

COMPLAINT - SUMMONS

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> BRANDON L BURGOS ADDRESS: [REDACTED] [REDACTED] NJ [REDACTED]	
1025	S	2021	000098		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
UNION TWP MUNICIPAL COURT 1370 RTE 31 NORTH ANNANDALE NJ 08801-0000 908-735-3730 COUNTY OF: HUNTERDON					
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 202100926		DEFENDANT INFORMATION	
COMPLAINANT NAME: ROSS PORTNER 25 MARKET ST P O BOX 085 TRENTON NJ 08625				SEX: M EYE COLOR: BROWN DOB: [REDACTED]/1999 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: xxx-xx-[REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] LIVESCAN PCN #: [REDACTED]	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 01/12/2021 in **UNION TWP**, **HUNTERDON County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING, OR USE ANY RECORD, DOCUMENT OR THING KNOWING IT TO BE FALSE, AND WITH PURPOSE THAT IT BE TAKEN AS A GENUINE PART OF INFORMATION OR RECORDS BELONGING TO, OR RECEIVED OR KEPT BY, THE GOVERNMENT FOR INFORMATION OR RECORD, OR REQUIRED BY LAW TO BE KEPT BY OTHERS FOR INFORMATION OF THE GOVERNMENT WITH THE PURPOSE TO DEFRAUD OR INJURE ANYONE, THAT IS, THE SAID BRANDON BURGOS, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, PRESENTED A SPECIAL CUSTODY REPORT, KNOWING IT TO BE FALSE BY OMITTING FACTS ABOUT THE USE OF FORCE AGAINST VICTIM 2, AN INMATE AT THE EDNA MAHAN WOMENS CORRECTIONAL FACILITY, FOR FILING TO THE DEPARTMENT OF CORRECTIONS, IN VIOLATION OF N.J.S.A. 2C:28-7A(1) (A 3RD DEGREE CRIME).

in violation of:

Original Charge	1) 2C:28-7A(1)	2)	3)
Amended Charge			

CERTIFICATION:

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

Signed: ROSS PORTNER Date: 12/15/2021

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of: HUNTERDON

at the following address: HUNTERDON COUNTY COURT

HUNTERDON COUNTY JUSTICE CENTER 65 PARK AVENUE FLEMINGTON NJ 08822-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 12/15/2021 Appearance Date: 01/25/2022 Time: 09:00AM Phone: 908-824-9750

Signature of Person Issuing Summons: ROSS PORTNER Date: 12/15/2021

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

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

ORIGINAL

COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER				STATE V.	BRANDON L BURGOS
1025	S	2021	000098		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		

FTA Bail Information		Date Bail Set:		Amount Bail Set: \$ _____ by: _____		<input type="checkbox"/> Bail Recog. Attached
Released on Bail	R.O.R.	Committed Default	Committed w/o Bail	Place Committed:		Date Referred to County Prosecutor: _____

Date of First Appearance: 01/25/2022	<input type="checkbox"/> Advised of Rights by _____	Defendant Desires Counsel: <input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------------------	---	--

Prosecuting Attorney Information				Defense Counsel Information					
Name:				Name:					
State	County	Municipal	Other	None	Retained	Public Def	Assigned	Waived	Other

Original Charge	1) 2C:28-7A(1)			2)			3)		
Amended Charge									
Waiver Indt/Jury									
Plea/Date of Plea	Plea:		Date:	Plea:		Date:	Plea:		Date:
Adjudication (* see code)	Finding Code:		Date:	Finding Code:		Date:	Finding Code:		Date:
Jail Term		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp
Probation Term			Susp. Imp			Susp. Imp			Susp. Imp
Cond. Discharge Term									
Community Service									
D/L Suspension Term									
Fines/Costs	Fines:		Costs:	Fines:		Costs:	Fines:		Costs:
VCCB/SNSF	VCCB:		SNSF:	VCCB:		SNSF:	VCCB:		SNSF:
DEDR/Lab Fee	DEDR:		LAB:	DEDR:		LAB:	DEDR:		LAB:
CD Fee/Drug Ed Fnd	CD:		DAEF:	CD:		DAEF:	CD:		DAEF:
DV Surch/Other Fees	DV:		Other:	DV:		Other:	DV:		Other:
Restitution Beneficiary:_____									

