. Gaudner Metellus, et al. The Division indicted and convicted Metellus, a former senior engineer for the New Jersey Department of Transportation, and his friend and accomplice Ernest DuBose, a New York attorney, on charges of second degree conspiracy, official misconduct, bribery, and other offenses for soliciting a railroad company to fraudulently inflate the cost of a state-funded railroad repair project. Metellus and Dubose devised and carried out a scheme to inflate the cost of a railroad repair project by over \$700,000, and to receive kickbacks from the company that held the contract to make the repairs. After a month-long trial, Dubose was convicted by a jury of second degree bribery, official misconduct, and other charges, and was sentenced to six years in state prison. Metellus pled guilty prior to trial to second degree official misconduct, and was sentenced to three years in state prison, including two years without parole. Metellus also forfeited his state job and pension, and was permanently barred from any future public employment. DAsG Veronica Allende and Jane Khodarkovsky; Det. Richard Lane; Analyst Nathalie Kurzawa.

State v. Timothy Grossi, et al. The Division tried and convicted two North Bergen Department of Public Works supervisors, Troy Bunero and Francis Longo, on official misconduct, theft, and other offenses for having DPW workers perform personal and political work on township time. Bunero and Longo assigned subordinate municipal employees to work on election campaigns and to complete personal chores or projects for them or their boss, James Wiley, who previously pled guilty to similar charges. Bunero and Longo were convicted on all counts by a jury, and both were sentenced to five years in state prison without eligibility for parole. Another North Bergen DPW supervisor, Grossi, is scheduled to go to trial on similar charges on February 9, 2016. DAsG Victor Salgado, Julia Zukina, and Cynthia Vazquez; Det. Garrett Brown; Civil Inv. Joseph Salvatore; Analyst Kathleen Ratliff.

State v. Abraham Garcia, et al. The Division indicted Garcia and Walter Somick, both municipal employees of North Bergen, for holding "no-show" jobs in which they falsely submitted timesheets to collect pay for hours when they were not actually working. In separate indictments, each of the defendants was charged with second degree official misconduct, third degree theft by deception, and tampering with public records. Both were accused of stealing tens of thousands of taxpayer dollars through their patronage positions. DAsG Cynthia Vazquez, Victor Salgado, and Julia Zukina; Lt. Robert Stemmer; Dets. Garrett Brown, Kiersten Pentony, Thomas Page, Matthew Burd, and Joseph Saiia; Sgt. Patrick Kendig; former Det. Lee Bailey; Civil Investigator Joseph Salvatore; Analyst Kathleen Ratliff.

State v. Joseph Lorenzo. The Division indicted Lorenzo, a Bergen County business owner, for conspiring to have on-duty employees of the North Bergen Department of Public Works perform construction jobs at his privately-owned business. Lorenzo faces second degree official misconduct and third degree theft charges. DAsG Victor Salgado, Julia Zukina, and Cynthia Vazquez; Lt. Robert Stemmer; Det. Garrett Brown; Civil Inv. Joseph Salvatore; Analyst Kathy Ratliff.

State v. Adel Mikhaeil, et al. The Division convicted Mikhaeil, a former bounty hunter, and five others, including two former Hudson County sheriff's officers and two employees of Mikhaeil's fugitive recovery business, in a scheme to defraud bail sureties into paying Mikhaeil higher fees for physically capturing fugitives who had actually already been arrested and taken into custody by law enforcement. Mikhaeil conspired with the sheriff's officers to have them sign fake "body receipts" indicating that Mikhaeil had captured and turned in fugitives who were already in custody, having already been arrested by law enforcement. Based on this false documentation, companies that insured the fugitives' bail bonds paid Mikhaeil fees to which he was not entitled. Mikhaeil pled guilty on the eve of trial to multiple second degree charges, including official misconduct, conspiracy, and commercial bribery, and was sentenced to six years in state prison. Trevor Williams, an employee of Mikhaeil's fugitive recovery business, and James Irizzary, a former insurance company employee, pled guilty to hindering apprehension and commercial bribery, respectively, and were each sentenced to 90 days in county jail. The two sheriff's officers pled guilty to official misconduct charges and were sentenced to five years in state prison and 90 days in county jail, respectively. Two additional defendants, a former insurance company executive, John Sullivan, and a third employee of Mikhaeil's fugitive recovery business, George Formoe, pled guilty pre-indictment to charges that included commercial bribery, money laundering, and tampering with witnesses or informants. DAsG Jeffrey Manis, Anthony Picione, Cynthia Vazquez, Victor Salgado, and former DAG Jacqueline Weyand; Det. Scott Donlan; Analyst Alison Callery.

State v. Brian Brady. Brady, the former Mayor of Sparta and a former police captain with the New Jersey Human Services Police, was convicted at trial of second degree official misconduct and computer theft. Brady was convicted for misusing classified police databases for personal purposes and was sentenced to one year of probation. The Division has filed an appeal of the sentence, which is still pending. DAsG Cynthia Vazquez, Victor Salgado, Analisa Holmes and Julia Zukina, and former AAG Mark Ondris; former Det. Lee Bailey.

State v. Anthony Christaldi. The Division tried and convicted Christaldi for paying a bribe to an official at the Casino Reinvestment Development Authority (CRDA) in an attempt to get a higher purchase price from the agency on his property in Atlantic City. Christaldi delivered a bribe of \$10,000 cash to the CRDA employee in exchange for her assistance in having the CRDA buy the lot at an inflated price. Christaldi was convicted of second degree bribery and was sentenced to five years in state prison. DAsG Valerie Butler, Brian Uzdavinis, and Peter Lee; Sgt. Robert Feriozzi; Dets. John Sheeran and Paul Marfino; Analyst Nathalie Kurzawa.

State v. Eugene Spiegel, et al. The Division obtained guilty pleas from two former firefighters in Upper Township, Cape May County. Spiegel, the former chief of the Seaville Volunteer Fire and Rescue Company, had been indicted for embezzling over \$46,000 from the fire company. Spiegel committed the theft by submitting fraudulent invoices and receipts to the fire company for reimbursement. Spiegel pled guilty to second degree conspiracy to commit official misconduct and was sentenced to five years in state prison. His son, Jacob Spiegel, entered Pretrial Intervention for also stealing funds from the fire company. The investigation also revealed that former fire company treasurer Michael Petrella embezzled over \$19,000 from the fire company. Petrella pled guilty to third degree misapplication of entrusted property and was sentenced to 364 days in county jail as a condition of probation, full restitution and a permanent ban on public employment. DAsG Jon Gilmore, Peter Lee, and Brian Uzdavinis; NJSP Corruption - South Unit.

State v. Frank Capece, et al. The Division continued the prosecution of four defendants – including an Elizabeth School Board member, a Board attorney, and the Board’s outside counsel – for filing false applications under the free school lunch program and then covering up the same conduct. The defendants were indicted on charges including theft by deception and falsifying and tampering with public records. Two of the defendants, former Board attorney Kirk Nelson and Capece, the Board’s former outside counsel, are scheduled to go to trial on March 7, 2016. DAsG Veronica Allende, Jane Khodarkovsky, and Cynthia Vazquez; NJSP Corruption - North Unit.

State v. John Brishcar. Brishcar, a former teacher in the Piscataway School District, was convicted of stealing over \$248,000 by fraudulently collecting a disability pension from the State under the claim that he could no longer teach while simultaneously working full time as a teacher in Virginia. Brishcar pled guilty to second degree theft by deception, and was sentenced to three years in state prison. DAG Mallory Shanahan; Dets. Kiersten Pentony and Matthew Burd.

State v. Shane Streater. The Division indicted Streater, a former Camden firefighter, with second degree theft by deception for stealing over \$82,000 by fraudulently collecting disability pension payments from the New Jersey Police and Firemen’s Retirement System while working as a martial arts instructor and competing in mixed martial arts competitions. Streater had received an ordinary disability pension from the PFRS for an alleged disability caused by two work-related accidents. While his claim for a more lucrative accidental disability was pending, investigators learned that Streater had been working as a martial arts instructor and competing in mixed martial arts competitions. DAG Jon Gilmore; Dets. John Sheeran and Paul Marfino.

