

# COMPLAINT - SUMMONS

|  |          |                              |               |   |  |
|--|----------|------------------------------|---------------|---|--|
| COMPLAINT NUMBER   |          |                              |               | <i>THE STATE OF NEW JERSEY</i><br><i>VS.</i><br><b>MATTHEW D FASCHAN</b><br><br>ADDRESS: [REDACTED]<br>[REDACTED] NJ [REDACTED]   |  |
| <b>1025</b>  | <b>S</b> | <b>2021</b>                  | <b>000031</b> |   |  |
| COURT CODE   | PREFIX   | YEAR                         | SEQUENCE NO.  |   |  |
| UNION TWP MUNICIPAL COURT<br>1370 RTE 31 NORTH<br>ANNANDALE NJ 08801-0000<br>908-735-3730 COUNTY OF: HUNTERDON |          |                              |               |   |  |
| # of CHARGES<br>2  | CO-DEFTS | POLICE CASE #:<br>2021-00926 |               | DEFENDANT INFORMATION<br>SEX: M EYE COLOR: BROWN DOB: [REDACTED]/1987<br>DRIVER'S LIC. #: [REDACTED] DL STATE: NJ<br>SOCIAL SECURITY #: xxx-xx-[REDACTED] SBI #: [REDACTED]<br>TELEPHONE #: [REDACTED]<br>LIVSCAN PCN #: [REDACTED] |  |
| COMPLAINANT NAME: ROSS PORTNER<br>25 MARKET ST<br>P O BOX 085<br>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 01/11/2021 in UNION TWP, HUNTERDON County, NJ did: BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, AND WITHIN THE JURISDICTION OF THIS COURT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A SERGEANT DID COMMIT ONE OR MORE ACTS CONSTITUTING AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTIONS, KNOWING THEM TO BE UNAUTHORIZED, OR DID KNOWINGLY REFRAIN FROM PERFORMING ONE OR MORE DUTIES IMPOSED BY LAW OR CLEARLY INHERENT IN THE NATURE OF HIS OFFICE, WITH PURPOSE TO BENEFIT HIMSELF OR ANOTHER, OR TO INJURE ANOTHER OR TO DEPRIVE ANOTHER OF A BENEFIT, TO WIT, IN CONNECTION WITH VICTIM 1: VIOLATING THE DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES FOR FORCED CELL EXTRACTIONS, OR FILING A SPECIAL CUSTODY REPORT KNOWING THAT IT CONTAINED FALSE INFORMATION; , IN VIOLATION OF N.J.S.A. 2C:30-2 (A 2ND DEGREE CRIME) .

BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, AND WITHIN THE JURISDICTION OF THIS in violation of:

|                 |             |             |    |
|-----------------|-------------|-------------|----|
| Original Charge | 1) 2C:30-2B | 2) 2C:30-2B | 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: 02/23/2021

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: 02/23/2021 Appearance Date: 03/23/2021 Time: 09:00AM Phone: 908-824-9750

Signature of Person Issuing Summons: \_\_\_\_\_ ROSS PORTNER Date: 02/23/2021

☐ 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

## COMPLAINT NUMBER

**1025****S****2021****000031****STATE V.****MATTHEW D FASCHAN**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

COURT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A SERGEANT DID COMMIT ONE OR MORE ACTS CONSTITUTING AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTIONS, KNOWING THEM TO BE UNAUTHORIZED, OR DID KNOWINGLY REFRAIN FROM PERFORMING ONE OR MORE DUTIES IMPOSED BY LAW OR CLEARLY INHERENT IN THE NATURE OF HIS OFFICE, WITH PURPOSE TO BENEFIT HIMSELF OR ANOTHER, OR TO INJURE ANOTHER OR TO DEPRIVE ANOTHER OF A BENEFIT, TO WIT, IN CONNECTION WITH VICTIM 2: VIOLATING THE DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES FOR FORCED CELL EXTRACTIONS; OR REFRAINING FROM PREVENTING OR FAILING TO REPORT ASSAULTIVE CONDUCT BY OTHER OFFICERS COMMITTED IN HIS PRESENCE , IN VIOLATION OF N.J.S.A. 2C:30-2 (A 2ND DEGREE CRIME).