<p>Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:</p> <p>Related Traffic Tickets and Complaints:</p>	<p>* Finding Codes</p> <ul style="list-style-type: none"> 1 – Guilty 2 – Not Guilty 3 – Dismissed – Other 4 – Guilty but Merged 5 – Dismissed-Rule 6 – Dismissed Lack of Prosecution 7 – Dismissed – Pros Motion/Vic Req 8 – Conditional Discharge D – Dismissed- Prosecutor Discretion M – Dismissed- Mediation P - Dismissed-Plea Agreement S – Disposed at Superior W – Dismissed-False ID
--	--

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER			
1025	S	2021	000098
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
UNION TWP MUNICIPAL COURT 1370 RTE 31 NORTH ANNANDALE NJ 08801-0000 908-735-3730 COUNTY OF: HUNTERDON			
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 202100926	
COMPLAINANT NAME: ROSS PORTNER		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: [REDACTED] 1999 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: xxx-xx-[REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] () LIVSCAN PCN #: [REDACTED]	

THE STATE OF NEW JERSEY

VS.

BRANDON L BURGOS

ADDRESS [REDACTED]

NJ [REDACTED]

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 01/12/2021 in UNION TWP, HUNTERDON County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING, OR USE ANY RECORD, DOCUMENT OR THING KNOWING IT TO BE FALSE, AND WITH PURPOSE THAT IT BE TAKEN AS A GENUINE PART OF INFORMATION OR RECORDS BELONGING TO, OR RECEIVED OR KEPT BY, THE GOVERNMENT FOR INFORMATION OR RECORD, OR REQUIRED BY LAW TO BE KEPT BY OTHERS FOR INFORMATION OF THE GOVERNMENT WITH THE PURPOSE TO DEFRAUD OR INJURE ANYONE, THAT IS, THE SAID BRANDON BURGOS, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, PRESENTED A SPECIAL CUSTODY REPORT, KNOWING IT TO BE FALSE BY OMITTING FACTS ABOUT THE USE OF FORCE AGAINST VICTIM 2, AN INMATE AT THE EDNA MAHAN WOMENS CORRECTIONAL FACILITY, FOR FILING TO THE DEPARTMENT OF CORRECTIONS, IN VIOLATION OF N.J.S.A. 2C:28-7A(1) (A 3RD DEGREE CRIME).

in violation of:

Original Charge	1) 2C:28-7A(1)	2)	3)
Amended Charge			

CERTIFICATION:

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

Signed: ROSS PORTNER Date: 12/15/2021

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of: HUNTERDON

at the following address: HUNTERDON COUNTY COURT

HUNTERDON COUNTY JUSTICE CENTER 65 PARK AVENUE FLEMINGTON NJ 08822-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 12/15/2021 Appearance Date: 01/25/2022 Time: 09:00AM Phone: 908-824-9750

Signature of Person Issuing Summons: ROSS PORTNER Date: 12/15/2021

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

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

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> VS. BRANDON L BURGOS ADDRESS: [REDACTED] [REDACTED] NJ [REDACTED]	
1025	S	2021	000098		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
UNION TWP MUNICIPAL COURT 1370 RTE 31 NORTH ANNANDALE NJ 08801-0000 908-735-3730 COUNTY OF: HUNTERDON					
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 202100926		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: [REDACTED] /1999 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY # xxx-xx [REDACTED] SBI #: TELEPHONE #: [REDACTED] () LIVESCAN PCN #:	
COMPLAINANT ROSS PORTNER NAME: 25 MARKET ST P O BOX 085 TRENTON NJ 08625					