State v. John Marion. Marion, a former police officer, pled guilty to stealing over \$300,000 in disability payments from the New Jersey Police and Firemen’s Retirement System. Marion had obtained the money by falsely representing to the State that he was disabled, when in fact he had continued to work full time as a police officer in another state. Marion will be sentenced on January 8, 2016. DAG Julia Zukina; NJSP Corruption - North Unit.

State v. Marcella Friedman. The Division continued the prosecution of Friedman, a civilian employee of the State Police, for extorting a free generator from vendors following Superstorm Sandy by posing as an inspector and threatening to seize their property. Friedman, who was a State Police communications systems technician, is charged with second degree official misconduct and second degree theft by extortion. She is scheduled to be tried on January 5, 2016. DasG Valerie Butler and Jon Gilmore; NJSP Corruption - South Unit.

State v. Abel Esquivel. Hudson County Workforce Development employee Esquivel accepted a cash kickback from a vendor in exchange for referring students in need of vocational training to the vendor. Esquivel pled guilty to second degree conspiracy to commit official misconduct and was sentenced to three years in state prison. As a consequence of his guilty plea, Esquivel also forfeited his employment with Hudson County and was permanently banned from any future public employment. DAG Cynthia Vazquez; Lt. Harry Maronpot; Dets. Robyn Greene and Scott Donlan.

State v. Harish Bhanderi, et al. The Division charged and convicted two former New Jersey Department of Transportation engineers with falsifying time sheets to steal over \$20,000 in overtime pay. Bhanderi and a co-defendant, Alkesh Desai, both pled guilty to third degree theft by deception and

both were sentenced to 364 days in county jail, three years of probation, full restitution, forfeiture of public jobs, and a permanent ban on public employment. DAG Mallory Shanahan; Det. Kiersten Pentony.

State v. Christopher McKenna. The Division charged McKenna, a Mercer County sheriff's officer, for unlawfully accessing and then disclosing to a newspaper confidential arrest photographs of a juvenile. McKenna faces third degree charges of wrongful access and disclosure of information. DAsG Mallory Shanahan and Veronica Allende; Dets. Matthew Burd and Richard DaSilva.

State v. Harold Stephens, et al. The Division indicted Stephens and two co-defendants on first degree conspiracy and money laundering charges and second degree theft charges for stealing over \$600,000 from various banks through a counterfeit check scheme. The defendants deposited fraudulent checks – including checks stolen from public entities including boards of education – into numerous third-party banks at branch offices across the State. The defendants then withdrew funds before the banks could detect the fraud. Stephens' co-defendants, Janilyn Roman and Michael Caldwell, each pled guilty to second degree theft charges. Both defendants have agreed to cooperate in the Division's ongoing prosecution of Stephens, the alleged ringleader of the scheme, and are expected to be sentenced to prison terms of six and seven years, respectively. DAsG Jeffrey Manis and Cambridge Ryan; Det. Katelyn Sake; NJSP Corruption - North Unit.

State v. Laquanda Tate. The Division indicted Tate, a former senior payroll clerk for the New Jersey Department of Human Services, for using a state-issued work computer to generate false insurance cards for herself and three others. She also stole public assistance benefits by creating false documents to claim childcare expenses. Tate pled guilty to third degree theft by deception and third degree simulating a motor vehicle identification card, and is scheduled to be sentenced on January 29, 2016. DAsG Jon Gilmore and Peter Lee; Det. Thomas Page.

State v. Noel Conyers. Conyers, the former Treasurer for the Hudson County Department of Corrections Police Benevolent Association Local 109A, pled guilty to third degree theft by unlawful taking, admitting to embezzling over \$74,000 from the union. Conyers was sentenced to serve 364 days in county jail as a condition of probation, full restitution, and a permanent ban on public employment. DAG Jane Khodarkovsky; Det. Scott Donlan; Analyst Kathy Ratliff.

Specialized Crimes Bureau

Auto and Cargo Theft

Operation 17 Corridor. The Division took down a massive, international carjacking and car theft ring that stole luxury cars from New Jersey and New York to ship and sell overseas. The Division charged 23 defendants in total, including leaders of the organization, shippers, fences, carjackers, car thieves, and wheel men. The defendants face charges including first degree racketeering, first degree carjacking, and first degree money laundering. The defendants worked together in teams to identify and then steal high-end luxury vehicles. In several instances, the ring obtained cars by violence, including cars that had been stolen at gunpoint. In other instances, the ring committed “soft steals” including thefts of running cars at airports, carwashes, stores, and valets. The defendants then shipped the cars from ports in New Jersey and New York to countries in Western Africa, where the cars command premium prices. In total, the Division seized over 90 stolen cars, collectively worth over \$4 million. DAsG Debra Conrad and Danielle Scarduzio.

Operation Jacked. The Division indicted 32 defendants who ran an international carjacking and car theft ring that trafficked high-end cars from New Jersey and New York to West Africa. In the takedown, the Division arrested the entire hierarchy of the operation – from carjackers and car thieves, to wheel men and fences, to shippers and ultimate buyers. The defendants would target and steal luxury cars – at times through violent carjackings and at times through conventional thefts – and then sell those cars through an established chain, culminating in the cars being shipped from various ports to West Africa, where they commanded more than American face value. During the operation, the Division seized over 180 stolen cars, collectively worth over \$8 million. To date, 11 defendants have been convicted by guilty plea with various sentences imposed including a sentence of 12 years state prison with four years parole ineligibility. The remaining 21 defendants were indicted on charges of first degree racketeering, first degree money laundering, first degree carjacking and second degree theft. DAsG Anthony Torntore, Debra Conrad, Derek Miller, and Susan Wolansky.

Operation Midnight Run. The Division indicted 12 defendants who committed at least nine thefts of tractor-trailers loaded with cargo worth over \$1.5 million. The theft ring stole cargo which included clothing, auto parts, perfume, beer, and other items which they then fenced for a profit. The defendants face charges including first degree money laundering, second degree theft, and third degree burglary. Four defendants pled guilty to charges of second degree receiving stolen property with sentences ranging from eight years in state prison to 364 days in county jail. Eight defendants are remaining. DAsG Debra Conrad and Danielle Scarduzio.

Operation Pandora. The Division indicted seven defendants who ran an organized retail theft ring that stole over \$800,000 in jewelry in New Jersey and five other states. The defendants committed multiple thefts by various means, including by following a jewelry dealer and breaking into her car at a rest stop and by distracting retail clerks and reaching over counters to steal jewelry. The defendants face second degree racketeering, second degree shoplifting, and third degree burglary charges. DAG Brian Carney.

State v. Alicia Blackburne, et al. The Division arrested and charged 13 members of a retail theft ring who stole over \$100,000 worth of clothing from large retail stores. The members of the ring would

steal high-end designer clothes by removing the security tags, then return the items without a receipt for store credit in the form of gift cards. The ring members then sold the gift cards at pawn shops for a fraction of the face value. The defendants face second degree conspiracy and shoplifting charges. DAG Jill Mayer.

State v. Lonnie Hill, et al. The Division indicted Hill and Lamine Diallo for conspiring to sell thousands of counterfeited DVD movies and music CDs from a warehouse in Newark. During execution of a search warrant, the Division and its law enforcement partners seized over 23,000 pirated discs. The defendants faced second degree conspiracy and counterfeiting charges. Hill pled guilty to third degree pirating recordings with a sentence of probation plus 364 days in county jail. Diallo remains a fugitive. DAG Debra Conrad.

Casino Crimes

State v. Barbara Lieberman, et al. The Division indicted six defendants, including Lieberman – an Atlantic County attorney specializing in senior law – with money laundering and theft for running a scheme that preyed on elderly victims and stole their life savings. Lieberman and her co-defendants, who purported to run an elder care business, obtained powers of attorney from elderly victims and then drained their bank and retirement accounts. The defendants then used that money for their own personal expenses, including luxury autos and homes. The charged defendants also included two county services caseworkers, Jan Van Holt and William Price, who used their positions to identify and refer potential victims to the conspirators. The defendants further included a doctor, Maria Daclan, who made false statements to the police in the investigation. Together, Lieberman and her co-defendants stole over \$3 million from at least ten identified victims, many of whom died in sub-standard housing after losing their life savings. Lieberman pled guilty to first degree money laundering, and was sentenced to ten years in state prison, including three and one-half years without parole. Lieberman also forfeited \$3 million to be used to re-pay victims or their surviving family members, and permanently forfeited her law license. Price pled guilty to second degree theft by deception and was sentenced to five years in state prison. the remaining defendants are pending trial. DAsG Yvonne Maher, Derek Miller, and Andy Johns; Inv. Debra Maiorano.