Original Charge

Amended Charge

**COMPLAINT - SUMMONS****Page 2 of 11**

NJ/CDR1 1/1/2017

# COMPLAINT – SUMMONS (Court Action)

## COMPLAINT NUMBER

**1025****S****2021****000031****STATE V.****MATTHEW D FASCHAN**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

**FTA Bail Information**

Date Bail Set:

Amount Bail Set: \$ \_\_\_\_\_

by: \_\_\_\_\_

☐ Bail Recog. AttachedReleased  
on Bail

R.O.R.

Committed  
DefaultCommitted  
w/o Bail

Place Committed:

Date Referred to

County Prosecutor: \_\_\_\_\_

Date of First  
Appearance: **03/23/2021**☐ Advised of Rights by \_\_\_\_\_

Defendant Desires Counsel:

☐ Yes ☐ No**Prosecuting Attorney Information****Defense Counsel Information****Name:****Name:**

State

County

Municipal

Other

None

Retained

Public Def

Assigned

Waived

Other

Original Charge

1) **2C:30-2B**2) **2C:30-2B**

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:

DEDRLab Fee

DEDRLab:

LAB:

DEDRLab:

LAB:

DEDRLab:

LAB:

CD Fee/Drug Ed Fnd

CD:

DAEF:

CD:

DAEF:

CD:

DAEF:

DV Surch/Other Fees

DV:

Other:

DV:

Other:

DV:

Other:

Restitution

Beneficiary: \_\_\_\_\_

**Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:****\* Finding Codes**

- 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

**Related Traffic Tickets and Complaints:****ORIGINAL - Court Action**

JUDGE'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

**Page 3 of 11**

NJ/CDR1 1/1/2017

# COMPLAINT – SUMMONS (Court Action)

## COMPLAINT NUMBER

**1025****S****2021****000031****STATE V.****MATTHEW D FASCHAN**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

**FTA Bail Information**

Date Bail Set:

Amount Bail Set: \$ \_\_\_\_\_

by: \_\_\_\_\_

☐ Bail Recog. AttachedReleased  
on Bail

R.O.R.

Committed  
DefaultCommitted  
w/o Bail

Place Committed:

Date Referred to

County Prosecutor: \_\_\_\_\_

Date of First  
Appearance: **03/23/2021**☐ Advised of Rights by \_\_\_\_\_

Defendant Desires Counsel:

☐ Yes ☐ No**Prosecuting Attorney Information****Defense Counsel Information****Name:****Name:**

State

County

Municipal

Other

None

Retained

Public Def

Assigned

Waived

Other

Original Charge

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:

DEDRLab Fee

DEDRLab:

LAB:

DEDRLab:

LAB:

DEDRLab:

LAB:

CD Fee/Drug Ed Fnd

CD:

DAEF:

CD:

DAEF:

CD:

DAEF:

DV Surch/Other Fees

DV:

Other:

DV:

Other:

DV:

Other:

Restitution

Beneficiary: \_\_\_\_\_

**Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:****\* Finding Codes**

- 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

**Related Traffic Tickets and Complaints:**

JUDGE'S SIGNATURE

DATE

**COMPLAINT - SUMMONS (Court Action)****Page 4 of 11****NJ/CDR1 1/1/2017**

# COMPLAINT - SUMMONS (DEFENDANT'S COPY)

| COMPLAINT NUMBER   |          |  |               |
|--|----------|--|---------------|
| <b>1025</b>  | <b>S</b> | <b>2021</b>  | <b>000031</b> |
| COURT CODE   | PREFIX   | YEAR   | SEQUENCE NO.  |
| UNION TWP MUNICIPAL COURT<br>1370 RTE 31 NORTH<br>ANNANDALE NJ 08801-0000<br>908-735-3730 COUNTY OF: HUNTERDON |          |  |               |
| # of CHARGES<br>2  | CO-DEFTS | POLICE CASE #:<br>2021-00926   |               |
| COMPLAINANT<br>NAME: ROSS PORTNER  |          | DEFENDANT INFORMATION<br>SEX: M EYE COLOR: BROWN DOB: /1987<br>DRIVER'S LIC. #. DL STATE: NJ<br>SOCIAL SECURITY #: xxx-xx- ( ) SBI #:<br>TELEPHONE #:<br>LIVESCAN PCN #: |               |

THE STATE OF NEW JERSEY

VS.