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01/12/2021** in **UNION TWP**, **HUNTERDON County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING, OR USE ANY RECORD, DOCUMENT OR THING KNOWING IT TO BE FALSE, AND WITH PURPOSE THAT IT BE TAKEN AS A GENUINE PART OF INFORMATION OR RECORDS BELONGING TO, OR RECEIVED OR KEPT BY, THE GOVERNMENT FOR INFORMATION OR RECORD, OR REQUIRED BY LAW TO BE KEPT BY OTHERS FOR INFORMATION OF THE GOVERNMENT WITH THE PURPOSE TO DEFRAUD OR INJURE ANYONE, THAT IS, THE SAID BRANDON BURGOS, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, PRESENTED A SPECIAL CUSTODY REPORT, KNOWING IT TO BE FALSE BY OMITTING FACTS ABOUT THE USE OF FORCE AGAINST VICTIM 2, AN INMATE AT THE EDNA MAHAN WOMENS CORRECTIONAL FACILITY, FOR FILING TO THE DEPARTMENT OF CORRECTIONS, IN VIOLATION OF N.J.S.A. 2C:28-7A(1) (A 3RD DEGREE CRIME).

in violation of:

Original Charge	1) 2C:28-7A(1)	2)	3)
-----------------	-----------------------	----	----

Check ✓	Certification by Police Regarding Complaint-Summons
✓	I certify that I served the complaint-summons by delivering a copy to the defendant personally.
	I certify that I personally served the complaint-summons by leaving a copy at the defendant's usual place of abode with a competent member of the household of the age 14 or over _____ <div style="text-align: right; font-size: 0.8em;">Name of family member over 14 years of age</div>
	I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____ <div style="text-align: right; font-size: 0.8em;">Defendant's last known address</div>
	I certify that I served the complaint-summons by delivering a copy to a person authorized to receive service of process on the defendant's behalf. _____ <div style="text-align: right; font-size: 0.8em;">Name and title of authorized person</div>
	Other manner of service: I certify that I served the complaint-summons in the following manner: _____
	I certify that I was unable to serve the complaint-summons.

Signed: ROSS PORTNER NJ DIVISION OF CRIM JUSTICE Date of Action: 12/15/2021
Name, Title and Department of Officer

RETURN OF SERVICE INFORMATION

Affidavit of Probable Cause

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> VS. BRANDON L BURGOS ADDRESS: [REDACTED] [REDACTED] NJ [REDACTED]	
1025	S	2021	000098		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
UNION TWP MUNICIPAL COURT 1370 RTE 31 NORTH ANNANDALE NJ 08801-0000 908-735-3730 COUNTY OF: HUNTERDON					
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 202100926		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: [REDACTED]/1999 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: xxx-xx-[REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] () LIVESCAN PCN #:	
COMPLAINANT NAME: ROSS PORTNER					
25 MARKET ST P O BOX 085 TRENTON NJ 08625					

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

INVESTIGATION REVEALS THAT BRANDON BURGOS IS EMPLOYED BY THE NEW JERSEY DEPARTMENT OF CORRECTIONS AS A SENIOR CORRECTIONAL POLICE OFFICER. BETWEEN ON OR ABOUT JANUARY 11 AND JANUARY 12, 2021, BURGOS AND OTHER NEW JERSEY DEPARTMENT OF CORRECTIONS (DOC) OFFICERS AND EMPLOYEES WERE ASSIGNED TO THE EDNA MAHAN CORRECTIONAL FACILITY FOR WOMEN (EMCFW) IN CLINTON, NEW JERSEY AND CONDUCTED CELL EXTRACTIONS OF VARIOUS INMATES LOCATED IN THE RHU (RESTORATIVE HOUSING UNIT) COMPLEX, WHERE 21 INMATES WERE HOUSED. DURING THE COURSE OF THESE EXTRACTIONS, DOC OFFICERS PURPOSELY OR KNOWINGLY ATTEMPTED TO CAUSE SERIOUS BODILY INJURY TO INMATES BY USING FORCE BEYOND WHAT WAS OBJECTIVELY REASONABLE AND NECESSARY, IN VIOLATION OF NJDOC POLICY, DOC CUS.001.UOF.002, IIIA. BURGOS PARTICIPATED IN THE EXTRACTION OF VICTIM 2.