State v. Johnny Cobb, et al. Cobb and 22 other defendants were indicted on second degree charges of racketeering, second degree money laundering and second degree theft by deception for gaining access to legitimate JP Morgan Chase bank account information, utilizing that information to open up fictitious accounts, linking the two accounts, and withdrawing money from those accounts at various Atlantic City casinos. In total, the defendants stole nearly \$300,000 from 14 legitimate account holders. Sixteen of the 22 defendants have pled guilty. Cobb and co-leader Nurlin Wright each pled guilty to racketeering and conspiracy and were sentenced to 15 years in state prison. DAG Yvonne Maher.

State v. Izyiah Plummer, et al. The Division indicted five defendants, who together orchestrated and committed an armed robbery of over \$180,000 from Caesar's Atlantic City Casino, on charges of first degree robbery, second degree aggravated assault and second degree weapons offenses. Led by a former Caesar's employee, the defendants stole cash at gunpoint from a security officer who was changing out cash boxes at a voucher cash machine on the casino floor. DAG Kerry DiJoseph.

State v. Michael Williams, et al. The Division indicted 21 defendants who stole over \$88,000 from TD Bank by taking cash advances against phony checks in Atlantic City casinos. Williams, the lead defendant, recruited several others to open new bank accounts with minimal balances, deposit false checks for several thousand dollars into the accounts, and then take casino cash advances before the banks could detect the fraud. Fourteen of the 21 defendants, including Williams, pled guilty to charges of conspiracy or theft with sentences ranging from six years state prison as an alternate sentence in drug court to probation and county jail. DAG Yvonne Maher.

State v. Axel Fuentes, et al. The Division indicted 46 defendants for their roles in a cash advance scheme. The suspects opened up dozens of bank checking accounts with small cash deposits, deposited fraudulent checks worth thousands of dollars into the accounts, and then immediately withdrew the thousands of dollars using global cash access transactions in Atlantic City casinos, before the banks realized the checks were fraudulent. Twenty-eight of the 46 defendants pled guilty to charges of theft or conspiracy. Fuentes pled guilty to second degree conspiracy with a sentence of five years state prison. DAG Yvonne Maher.

State v. Lena Guralnik, et al. The Division indicted 12 defendants on charges of second degree theft, identity theft, money laundering and conspiracy for using 52 stolen credit cards in five Atlantic City casinos to conduct a cash advance scheme through which they stole over \$290,000 from banks that guaranteed the transactions. The scheme operators entered various casinos and made cash withdrawals using legitimate identification but fraudulent credit cards that contained magnetic strips taken from stolen credit cards. Six of 12 defendants pled guilty to charges of conspiracy or theft with sentences ranging from probation to four years in state prison. DAG Yvonne Maher and Det. Jessica Marcacci.

State v. Christian Lusardi. The Division indicted and convicted Lusardi for using millions of dollars in counterfeit poker chips in a poker tournament at an Atlantic City casino. The scheme was discovered when Lusardi clogged a pipe at the casino by flushing hundreds of chips down the toilet in his room. Lusardi pled guilty to second degree counterfeiting and third degree criminal mischief, and was sentenced to five years in state prison. DAG Kerry DiJoseph.

Atlantic City Task Force

State v. Saleem Hamilton, et al. The Division charged 20 defendants who ran a major narcotics network that trafficked heroin from Paterson into Atlantic and Ocean Counties. The defendants together distributed approximately 30,000 doses of heroin per month, many of which contained the deadly “cutting” agent fentanyl. The ring members employed at least one juvenile to sell heroin, made heroin deals in front of young children, and took public assistance subsidies as payment for heroin. During the arrests, investigators seized over 16,000 bags of heroin and over \$52,000 cash. The defendants are charged with first degree possession with intent to distribute heroin, second degree conspiracy, second degree unlawful possession of a firearm, and other narcotics and firearms charges. DAsG James Ruberton and Martin Steiner; Special DAG Erik Bergman; Sgt. James Nelson; Dets. Brian Graybill, Todd Watkins, and David Catona.

Operation Blok Buster. The Division charged 24 defendants in a case targeting the Atlantic City-based gang known as “800 Blok.” The gang used violent tactics to control drug trafficking turf within the Back Maryland section of Atlantic City. As part of the investigation, the Division detected and prevented an alleged murder plot before the murder could occur. During the case, the Division

seized tens of thousands of dollars worth of narcotics and four firearms from the charged gang members and associates. Nineteen defendants were charged by indictment or accusation with narcotics distribution and other narcotics offenses. Three of those defendants were also charged with weapons offenses. Almost all matters have been resolved with guilty pleas with sentences ranging from probation to ten years in state prison. DAG James Ruberton; Special DAG Erik Bergman; Sgt. James Nelson; Dets. Brian Graybill, Errick Davis, Todd Watkins, Nicole Eiker and John Norcia.

State v. Andrew Byrd. After non-fatal shootings of two victims in Pleasantville, the Division arrested Byrd and indicted him with two counts of attempted murder and other offenses. Byrd shot at close range – and hit but did not kill – two men with whom he had an ongoing feud. Byrd faces a sentence of 20 years in state prison for each attempted murder. DAG James Ruberton and Special DAG Erik Bergman.

State v. Eduardo Colon-Lopez. The Division arrested and indicted Colon-Lopez, who possessed one kilogram of cocaine (worth approximately \$40,000) in a suburban mall parking lot. Colon-Lopez pled guilty to first degree cocaine possession with intent to distribute, and was sentenced to ten years in state prison, including 30 months without parole. DAG James Ruberton and Special DAG Erik Bergman.

State v. Deshon DeWitt and Kameron Watts. The Division arrested DeWitt and Watts for carjacking and robbing take-out deliverymen on three separate occasions. In all three instances, the victims were robbed at gunpoint and their car and cash were taken. Both defendants were indicted for first degree carjacking, first degree armed robbery and other offenses. DeWitt and Watts both face sentences of 30 years in state prison with 25.5 years (85%) parole ineligibility for the carjacking offenses. DAG James Ruberton and Special DAG Erik Bergman.

Labor Crimes

Prisoner Unemployment Insurance Fraud Cases. The Division prosecuted 15 defendants for stealing a total of over \$200,000 in unemployment insurance benefits from the State while they were serving time in county jails and ineligible to receive such benefits. In each case, the defendants fraudulently certified by the internet or phone every week that they were “physically able to work” and “available to go to work immediately.” The defendants are charged with third degree theft by deception. In 2015, the Division tried and convicted one of the charged defendants, Bruce Garrett, who stole over \$15,000 from the State by fraudulently collecting unemployment benefits while in county jail. In total, six defendants have been convicted. DAG Brian Carney; Dets. Lynn Fitzgerald, Sean Egan, Glenn Stanton, Adam Mish, and John Neggia; Analysts Maureen Hitchens and Nathalie Kurzawa.

State v. Todd Halpern, et al. The Division indicted 15 defendants who stole over \$700,000 in state taxpayer funds from the Department of Labor through a massive unemployment fraud scheme. The lead defendant, Halpern, engineered a scheme whereby false unemployment claims were filed on behalf of numerous accomplices who, in turn, collected tens of thousands of dollars each in unemployment benefits to which they were not entitled. Ten defendants have pled guilty, with sentences ranging from probation to three years in state prison. Halpern pled guilty to first degree money laundering and second degree theft by deception and was sentenced to 12 years in state prison, including four years without parole. DASG Valerie Noto and Anthony Torntore; Det. Lynn Fitzgerald.

State v. Ivory Downey, et al. The Division indicted nine current and former U.S. Postal Service employees who stole a total of nearly \$50,000 by fraudulently collecting unemployment benefits while working for the Postal Service. The defendants purposely misrepresented their employment status to the New Jersey Department of Labor to obtain unemployment insurance benefits. The defendants face third degree charges of theft by deception. DAG Christopher Keating.