MATTHEW D FASCHAN

ADDRESS

NJ

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 01/11/2021 in UNION TWP, HUNTERDON County, NJ did: BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, AND WITHIN THE JURISDICTION OF THIS COURT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A SERGEANT DID COMMIT ONE OR MORE ACTS CONSTITUTING AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTIONS, KNOWING THEM TO BE UNAUTHORIZED, OR DID KNOWINGLY REFRAIN FROM PERFORMING ONE OR MORE DUTIES IMPOSED BY LAW OR CLEARLY INHERENT IN THE NATURE OF HIS OFFICE, WITH PURPOSE TO BENEFIT HIMSELF OR ANOTHER, OR TO INJURE ANOTHER OR TO DEPRIVE ANOTHER OF A BENEFIT, TO WIT, IN CONNECTION WITH VICTIM 1: VIOLATING THE DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES FOR FORCED CELL EXTRACTIONS, OR FILING A SPECIAL CUSTODY REPORT KNOWING THAT IT CONTAINED FALSE INFORMATION; , IN VIOLATION OF N.J.S.A. 2C:30-2 (A 2ND DEGREE CRIME).

BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, AND WITHIN THE JURISDICTION OF THIS in violation of:

|                 |             |             |    |
|-----------------|-------------|-------------|----|
| Original Charge | 1) 2C:30-2B | 2) 2C:30-2B | 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: 02/23/2021

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: 02/23/2021 Appearance Date: 03/23/2021 Time: 09:00AM Phone: 908-824-9750

Signature of Person Issuing Summons: ROSS PORTNER Date: 02/23/2021

☐ 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)

# COMPLAINT - SUMMONS (DEFENDANT'S COPY)

## COMPLAINT NUMBER

1025

S

2021

000031

STATE V.

MATTHEW D FASCHAN

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

COURT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A SERGEANT DID COMMIT ONE OR MORE ACTS CONSTITUTING AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTIONS, KNOWING THEM TO BE UNAUTHORIZED, OR DID KNOWINGLY REFRAIN FROM PERFORMING ONE OR MORE DUTIES IMPOSED BY LAW OR CLEARLY INHERENT IN THE NATURE OF HIS OFFICE, WITH PURPOSE TO BENEFIT HIMSELF OR ANOTHER, OR TO INJURE ANOTHER OR TO DEPRIVE ANOTHER OF A BENEFIT, TO WIT, IN CONNECTION WITH VICTIM 2: VIOLATING THE DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES FOR FORCED CELL EXTRACTIONS; OR REFRAINING FROM PREVENTING OR FAILING TO REPORT ASSAULTIVE CONDUCT BY OTHER OFFICERS COMMITTED IN HIS PRESENCE , IN VIOLATION OF N.J.S.A. 2C:30-2 (A 2ND DEGREE CRIME) .

Original Charge

Amended Charge

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

Page 6 of 11

NJ/CDR1 1/1/2017



# RETURN OF SERVICE INFORMATION

| COMPLAINT NUMBER   |          |                              |               | <b>THE STATE OF NEW JERSEY</b><br><br><b>VS.</b><br><b>MATTHEW D FASCHAN</b> |  |
|--|----------|------------------------------|---------------|--|--|
| <b>1025</b>  | <b>S</b> | <b>2021</b>                  | <b>000031</b> | ADDRESS: [REDACTED]  |  |
| COURT CODE   | PREFIX   | YEAR                         | SEQUENCE NO.  |  |  |
| <b>UNION TWP MUNICIPAL COURT</b><br><b>1370 RTE 31 NORTH</b><br><b>ANNANDALE NJ 08801-0000</b><br><b>908-735-3730 COUNTY OF: HUNTERDON</b> |          |                              |               | [REDACTED] NJ [REDACTED]   |  |
| # of CHARGES<br>2  | CO-DEFTS | POLICE CASE #:<br>2021-00926 |               | DEFENDANT INFORMATION  |  |
| COMPLAINANT <b>ROSS PORTNER</b>  |          |                              |               | SEX: <b>M</b> EYE COLOR: <b>BROWN</b> DOB: [REDACTED]/1987                   |  |
| NAME: <b>25 MARKET ST</b>  |          |                              |               | DRIVER'S LIC. #: [REDACTED] DL STATE: <b>NJ</b>                              |  |
| <b>P O BOX 085</b>   |          |                              |               | SOCIAL SECURITY # <b>xxx-xx-[REDACTED]</b> SBI #: [REDACTED]                 |  |
| <b>TRENTON NJ 08625</b>  |          |                              |               | TELEPHONE #: [REDACTED] ( )  |  |
| LIVSCAN PCN #:   |          |                              |               |  |  |