BURGOS KNOWINGLY WROTE A REPORT THAT FALSELY REPORTED THE FACTS SURROUNDING THE FORCED CELL EXTRACTIONS, WITH INTENT TO DECEIVE OR INJURE ANOTHER, TO WIT: TO CONCEAL THE UNJUSTIFIED USE OF FORCE AGAINST VICTIM 2, INCLUDING NOT REVEALING: (1) THAT OC SPRAY HAD BEEN USED AGAINST VICTIM 2 WITHOUT GIVING HER AN OPPORTUNITY TO COMPLY, (2) THAT UNNECESSARY AND UNREASONABLE FORCE HAD BEEN USED AGAINST VICTIM 2, OR (3) THAT VICTIM 2 HAD SUFFERED INJURIES AS A RESULT, ALL OF WHICH BURGOS KNEW FROM HIS PRESENCE AT THE EXTRACTION, CONTRARY TO DOC POLICIES AND PROCEDURES RELATED TO FORCED CELL EXTRACTIONS.

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1025

S

2021

000098

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

BRANDON L BURGOS

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

Records received during investigation, interviews conducted, review of footage.

3. If victim was injured, provide the extent of the injury:

ACCORDING TO REPORTS, ON JANUARY 12, 2021 AT APPROXIMATELY 12:07 A.M., A FIVE (5) PERSON SUITED TEAM COMPRISED OF CORRECTION OFFICERS FROM EMCWF PERFORMED A CELL EXTRACTION FOR VICTIM 2, WHO IS HOUSED IN THE RHU. DURING THE CELL EXTRACTION, VICTIM 2 WAS PEPPER SPRAYED SECONDS BEFORE THE EXTRACTION TEAM ENTERED THE CELL AND VICTIM 2 IS SEEN STANDING TOWARDS THE LEFT SIDE OF HER CELL ON VIDEO SURVEILLANCE. IMMEDIATELY UPON ENTERING THE CELL OF VICTIM 2, A CORRECTION OFFICER PUNCHES AND STRIKES VICTIM 2 WITH A CLOSED FIST APPROXIMATELY 28 TIMES IN THE FACE AREA, ALTHOUGH VICTIM 2 HAS HER ARMS UP, ATTEMPTING TO COVER HER FACE, AND WHILE STANDING PRESSED UP AGAINST A WALL WITH HER BACK FACING THE OFFICERS, OR ATTEMPTING TO PROTECT HERSELF. DOC POLICY ONLY PERMITS USE OF FORCE THAT IS OBJECTIVELY NECESSARY AND REASONABLE. EXCESSIVE OR UNREASONABLE FORCE VIOLATES DOC CUS. 001. UOF. 002, IIIA THE UNAUTHORIZED USE OF FORCE RESULTED IN SIGNIFICANT INJURIES, INCLUDING CONCUSSION.

Certification:

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

Signed: ROSS PORTNER LAW ENFORCEMENT OFFICER Date: 12/15/2021

Affidavit of Probable Cause

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER

1025**S****2021****000098**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

UNION TWP MUNICIPAL COURT**1370 RTE 31 NORTH****ANNANDALE****NJ 08801-0000****908-735-3730 COUNTY OF: HUNTERDON**# of CHARGES
1

CO-DEFTS

POLICE CASE #:
202100926COMPLAINANT **ROSS** **PORTNER**NAME: **25 MARKET ST**
P O BOX 085
TRENTON**NJ 08625***THE STATE OF NEW JERSEY**VS.***BRANDON L BURGOS**

ADDRESS

NJ

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **12/15/1999**

DRIVER'S LIC. #:

DL STATE: **NJ**SOCIAL SECURITY #: **xxx-xx-xxxx**

SBI #:

TELEPHONE #:

LIVESCAN PCN #:

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

-The offense/incident was recorded using electronic/surveillance via:

- Surveillance Camera

-The defendant was known to the victim as:

- Other/Explain Authoritative figure

-The victim was injured and:

- Victim transported to medical facility
- Victim treated at the scene

Certification:

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

Signed: **ROSS PORTNER LAW ENFORCEMENT OFFICER**Date: **12/15/2021****Preliminary Law Enforcement Incident Report****Page 7 of 7****7/20/2018**