State v. Stephen Pirrone, et al. The Division indicted and convicted four men who conspired to steal more than \$180,000 from the state by filing false claims for unemployment benefits. Pursuant to the scheme, the defendants submitted fraudulent employer quarterly wage statements in the names of two defunct businesses. The lead defendant, Pirrone, pled guilty to second degree theft by deception, and was sentenced to seven years in state prison and payment of full restitution to the state. Another defendant, Wilfredo Sanchez, pled guilty to third degree theft by deception and was sentenced to five years in state prison and full restitution to the state. The remaining defendants pled to third degree charges for a recommended sentence of probation and 364 days in county jail. DAG Debra Conrad; Dets. Lynn Fitzgerald and Glenn Stanton.

Operation Labor Day. The Division charged 29 defendants who orchestrated a massive scheme to steal over \$2 million in unemployment benefits from the state. All of the defendants have been convicted, admitted to PTI, or are fugitives. Janice Allen and her daughter Janice Dilligard were convicted at trial for their roles in the scheme. Both Allen and Dilligard were sentenced to 15 years in state prison with five years of parole ineligibility. The Division also convicted by guilty plea ringleader Terry Dilligard, who was sentenced to 18 years in state prison and full restitution to the state. DAsG Phil Leahy and Anthony Torntore; Dets. Kim Allen and Eric Ludwick.

State v. Jeanette Rodriguez. The Division indicted a former Department of Labor employee on second degree official misconduct and third degree theft charges. Rodriguez stole over \$21,000 in unemployment benefits by using her access to the Department's computer system to redirect benefits from unemployment claims to her own bank account. She pled guilty and was sentenced to three years probation. DAG Alyssa Schwab; Det. Lynn Fitzgerald.

Environmental Crimes

State v. William Muzzio. The Division indicted and convicted Muzzio by guilty plea on charges of second degree unlawful release of a toxic pollutant and third degree violation of the Asbestos Control and Licensing Act. While performing unlicensed asbestos abatement work, Muzzio released hazardous asbestos dust and debris at a daycare center in Union Township. He was sentenced to five years in state prison. DAsG Phil Leahy and Mary Erin McAnally; Sgt. Steve Ogulin; Dets. Kelly Howard, Cecil Boone, Christian Harden, Dawn Ryan, Matt Schneiderman, and Michael Klump; Analyst Nathalie Kurzawa.

State v. Edward O'Rourke. The Division charged and convicted by guilty plea O'Rourke, the former licensed operator of the New Brunswick and Milltown public drinking water system. O'Rourke failed to conduct required testing of drinking water and then submitted falsified testing data to the Department of Environmental Protection. O'Rourke pled guilty to second degree corruption of public

resources and third degree violations of the Safe Drinking Water Act. DAG Michael King; Sgt. Steven Ogulin.

State v. Frank Rizzo and Michael Kouvaras. Rizzo and Kouvaras, co-operators of a demolition company, were indicted for unlawfully removing asbestos from a hospital in Riverside without a license and using workers who were not trained or equipped to do the work safely. Rizzo pled guilty to a second degree conspiracy charge and was sentenced to three years state prison. Kouvaras pled guilty to a third degree charge of violating the Asbestos Control and Licensing Act and was sentenced to 364 days in county jail and three years probation. DAsG Phil Leahy and Mary Erin McAnally; Sgt. Steve Ogulin.

State v. John Caldwell. Caldwell pled guilty to criminal violations of the Water Pollution Control Act for causing an the spillage of over 3,000 gallons of oil into Spring Lake and Mantua Creek in Washington Township. Caldwell was sentenced to five years probation. DAG Jeffrey Barile; Sgt. Steve Ogulin.

Motor Vehicle Commission Crimes

Operation Facial Scrub. From 2013 to 2015, the Division charged a total of 179 defendants with identity theft, forgery and document fraud offenses as part of Operation Facial Scrub. Using high-tech facial recognition software, the Division, together with MVC and State Police, identified individuals who had applied for and obtained driver's licenses under false names. Numerous defendants had extensive criminal records, including sex offender and DUI convictions. Several defendants possessed valid commercial driver's licenses under the fraudulent name. AAG Louise Lester; DAsG Debra Conrad, Lilianne Daniel, Anthony Torntore, Mary Erin McAnally, Valerie Noto, Jeffrey Barile, John Paone, Michael King, Brian Carney, Alyssa Schwab, and Danielle Scarduzio; Lt. Bill Newsome; Dets. Cecil Boone, Franco Cignarella, Michael Duffield, Sean Egan, Christian Harden, Kelly Howard, Joseph McCray, Ruben Contreras, Nicholas Olenick, Andrea Salvatini, Lamonica Cross, and Laura Catizone.

State v. Christopher Alcantara, et al. The Division arrested and indicted four defendants who operated a private auto inspection business in Paterson for fraudulently using data simulators to generate false results for motor vehicle inspections. The charged defendants took illicit payments from customers in return for using the devices to generate passing results for vehicles that had failed emissions inspections. Three of the defendants pled guilty to tampering with public records and violations of the Air Pollution Control Act, and each was sentenced to 364 days in county jail and three years probation. One defendant remains a fugitive. DAsG Debra Conrad and Michael King; Lt. Bill Newsome; Dets. Sean Egan, Nicholas Olenick, and Joseph Saiia; Inv. Ruben Contreras.

Financial & Cyber Crimes Bureau

Financial Fraud

Superstorm Sandy Fraud Cases. The Division charged 25 defendants with filing false applications to collect relief funds after Superstorm Sandy. The defendants fraudulently collected Sandy relief funds by submitting applications in which they either falsely claimed that storm-damaged homes were their primary homes, which is a requirement under the Sandy relief programs, or made other false claims. The defendants stole over \$1,138,000 in Sandy relief funds. Since March 2013, the Division has charged 45 individuals with defrauding Sandy relief programs for a total theft of \$1,828,747. DAsG Mark Kurzawa, John Nicodemo, Derek Miller, William Conlow, Valerie Noto, Peter Gallagher, Timothy Harker, Naju Lathia and Mary Erin McAnally; Lt. David Nolan; Sgt. Fred Weidman; Dets. Matthew Burd, Richard Loufik, Eric Ludwick and John Neggia; Analyst Alison Callery.

State v. Irving Fryar, et al. The Division tried and convicted Fryar, a former professional football player, and his mother, Allene McGhee, on charges of theft by deception for committing mortgage fraud generating over \$900,000. Under the scheme, the defendants obtained five home equity loans over a six-day period, all using the same property as collateral and without disclosing the existence of any other liens or loans. The defendants then used loan proceeds for their own personal use. Additionally, the defendants falsely obtained a loan on the home where Fryar lived. Fryar was sentenced to five years in state prison. McGhee was sentenced to probation; the State has appealed that sentence. Two other defendants pled guilty, and one was sentenced to three years in state prison. DAsG Mark Kurzawa and John Nicodemo; Det. Kim Allen; Paralegal Melanie Malewicz.

State v. Manoj Patharkar, et al. The Division indicted Patharkar, who is a doctor, and co-conspirator Mohammed Shamshair on first degree money laundering and other charges for facilitating a sophisticated scheme to hide over \$3.6 million in income from his medical practice, resulting in underpayment of over \$320,000 in taxes owed to New Jersey. Patharkar executed the scheme by fabricating employee payroll and wage expenses and by depositing checks into his personal rather than business accounts. An additional co-conspirator entered a guilty plea pre-indictment and is pending sentencing. DAsG Timothy Harker and Lilianne Daniel; Lt. Lisa Shea; Dets. Kim Allen and John Campanella.

State v. Robert Sebia. The Division charged and convicted Sebia, a title company owner, for stealing a total of \$7.7 million entrusted to him as a settlement agent to pay off multiple mortgage loans in connection with real estate closings he handled. In pleading guilty, Sebia admitted that he misused funds entrusted to him as a settlement agent to pay off at least 28 outstanding mortgage loans on various properties. Sebia pled guilty to second degree theft and corporate misconduct charges, and was sentenced to 11 years in state prison with the condition of full restitution to the victim title company. DAsG Peter Gallagher and Jillian Carpenter; Det. Kim Allen.