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 **01/11/2021** in **UNION TWP**, **HUNTERDON County, NJ** did: BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, AND WITHIN THE JURISDICTION OF THIS COURT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A SERGEANT DID COMMIT ONE OR MORE ACTS CONSTITUTING AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTIONS, KNOWING THEM TO BE UNAUTHORIZED, OR DID KNOWINGLY REFRAIN FROM PERFORMING ONE OR MORE DUTIES IMPOSED BY LAW OR CLEARLY INHERENT IN THE NATURE OF HIS OFFICE, WITH PURPOSE TO BENEFIT HIMSELF OR ANOTHER, OR TO INJURE ANOTHER OR TO DEPRIVE ANOTHER OF A BENEFIT, TO WIT, IN CONNECTION WITH VICTIM 1: VIOLATING THE DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES FOR FORCED CELL EXTRACTIONS, OR FILING A SPECIAL CUSTODY REPORT KNOWING THAT IT CONTAINED FALSE INFORMATION; , IN VIOLATION OF N.J.S.A. 2C:30-2 (A 2ND DEGREE CRIME).

BETWEEN ON OR ABOUT JANUARY 11, 2021 AND ON OR ABOUT JANUARY 12, 2021 IN THE TOWNSHIP OF CLINTON, HUNTERDON COUNTY, AND WITHIN THE JURISDICTION OF THIS **in violation of:**

|                 |                    |                    |    |
|-----------------|--------------------|--------------------|----|
| Original Charge | 1) <b>2C:30-2B</b> | 2) <b>2C:30-2B</b> | 3) |
|-----------------|--------------------|--------------------|----|

|            |   |
|------------|---|
| Check<br>✓ | <b>Certification by Police Regarding Complaint-Summons</b>  |
| ✓          | 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 _____<br>Name of family member over 14 years of age |
|            | I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____<br>Defendant's last known address   |
|            | 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. _____<br>Name and title of authorized person                                       |
|            | 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: **02/23/2021**  
Name, Title and Department of Officer

# RETURN OF SERVICE INFORMATION

## COMPLAINT NUMBER

1025

S

2021

000031

STATE V.

MATTHEW D FASCHAN

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

COURT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A SERGEANT DID COMMIT ONE OR MORE ACTS CONSTITUTING AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTIONS, KNOWING THEM TO BE UNAUTHORIZED, OR DID KNOWINGLY REFRAIN FROM PERFORMING ONE OR MORE DUTIES IMPOSED BY LAW OR CLEARLY INHERENT IN THE NATURE OF HIS OFFICE, WITH PURPOSE TO BENEFIT HIMSELF OR ANOTHER, OR TO INJURE ANOTHER OR TO DEPRIVE ANOTHER OF A BENEFIT, TO WIT, IN CONNECTION WITH VICTIM 2: VIOLATING THE DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES FOR FORCED CELL EXTRACTIONS; OR REFRAINING FROM PREVENTING OR FAILING TO REPORT ASSAULTIVE CONDUCT BY OTHER OFFICERS COMMITTED IN HIS PRESENCE , IN VIOLATION OF N.J.S.A. 2C:30-2 (A 2ND DEGREE CRIME) .