State v. Naim Tahir, et al. In a joint investigation with U.S. Postal Inspectors, N.J. Office of Homeland Security and Preparedness, U.S. Department of Homeland Security, Social Security Office of the Inspector General, and N.J. Division of Taxation, the Division charged Tahir and eleven others with first degree money laundering and second degree theft for their roles in an elaborate credit card “bust out” scheme involving approximately 100 fraudulent checking accounts or credit cards created through the use of “synthetic” identities. (A synthetic identity is one which utilizes valid social security

numbers, usually belonging to juveniles, coupled with fictitious names and addresses.) The scheme involved establishing the fraudulent credit card accounts with the “synthetic” identities, having collusive merchants initiate fraudulent charges against the credit cards, receiving payments from the victim credit card companies for those fraudulent charges, using the credit cards up to their credit limits, and ultimately failing to make payments on the cards (the “bust out”). DAG Anthony Torntore; Lt. Harry Maronpot; Dets. Katelyn Sake, James Gallo and Roxanna Ordonez.

State v. Germain Theodore, et al. The Division indicted Theodore, who ran a debt adjustment firm called TGC Movement, for defrauding hundreds of customers by promising them reductions in their monthly bills in return for up-front fees, but never delivering any debt relief or other service. Theodore is charged with stealing at least \$250,000 from over 200 victims through the fraud scheme. The Division obtained a second indictment against Theodore for stealing an additional \$48,000 from clients of a separate business based in Jersey City. DAG Janet Bosi; former DAG Frank Brady; Dets. Scott Stevens and Mark Byrnes; Analyst Kim Geis.

State v. Joseph Talafous. The Division indicted Talafous, an attorney, for stealing over \$96,000 from a client and the client’s estate. Talafous used a power of attorney to make numerous unauthorized withdrawals from the client’s investment account, falsely representing that the payments were for legal services. In fact, Talafous had rendered no such services, and used the client’s money for his own personal purposes. DAsG Janet Bosi and Naju Lathia; Det. Scott Stevens.

State v. Steven Dilk. The Division charged and convicted a former executive for a wholesale importer of pharmaceutical ingredients with embezzling over half a million dollars from the company. Over a seven-year period, Dilk, an operations manager, fraudulently billed the company for approximately \$512,000 of “gate fees” that he falsely claimed to have paid to airlines on behalf of the company. Dilk pled guilty to second degree theft by deception and is awaiting sentencing. DAG Mary Erin McAnally; former DAsG Marysol Rosero and Jacqueline Weyand; Dets. Scott Stevens and Mark Byrnes; Analyst Kim Geis.

State v. Thomas Fagan. The Division continued its prosecution of Fagan, the CEO of Energex Systems, Inc., a biotech firm based in Bergen County, for stealing over \$230,000 in investor funds from the business. Fagan used the stolen money to fund an extravagant personal lifestyle, and now faces second degree charges of corporate misconduct, theft, and money laundering. DAsG Peter Gallagher and Derek Miller; Lts. David Nolan and Michael Fallon; Dets. Eric Ludwick, Edward Augustyn and Cheryl Smith; Analyst Alison Callery.

State v. Brian Lyles, et al. Lyles, Sasha Cortes, BKL Property Management, LLC and VIP Title Agency, LLC were charged in an indictment with first degree conspiracy and money laundering, and with second degree theft by deception and misconduct by a corporate official. These charges were related to a complex mortgage fraud utilizing a short sale scheme to defraud lenders. Lyles pled guilty to first degree money laundering and was sentenced to eight years in state prison and ordered to make restitution to victims. Cortes entered a guilty plea and was sentenced to four years in state prison. Another defendant, a Jersey City firefighter, forfeited his public employment as a condition of his guilty plea. DAsG Thomas Clark and Naju Lathia; Dets. Mark Byrnes, Roxanna Ordonez and Abraham Aquino; Analyst Kim Geis.

State v. Stephanie Hand, et al. The Division continued its prosecution of five individuals including Hand, an Essex County attorney, for their roles in a mortgage fraud scheme involving over \$800,000 in fraudulently-obtained loans. The defendants used stolen identities to file fraudulent loan applications, falsified settlement statements and diverted the loan proceeds. DAsG Jillian Carpenter and Mary Erin McAnally; Det. Roxanna Ordonez; Analyst Rita Gillis.

State v. Andrys Gomez, et al. Gomez, an attorney practicing in Hudson County, and 11 other co-defendants were indicted on charges including first degree money laundering, first degree conspiracy, and second degree theft by deception for their roles in a mortgage fraud conspiracy. Gomez used her position as an attorney to file fraudulent mortgage applications and HUD settlement forms to obtain mortgage proceeds, which she then funneled through her attorney trust account. In total, Gomez and her co-defendants stole over \$1 million through the scheme. DAsG Jillian Carpenter and Mary Erin McAnally; Det. Anne Hayes; Analyst Alison Callery.

State v. Carl Monto, et al. The Division convicted Monto on charges of second degree theft by deception and third degree tax charges. The charges relate to Monto's evasion of sales taxes in the purchase of dozens of high-end automobiles from new car dealerships by alleging he was operating a legitimate charity entitled to such tax exemption when, instead, Monto made the purchases on behalf of overseas buyers. Monto was sentenced to seven years in state prison and ordered to make restitution of over \$500,000. DAsG Peter Gallagher and Derek Miller; Det. Richard Loufik; Analyst Alison Callery.

State v. Evan Kochav. Kochav plead guilty to second degree money laundering and theft by deception for stealing over \$560,000 from clients of his investment firm. Kochav promised to invest the funds in various business interests and investment vehicles. Instead, Kochav laundered the money through a phony consulting firm and several shell bank accounts and used the money for his own personal expenses. Sentencing is scheduled for March 25, 2016. DAG Thomas Clark; Dets. Katelyn Sake and Roxanna Ordonez.

State v. Bronthie Charles, et al. Acting on a referral from TD Bank Corporate Security, the Division indicted Charles, a TD Bank teller, and seven others on charges of second degree conspiracy, theft by deception and identity theft for their roles in a ring that used account information from customers of TD Bank to steal more than \$150,000 from several bank locations. All defendants have pled guilty and are pending sentencing. DAsG Peter Gallagher and John Nicodemo; Dets. Richard Loufik, Edward Augustyn, and Eric Ludwick.

State v. Keith Hutcheson. The Division charged and convicted Hutcheson for running a scheme in which he used false identities and over \$300,000 in counterfeit checks to buy 19 cars from an online auto auction company. Hutcheson used false names to purchase salvage or storm-damaged cars online, paid with counterfeit checks, and then falsely sold the cars under false pretenses to unsuspecting customers. Hutcheson pled guilty to second degree theft by deception, and was sentenced to seven years in state prison. DAsG Peter Gallagher and William Conlow; Det. Richard Loufik.

State v. Carrie Ann Manerchia, et al. Manerchia and Lisa Marie Matto were charged in an indictment with second degree receiving stolen property and money laundering. The defendants fraudulently obtained 36 New Jersey Gross Income Tax refund checks and 20 U.S. Treasury checks worth a total of more than \$95,000. Both defendants pled guilty to second degree receiving stolen property and are awaiting sentencing. DAG Denise Grugan; Det. Andrea Hayes.

State v. Thomas Muza. Muza, the former bookkeeper for the Triangle Club, a theater troupe at Princeton University, pled guilty to second degree theft charges for embezzling \$240,000 from the Club's bank account. Muza was sentenced to three years in state prison and full restitution to the Club. DAsG Mark Kurzawa and Peter Gallagher; Det. Benjamin Kukis; Analyst Alison Callery.

State v. Nicholas Severino. The Division indicted Severino for stealing over \$240,000 in social security benefits payable to his father for 29 years after his father's death. Severino pled guilty to second degree theft and is awaiting sentencing. DAsG John Nicodemo and Peter Gallagher; Det. Kim Allen.

Cyber Crime

Operation Predator Alert I and II. Working with federal law enforcement agents from the U.S. Department of Homeland Security Investigations, the Division arrested 28 defendants on charges of distributing and possessing child pornography over internet file-sharing programs. These cases marked the first major utilization of the State's new, tougher child pornography laws, which went into effect in August 2013. As of December 2015, 13 defendants have entered guilty pleas in this ongoing prosecution. DAsG Jillian Carpenter, Lilianne Daniel, Denise Grugan, Marie McGovern, Anand Shah, and Naju Lathia; former DAG Kenneth Sharpe; former Sgt. Thomas Turley; Dets. Abraham Aquino, Richard Loufik, Paul Marfino, Joseph McCray, John Neggia, Thomas Page, Cheryl Smith, and Tiffany Lenart.