Original Charge

Amended Charge

RETURN OF SERVICE INFORMATION

Page 8 of 11

NJ/CDR1 1/1/2017



# Affidavit of Probable Cause

| COMPLAINT NUMBER   |          |                              |               | <p><i>THE STATE OF NEW JERSEY</i></p> <p><i>VS.</i></p> <p><b>MATTHEW D FASCHAN</b></p> <p>ADDRESS: [REDACTED]</p> <p>[REDACTED] NJ [REDACTED]</p>  |  |
|--|----------|------------------------------|---------------|---|--|
| <b>1025</b>  | <b>S</b> | <b>2021</b>                  | <b>000031</b> |   |  |
| COURT CODE   | PREFIX   | YEAR                         | SEQUENCE NO.  |   |  |
| UNION TWP MUNICIPAL COURT<br>1370 RTE 31 NORTH<br>ANNANDALE NJ 08801-0000<br>908-735-3730 COUNTY OF: HUNTERDON |          |                              |               |   |  |
| # of CHARGES<br>2  | CO-DEFTS | POLICE CASE #:<br>2021-00926 |               | DEFENDANT INFORMATION<br>SEX: M EYE COLOR: BROWN DOB: [REDACTED]/1987<br>DRIVER'S LIC. #: [REDACTED] DL STATE: NJ<br>SOCIAL SECURITY #: xxx-xx-[REDACTED] SBI #: [REDACTED]<br>TELEPHONE #: ( ) [REDACTED]<br>LIVESCAN PCN #: |  |
| COMPLAINANT NAME: ROSS PORTNER   |          |                              |               |   |  |
| 25 MARKET ST   |          |                              |               |   |  |
| P O BOX 085<br>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:

BETWEEN ON OR ABOUT JANUARY 11 AT 11:40 P.M. AND ON OR ABOUT JANUARY 12, 2021 AT 1:15 A.M., NEW JERSEY DEPARTMENT OF CORRECTIONS (DOC) OFFICERS AND SUPERVISORS ASSIGNED TO THE EDNA MAHAN CORRECTIONAL FACILITY FOR WOMEN (EMCFW) IN CLINTON TOWNSHIP, NEW JERSEY CONDUCTED CELL EXTRACTIONS OF INMATES LOCATED IN THE RHU (RESTORATIVE HOUSING UNIT) COMPLEX, WHERE 21 INMATES WERE HOUSED. ONE OF THE SUPERVISORS INVOLVED IN THE EXTRACTIONS WAS SERGEANT MATTHEW FASCHAN. WHILE ON DUTY AND WORKING IN HIS OFFICIAL CAPACITY AS A SERGEANT WITH THE NEW JERSEY DEPARTMENT OF CORRECTIONS, FASCHAN WAS INVOLVED IN AND WAS ASSIGNED TO RECORD INMATE CELL EXTRACTIONS WHICH OCCURRED LATE ON JANUARY 11 AND INTO JANUARY 12, 2021. FASCHAN WAS INVOLVED IN THE CELL EXTRACTIONS OF VICTIM 1 AND VICTIM 2. AT APPROXIMATELY 1:10 AM, VIDEO SHOWS VICTIM 1 IN HER CELL IN THE RHU COMPLEX. WHILE IN HER CELL, VICTIM 1 APPEARS TO THROW AN UNKNOWN WHITE LIQUID SUBSTANCE OUT OF HER CELL INTO THE HALLWAY OF THE RHU COMPLEX. A SHORT TIME LATER, VIDEO SURVEILLANCE SHOWS THAT FASCHAN ACCOMPANIES A TEAM OF DOC OFFICERS WHO ARRIVE OUTSIDE VICTIM 1'S CELL. FASCHAN CAN BE SEEN HOLDING A VIDEO CAMERA AND WAS ASSIGNED TO RECORD VICTIM 1'S EXTRACTION. VICTIM 1 IMMEDIATELY COMPLIED WITH A REQUEST TO OFFER HER HANDS TO BE HANDCUFFED AND WAS HANDCUFFED. ACCORDING TO INMATES, VICTIM 1 WAS BEGGING OFFICERS NOT TO HARM HER PRIOR TO THEIR ENTRY INTO VICTIM 1'S CELL. DESPITE THIS, A CELL EXTRACTION WAS UNDERTAKEN, AND 5 CORRECTIONS OFFICERS ENTERED VICTIM 1'S CELL AFTER SHE WAS HANDCUFFED AND PROCEEDED TO FORCIBLY REMOVE HER FROM HER CELL. DURING THE EXTRACTION, ONE OR MORE CORRECTIONS OFFICERS REPEATEDLY STRUCK VICTIM 1 WITH THEIR FISTS, ALTHOUGH VICTIM 1 WAS HANDCUFFED AND NOT RESISTING, A VIOLATION OF DOC POLICY. SGT. FASCHAN, DESPITE BEING RESPONSIBLE FOR RECORDING THE EXTRACTION/ESCORT AND BEING IN POSSESSION OF A VIDEO CAMERA, PURPOSELY DID NOT RECORD THE EXTRACTION/ESCORT, A VIOLATION OF DOC POLICIES.