Operation Watchdog. The Division arrested 27 defendants on charges including distribution of child pornography over the internet. As of December 2015, all defendants have been charged by way of indictment or accusation with 20 defendants having entered guilty pleas in this ongoing prosecution. DAsG Lilianne Daniel, Marie McGovern, Denise Grugan, Anand Shah and Naju Lathia; former DAG Kenneth Sharpe; NJSP detectives.

Operation Ever Vigilant. The Division arrested 25 defendants on charges of distributing child pornography over the internet. Several of the charged defendants had regular access to children in their jobs or otherwise. As of December 2015, eight defendants have entered guilty pleas in this ongoing prosecution. DAsG Lilianne Daniel, Marie McGovern, Denise Grugan, Anand Shah, Naju Lathia, and Jillian Carpenter; former DAG Kenneth Sharpe; NJSP detectives.

State v. Craig Wyatt. The Division indicted Wyatt on multiple counts of first degree manufacturing child pornography and second degree extortion for stalking a 13 year old on the internet and threatening to kidnap her to coerce her into sending sexually explicit photos of herself. Wyatt previously has been convicted and has served jail time for stalking young girls on the internet and sending them threatening messages. Wyatt faces ten counts of first degree manufacturing of child pornography, including a sentence of ten to 20 years in state prison on each count, plus other charges. DAG Denise Grugan; NJSP detectives.

State v. Thomas Phillips. The Division convicted Phillips at trial on charges of attempting to endanger the welfare of a child and attempting to transmit obscene materials to a minor. Phillips – who was already a registered sex offender – was convicted on all counts by the jury and was sentenced to four years in state prison. DAsG Lilianne Daniel, Naju Lathia and Marie McGovern; NJSP detectives.

State v. Thomas Ballard. The Division arrested Ballard and charged him with second degree distribution of child pornography and other offenses. Ballard distributed over 3,000 photo and video images of sexual assaults on children, and images depicting prepubescent girls being bound, tortured, and threatened with weapons. Ballard entered a guilty plea to second degree distribution of child pornography and is awaiting sentencing. DAsG Anand Shah and Marie McGovern; former DAG Kenneth Sharpe; former Sgt. Thomas Turley; Det. Tiffany Lenart.

State v. Michael Van Culin. In a cooperative investigation with the U.S. Department of Homeland Security, the defendant was arrested and indicted on numerous charges including first degree manufacturing child pornography, second degree extortion, second degree distribution of child pornography, and third degree computer hacking. The investigation determined that Van Culin had hacked into the email accounts of several minors, solicited them to send sexually explicit images of themselves, and later threatened to reveal the images unless the victims continued to send him more images. DAG Lilianne Daniel; former Sgt. Thomas Turley; Det. Richard DaSilva.

State v. Abraham Baruchov. The Division arrested Baruchov as a result of his receipt of more than 1,000 coffee makers and other retail items that were originally purchased on-line from JC Penney with stolen credit cards. Baruchov pled guilty to second degree receiving stolen property and was sentenced to three years in state prison plus full restitution of over \$220,000. DAsG Janet Bosi, Naju Lathia, and Anand Shah; Lt. Michael Fallon; former Sgt. Thomas Turley; Dets. Abraham Aquino and Cheryl Smith.

State v. Justin Bozinta. The Division charged and arrested Bozinta, a high school teacher and coach, with possession of child pornography, operating a marijuana facility, and firearms offenses. While executing a search warrant for child pornography at Bozinta's home, detectives discovered that Bozinta also was operating a marijuana grow house, and that he illegally possessed various firearms. DAG Marie McGovern; former Sgt. Thomas Turley; Det. Richard DaSilva.

State v. John Terruso. The Division arrested Terruso, who was Chief of the Audubon Park Volunteer Fire Company, for using a computer at the fire station to share child pornography online using a peer-to-peer file sharing network. In total, Terruso possessed over 1,000 files of child pornography on his computer. Terruso faces charges of second degree distribution of child pornography and third degree possession of child pornography. DAG John Nicodemo; former Sgt. Thomas Turley; Dets. Richard DaSilva and Kim Allen.

State v. Arthur Ernst. The Division charged and convicted by guilty plea Ernst, a former music teacher at Ocean Township High School, for manufacturing child pornography and other crimes. Ernst posed as a teenager online and sent obscene materials to underage girls – including three of his students – while soliciting them to expose themselves on a webcam or send him nude photos or videos. Ernst was convicted of second degree manufacturing of child pornography and other offenses, and was sentenced to five years in state prison. DAG Anand Shah; NJSP detectives.

Asset Forfeiture

In 2015, the Division seized over \$4 million in forfeited monetary assets, plus over 25 vehicles. The Division obtained judgments forfeiting nearly \$2 million. DAsG Derek Miller and Susan Wolansky; Det. John Neggia; Analyst Deborah Maiorano; Paralegal Melanie Malewicz.

Appellate Bureau

In *State v. Witt*, ___ N.J. ___ (2015), the Supreme Court overturned *State v. Pena-Flores*, 198 N.J. 6 (2009), replacing the exigent-circumstances standard for adjudicating automobile stops with the prior test set forth in *State v. Alston*, 88 N.J. 211 (1981). Under that test, the automobile exception authorizes a warrantless search of an automobile when (1) police have probable cause to believe that the vehicle contains contraband or evidence of an offense and (2) the circumstances giving rise to probable cause are unforeseeable and spontaneous. AAG Ronald Susswein.

In *State v. Buckner*, 223 N.J. 1 (2015), the New Jersey Supreme Court upheld the constitutionality of the Recall Statute, N.J.S.A. 43:6A-13b, which allows retired judges to temporarily return to service on recall. The Court held that the statute does not violate the Judicial Article of the State Constitution (Art. VI, § 6, ¶ 3), or the separation-of-powers doctrine. DAG Jeffrey P. Mongiello.

In *State v. Reece*, 222 N.J. 154 (2015), the New Jersey Supreme Court ruled that police were justified in entering defendant's home under the emergency-aid doctrine to investigate a dropped 911 call. The Court also ruled that, regardless of the constitutionality of the police entry, defendant had no right to physically resist that entry; such resistance constituted obstruction. The Court held that "[w]hether on the street or at a residence," a suspect may not resort to self-help if he or she questions the lawfulness of a police order, but must instead submit to the officer's exercise of authority. DAG Daniel I. Bornstein.

In *State v. Hathaway*, 222 N.J. 453 (2015), the New Jersey Supreme Court ruled that police were justified in entering a casino hotel room without a warrant under the emergency-aid doctrine. Officers reasonably relied on an in-person report of an armed robbery on that floor of the hotel, relayed to them by casino-security personnel and partially corroborated by the hotel's video surveillance. The Court held that the report of an armed robbery in a hotel casino posed a high-risk, public-safety danger that allowed for an immediate police response. The Court also held that an in-person report of a crime by an unnamed victim is inherently more trustworthy, and thus entitled to more reliance, than a mere anonymous tip. DAG Frank Muroski.

In *State v. Adkins*, 221 N.J. 300 (2015), the New Jersey Supreme Court held that *Missouri v. McNeely*, 133 S. Ct. 1552 (2013) (requiring a totality-of-circumstances analysis to determine whether sufficient exigent circumstances justified a warrantless blood draw in a drunk-driving investigation), applies retroactively to cases in the pipeline when *McNeely* was decided. The Court, however, remanded the matter to allow the State an opportunity to "present to the court ... [its] basis for believing that exigency was present in the facts surrounding the evidence's potential dissipation and police response under the circumstances to the events involved in the arrest." The Court also instructed that, in evaluating whether exigent circumstances were present, courts are free to "ascribe substantial weight to the perceived dissipation that the officer reasonably faced." AAG Ronald Susswein.

In *State v. T.J.M.*, 220 N.J. 220 (2015), the New Jersey Supreme Court declined to consider opinions in unrelated cases involving claims of prosecutorial error to decide whether the same prosecutor committed such error in the present case. The Court also rejected the ACLU's request "to create a registry of prosecutors who have repeatedly been admonished for engaging in prosecutorial error." AAG Carol M. Henderson.

In **State v. Feliciano**, the New Jersey Supreme Court heard oral argument as to the constitutionality of New Jersey's roving wiretap statute. DAG Steven A. Yomtov.

In **State v. Lunsford**, 223 N.J. 159 (2015), the New Jersey Supreme Court granted the State's motion for leave to appeal. The issue is whether law enforcement may obtain a suspect's telephone toll billing records via grand jury subpoena or whether a probable-cause based warrant is required. AAG Ronald Susswein.

In **State v. Saavedra**, 222 N.J. 39 (2015), the New Jersey Supreme Court affirmed the denial of a motion to dismiss an indictment charging official misconduct and theft by unlawful taking by a public employee who removed confidential documents from her employer's files, but claimed she had a right to do so because the documents were relevant to her employment-discrimination lawsuit. The Court held that the prosecutor did not have to tell the grand jury that defendant thought her conduct was sanctioned by law because of her pending lawsuit. Nor did the prosecutor have to charge the grand jury regarding a potential justification defense. In reaching its decision, the Court held that Quinlan v. Curtiss-Wright Corp., 204 N.J. 239 (2010), did not create a legal right for employees to take confidential documents from their employers, for use in civil employment lawsuits while simultaneously barring criminal prosecution for such conduct. DAG Brian Uzdavinis (representing the Attorney General as amicus curiae).

In **State v. Olivero**, 221 N.J. 632 (2015), the New Jersey Supreme Court found sufficient evidence that defendant committed burglary based upon evidence that he broke into a locked, fenced-in storage area adjacent to a warehouse owned by a manufacturing company with intent to commit a theft therein. The Court held that the storage area constituted a "structure" within the burglary statute's definition of that term because the statute is broadly defined to include "any place adapted ... for carrying on business." Applying that definition to the facts, the Court explained that the storage area was adapted for the purpose of storing equipment and material used to conduct company business, and also noted that the storage area was secured to prevent public access. DAG Jeffrey P. Mongiello (representing the Attorney General as amicus curiae).

In **State v. Munafo**, 222 N.J. 480 (2015), the New Jersey Supreme Court held that to convict a defendant of endangering an injured victim the State need only prove three elements: (1) that defendant knowingly caused bodily injury to a person; (2) that the injured person was physically helpless, mentally incapacitated, or otherwise unable to care for herself; and (3) that defendant left the scene of the injury knowing or reasonably believing that the injured person was in that condition. The State need not prove that defendant's "flight from the scene of the injury increased the risk that further harm would come to the victim left in a vulnerable state, or that the victim's condition would further deteriorate." DAG Joseph A. Glyn.

In **State v. Bishop and Torres**, 223 N.J. 290 (2015), the New Jersey Supreme Court affirmed defendants' mandatory repeat drug-offender extended-term sentences imposed after they failed to complete Drug Court and their special probationary sentences were permanently revoked under N.J.S.A. 2C:35-14f(4). The Court recognized that when defendants do not successfully avail themselves of the opportunity at rehabilitation through special probation, the sentencing consequences are the same as if the opportunity had not been extended to them in the first place. Thus the mandatory periods of parole ineligibility and mandatory extended term provisions that existed at the time of original sentenc-

ing survive during the term of special probation and remain applicable at the time of resentencing upon revocation of special probation. DAG Jennifer E. Kmiecik (representing the Attorney General as amicus curiae).

In **State v. Musa**, 222 N.J. 554 (2015), the New Jersey Supreme Court ruled that the trial court did not abuse its discretion in replacing a juror who failed to appear for the second day of deliberations. This was so even though the judge did not have an opportunity to respond to a jury note indicating that one of the jurors wanted to be removed from the case after deliberations had begun. DAG Emily R. Anderson (representing the Attorney General as amicus curiae).

In **State v. Myers**, 442 N.J. Super. 287 (App. Div. 2015), the Appellate Division reaffirmed that the odor of burnt or raw marijuana provides police with probable cause to believe that a marijuana offense has been or is being committed, notwithstanding the passage of the Compassionate Use Medical Marijuana Act (CUMMA), N.J.S.A. 24:6I-1 to -16. The Court noted that although CUMMA “creates a limited exception allowing possession of marijuana for medical use by qualifying patients who obtain the appropriate registry identification card,” it is an affirmative defense that defendant must prove by a preponderance of the evidence. Thus police are not obligated to disprove that a suspect is a qualifying patient under CUMMA before they may act if they smell marijuana. DAG Sara M. Quigley.

In **State v. Maltese**, the State filed a petition for a writ of certiorari with the U.S. States Supreme Court. The issue is whether a suspect invokes his Fifth Amendment right to remain silent by asking to speak with a non-lawyer “first” before continuing to speak with police. DAG Jane C. Schuster.

In **State v. Shannon**, the State filed a petition for a writ of certiorari with the U.S. Supreme Court. The issue is whether a police officer violates the Fourth Amendment if he or she makes an arrest after reasonably relying on a judicial database showing an active and valid arrest warrant for the arrestee if it is subsequently determined that the warrant was vacated but left on the database due to a clerical error, and it is undisputed that the officer, who had no way of knowing about the error, did nothing wrong. DAG Frank Muroski.

Prosecutors Supervision and Training Bureau

The Prosecutors Supervision and Training Bureau (PS&TB) serves multiple roles for the oversight, counseling, and training of the 21 County Prosecutor's Offices, County Prosecutors Association of New Jersey (CPANJ), the New Jersey Police Training Commission (PTC), Commission on Human Trafficking, State Parole Board/Division of Parole, County Narcotics Commanders Association (CNCA), and other law enforcement agencies. The PS&TB also expanded a Community Justice Outreach component to our mission.

In 2015, the Bureau assisted in the statewide implementation of the new Attorney General Initiatives and Directives involving Heroin and Opiates/Strict Liability Prosecutions, Domestic Violence/Sex Assault Prosecutions, Human Trafficking, Mental Health/Developmental Disabilities, Cultural Diversity, Use of Force, Officer-Involved Shootings, Active Shooter, Conducted Energy Devices, OPRA, and Body Worn Cameras. The Bureau also developed and will be implementing the \$2.5 million Attorney General Body Worn Camera Assistance Program, and developed and implemented the \$1 million Attorney General Conducted Energy Device Assistance Program.

The PS&TB also assisted the New Jersey State Police with developing and rolling out the new, web-enabled state sex offender registration program "Offender Watch," and assisted with and participates in the Urban Cities Chiefs Initiative. Other important ongoing projects include continuation of the Veterans Law Enforcement and Project Alias Initiatives to prioritize veterans and provide appropriate prisoners with services to resolve outstanding matters in conjunction with the New Jersey Department of Corrections and the New Jersey Motor Vehicle Commission. Additionally, the Bureau has begun efforts to consolidate training and coordination of the various state law enforcement agencies or state agencies vested with limited law enforcement authority.

Three of the Bureau's DAsG are assigned as National Traffic Safety Resource Prosecutors (TSRP) on behalf of New Jersey. These DAsG provide education, training, technical assistance, and litigation support to prosecutors and law enforcement on drug- and alcohol-impaired driving. These DAsG also hold regular meetings with liaisons representing the County Prosecutor's Offices, who specialize in municipal prosecutions, domestic violence, Megan's Law, sex assault, juvenile matters, and expungements.

The Outreach Liaison actively participated in and assisted the counties with organizing faith-based outreach meetings with their clergy, government, and citizens in support of recent revisions to the Attorney General's Use of Force Policy and supporting Directive. The PS&TB has also been working with the Attorney General's Office of Community Justice on the Crisis Response Program and the Chaplaincy Program to better prepare law enforcement and clergy in their roles of assisting communities in crisis, and has brought *Beat the Streets*, a mentoring program, to middle school-aged children in Trenton and Asbury Park; many more cities have expressed an interest and need.

As part of the operations of the Bureau this year, the PS&TB resolved 103 citizen complaints, 170 OPRA matters, and 30 state law enforcement officer domestic violence incidents (opening 56 new incident reviews); monitored 49 Tara's Law referrals from the New Jersey Department of Human Services; and participated in 49 outreach events. The PS&TB reviewed 152 supersession requests for matters involving a potential conflict of interest among the various County Prosecutor's Offices, 10 requests to approve use forfeiture funds, 6 bid waivers, and 9 immunity petition requests from the

County Prosecutor's Offices. On 123 occasions, the PS&TB also administered cross-county oaths to assistant prosecutors to prosecute matters.