\*\*\*\*\*REMAINING INFORMATION TO BE CONTINUED ON OTHER COMPLAINT SUMMONS\*\*\*\*\*

Affidavit of Probable Cause

# Affidavit of Probable Cause

## COMPLAINT NUMBER

1025

S

2021

000031

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

MATTHEW D FASCHAN

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

review of surveillance footage obtained during the investigation, documents received during the investigation and statements made from eyewitnesses.

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 CO'S FROM EMCFW PERFORMED A CELL EXTRACTION FOR INMATE 2, WHO IS HOUSED IN THE RHU. DURING THE CELL EXTRACTION, INMATE 2 WAS PEPPER SPRAYED SECONDS BEFORE THE EXTRACTION TEAM ENTERED THE CELL AND INMATE 2 IS SEEN STANDING TOWARDS THE LEFT SIDE OF HER CELL ON VIDEO SURVEILLANCE. IMMEDIATELY UPON ENTERING THE CELL OF INMATE 2, CO PUNCHES AND STRIKES INMATE 2 WITH A CLOSED FIST APPROXIMATELY 28 TIMES IN THE FACE AREA, ALTHOUGH INMATE 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. CO'S USE OF FORCE AGAINST INMATE 2 RESULTED IN SERIOUS BODILY INJURIES, INCLUDING CONCUSSION AND FACIAL INJURIES.

### 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: 02/23/2021

Affidavit of Probable Cause

# Preliminary Law Enforcement Incident Report

| COMPLAINT NUMBER   |          |                              |               | <i>THE STATE OF NEW JERSEY</i><br><br><b>VS.</b><br><b>MATTHEW D FASCHAN</b><br><br>ADDRESS: [REDACTED]<br><br>[REDACTED] NJ [REDACTED]   |  |
|--|----------|------------------------------|---------------|---|--|
| <b>1025</b>  | <b>S</b> | <b>2021</b>                  | <b>000031</b> |   |  |
| COURT CODE   | PREFIX   | YEAR                         | SEQUENCE NO.  |   |  |
| UNION TWP MUNICIPAL COURT<br>1370 RTE 31 NORTH<br>ANNANDALE NJ 08801-0000<br>908-735-3730 COUNTY OF: HUNTERDON |          |                              |               |   |  |
| # of CHARGES<br>2  | CO-DEFTS | POLICE CASE #:<br>2021-00926 |               | DEFENDANT INFORMATION<br>SEX: <b>M</b> EYE COLOR: <b>BROWN</b> DOB: [REDACTED]/1987<br>DRIVER'S LIC. #: [REDACTED] DL STATE: <b>NJ</b><br>SOCIAL SECURITY #: xxx-xx-[REDACTED] SBI #: [REDACTED]<br>TELEPHONE #: [REDACTED] ( )<br>LIVESCAN PCN #: [REDACTED] |  |
| COMPLAINANT NAME: <b>ROSS PORTNER</b><br>25 MARKET ST<br>P O BOX 085<br>TRENTON NJ 08625                       |          |                              |               |   |  |
|  |          |                              |               |   |  |

**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 charge was based on the observations/statements made by an eyewitness(es).
  - The witness statement(s) were recorded via:
    - \*Other/Explain audio/video
- The offense/incident was recorded using electronic/surveillance via:
  - Surveillance Camera
  - Other/Explain audio/video
- The defendant was known to the victim as:
  - Other/Explain authoratative 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: 02/23/2021

Preliminary Law Enforcement Incident Report