Law Enforcement Training

In 2015, the Division, through the PS&TB, provided specialized, live in-service training to law enforcement officers and prosecutors throughout the state on topics including Domestic Violence; Sexual Assault; and Megan's Law; Use of Force; Conducted Energy Devices; Less Lethal Ammunition; drug, firearms, and gangs prosecutions; Drug Monitoring Initiative (DMI) in cooperation with the New Jersey State Police; National Integrated Ballistic Information Network (NIBIN); Regional Automated Property Information Database (RAPID); and Pharmaceutical Training (PPI). Highlights in 2015 include:

- In cooperation with the CPANJ and CNCA, 350 law enforcement officers and prosecutors graduated from the Top Gun Program (basic course for the interdiction and prosecution of gangs, guns, and drug cases), DELTA (supervisor and leadership training), and UNIT (undercover narcotics investigation training) Schools.
- Provided training to 888 prosecutors and officers from over 500 local, county, and state law enforcement agencies on the new web-based, sex offender registration system.
- 17,101 law enforcement officers completed NJ Learn on-line training programs developed in partnership with the New Jersey Office of Homeland Security and Preparedness. These courses meet law enforcement training requirements (including Attorney General Directives and Guidelines) on domestic violence, human trafficking, use of force, conducted energy devices, less lethal ammunition, internal affairs policy and procedures, DNA arrestee buccal swab training, body worn cameras, and heroin-opiate investigation and prosecution.
- Conducted regional Strict Liability/Heroin and Opiates Act Prevention training sessions attended by 1,021 law enforcement officers, and authored the NJ Learn on-line Heroin and Opiates Investigations and Prosecution Course that trained an additional 5,290 law enforcement officers.
- In cooperation with the U.S. Bureau of Alcohol, Tobacco, and Firearms and the New Jersey State Police, provided regional training to law enforcement officers and prosecutors on NIBIN.
- Conducted regional training sessions on the Prescription Drug Monitoring Program (PMP).
- Hosted the 1st Annual Domestic Violence and Sexual Assault Symposium and provided training for 220 prosecutors and law enforcement officers who attended.
- TSRP trained 691 officers and prosecutors on drug-impaired driving prosecution, evidentiary breath testing, and radar operation.
- In conjunction with the New Jersey State Association of Chiefs of Police, provided orientation training for all new chiefs of police.
- Provided in-service training for all Division detectives.

DCJ Academy

The Division of Criminal Justice Academy conducted two Basic Courses for Investigators, which graduated 81 criminal investigators. Each course was 20 weeks in duration and provided basic law enforcement training for state investigators, including the Division of Criminal Justice and the Office of Homeland Security and Preparedness; investigators and detectives from the County Prosecutor's Offices; officers from the Division of Parole; and special agents from the New Jersey Department of the Treasury. Additionally, the Academy conducted 44 in-service and PTC-approved courses, such as Patrol Rifle Instructor, Firearms Instructor, Basic Course for Humane Law Enforcement Officers, Money Laundering, White/Collar Corruption Investigation and Prosecution, Basic Course for Arson Investigators, Trial Testimony, and Criminal Procedure Updates. The Academy also is responsible for compliance auditing of all firearms programs conducted at each of the 15 PTC-approved law enforcement academies in New Jersey.

Police Training Commission

By statute the Division is charged with administrative functions on behalf of the PTC, and the PS&TB regulates and oversees basic training in the 15 police and corrections academies across the state. These academies graduated a total of 3,202 law enforcement officers in 2015. Commission staff audited and entered 5,068 record cards for trainees, and issued 623 general instructor certifications, 114 firearms instructor certifications, and 30 initial and updated vehicle operations instructor certifications. The staff also conducted 71 unannounced academy inspections. In addition, PTC staff prepared for, hosted, and processed the paperwork resulting from 6 Commission meetings conducted during the year. This year, Bureau staff authored, and the PTC approved, the revised training curriculum for the Basic Course for Police Officers and the Basic Course for Firearms (both implemented in 2015).

Law Enforcement Services

Combined DNA Index System (CODIS)

The Combined DNA Index System (“CODIS”) Compliance Unit (“CCU”) monitors and enforces compliance with the DNA Database and Databank Act of 1994. DNA samples are collected throughout the state with the assistance of various state, county and municipal agencies. During 2015, the CCU data-entered, reviewed, and verified over 13,670 DNA submissions. Continuous training sessions on standardized DNA collection techniques were conducted throughout the State. Also, grant money has been secured to implement an electronic DNA collection process (E-DNA).

The Fingerprint Compliance Committee, established by the CCU and consisting of members from all areas of criminal justice, met regularly in 2015 to discuss, review, and make recommendations to improve the quality of Computerized Criminal History (CCH) records. As a result, funding was received to revise the system for entering information at the time of arrest by integrating electronic interfaces between the LiveScan and the ACS system, replacing the manual process that currently exists. This system is being tested in four pilot counties in December 2015 and January 2016 before being rolled out statewide.

The CCU continues to administer the most recent expansion to the Act that took effect on February 1, 2013, requiring the collection of DNA samples from persons arrested for certain violent crimes. Since the expansion of the Act last year to include arrestees for violent crimes, New Jersey’s database has grown substantially and now contains 323,974 convicted offender profiles and 7,532 arrestee profiles, which have aided in the investigation of 10,511 crimes to date (169 of these “hits” are attributable to arrestee samples). Some of the most serious crimes assisted or solved include sexual offenses, burglaries, robberies, and homicides.

Victim-Witness Advocacy and Program Development / Grants

The State Office of Victim Witness Advocacy and Program Development/Grants Unit provides leadership and oversight for the administration and implementation of state and federal grant programs that address the needs of crime victims and New Jersey’s criminal justice system. The state and federal grant dollars received through this Unit are used to fund a vast array of programs that strengthen law enforcement, providers of victim witness services, and the criminal justice system in general.

The State Office of Victim Witness Advocacy (SOVWA) and Program Development/Grants Unit (Program Development) currently manage approximately \$174 million in open grants among 14 different programs. Program Development manages \$47 million among eight different grant programs and SOVWA manages \$127 million among six different grant programs.

The SOVWA provides guidance and assistance to the Offices of Victim Witness Advocacy based in the County Prosecutor’s Offices. The goal of this program is to provide victims and witnesses with services designed to help them cope with the aftermath of victimization and help make participation in the criminal justice process less difficult and burdensome. The SOVWA provides technical assistance and training opportunities that address victim rights and services, and conducts the necessary program monitoring activities required as a condition of receiving funds.

Program Development is responsible for program development and implementation, and manages, monitors, and reports on state and federal grants. The Unit ensures that all funded programs comply with funding conditions as a result of receiving an award. Staff within the Unit prepare and submit federal grant applications for funding, develop subrecipient programs, offer technical assistance, solicit grant applications, review and score applications for funding, and make recommendations for awards.

Victims of Crime Compensation Office (VCCO)

The Victims of Crime Compensation Office (VCCO) provides compensation and services to crime victims for expenses incurred as a result of personal injury or death. In FY2015, the VCCO awarded \$9.629 million to victims of crime. During this period, the Office received 3,596 applications and processed 4,150 claims. The Office averages 300 new applications per month. The leading areas of compensation to victims include medical/dental, economic support, loss of earnings, and burials.

The VCCO also reduced the average turnaround time on claims from approximately four and a half months to approximately two and a half months. Emergency claims were filled in an average of 29 days.

The VCCO developed a training series on domestic violence to educate and re-educate staff on trauma and challenges suffered by domestic violence claimants. Experts in domestic violence advocacy and prosecution were invited as trainers.

In July 2015, at the request of the Department of Justice, VCCO welcomed a delegation of Kosovo judges, prosecutors and victim advocates to visit VCCO's offices in Newark. VCCO trained on the entire processing procedures from the initial application to the payment of claims, including the fiscal and treasury steps. As a result, the Office's executive staff has been asked to come to Kosovo to assist in developing a plan to create a compensation office in that country.

The VCCO attorneys (DAG Marsetta Lee and AAG John Holl) continued to provide accredited CLE training on by presenting to various groups including legislative staff, legal services and prosecutors.

The Crime Victims Rights' Week ceremony, held at the Richard J. Hughes Justice Complex, brought together advocates and victims of crime to observe their combined efforts from throughout the year to continue the healing process in the wake of tragedy. This event had a record number in attendance and honored a pioneer in victim's advocacy, James O'Brien and Deidre's House, which carries on his legacy.