

# COMPLAINT - SUMMONS

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> <b>MATTHEW D FASCHAN</b>  ADDRESS: [REDACTED] [REDACTED] NJ [REDACTED]	
<b>1025</b>	<b>S</b>	<b>2021</b>	<b>000032</b>		
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]/1987 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: xxx-xx-[REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] LIVESCAN PCN #: [REDACTED]	
COMPLAINANT NAME: ROSS PORTNER 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 01/11/2021 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, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING, OR USE A 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 MATTHEW FASCHAN, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE, PRESENTED, OR OFFERED FOR FILING A SPECIAL CUSTODY REPORT REGARDING VICTIM 1, KNOWING IT TO BE FALSE, TO THE DEPARTMENT OF CORRECTIONS IN VIOLATION OF N.J.S.A. 2C:28-7 (A 3RD DEGREE CRIME).

THIS CASE IS BEING PROSECUTED BY DAG JONATHAN GILMORE AND SPECIAL DAG MICHAEL MCDONALD OF THE OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY.

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: 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 (Court Action)

## COMPLAINT NUMBER

**1025****S****2021****000032****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: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:

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 \_\_\_\_\_

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NJ/CDR1 1/1/2017

# COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER			
<b>1025</b>	<b>S</b>	<b>2021</b>	<b>000032</b>
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		DOB: [REDACTED] /1987	
SEX: M EYE COLOR: BROWN		DL STATE: NJ	
DRIVER'S LIC. #: [REDACTED]		SBI #: [REDACTED]	
SOCIAL SECURITY #: xxx-xx-[REDACTED]		TELEPHONE #: [REDACTED]	
LIVSCAN PCN #: [REDACTED]			

THE STATE OF NEW JERSEY

VS.

MATTHEW D FASCHAN

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 01/11/2021 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, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING, OR USE A 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 MATTHEW FASCHAN, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE, PRESENTED, OR OFFERED FOR FILING A SPECIAL CUSTODY REPORT REGARDING VICTIM 1, KNOWING IT TO BE FALSE, TO THE DEPARTMENT OF CORRECTIONS IN VIOLATION OF N.J.S.A. 2C:28-7 (A 3RD DEGREE CRIME).

THIS CASE IS BEING PROSECUTED BY DAG JONATHAN GILMORE AND SPECIAL DAG MICHAEL MCDONALD OF THE OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY.

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: 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.

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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)

# RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <b>VS.</b> <b>MATTHEW D FASCHAN</b>  ADDRESS: <span style="background-color: black; color: black;">[REDACTED]</span>  <span style="background-color: black; color: black;">[REDACTED]</span> NJ <span style="background-color: black; color: black;">[REDACTED]</span>	
1025	S	2021	000032		
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: <span style="background-color: black; color: black;">[REDACTED]</span> /1987 DRIVER'S LIC. #. <span style="background-color: black; color: black;">[REDACTED]</span> DL STATE: NJ SOCIAL SECURITY # xxx-xx- <span style="background-color: black; color: black;">[REDACTED]</span> SBI #: TELEPHONE #: ( ) LIVSCAN 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 01/11/2021 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, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING, OR USE A 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 MATTHEW FASCHAN, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE, PRESENTED, OR OFFERED FOR FILING A SPECIAL CUSTODY REPORT REGARDING VICTIM 1, KNOWING IT TO BE FALSE, TO THE DEPARTMENT OF CORRECTIONS IN VIOLATION OF N.J.S.A. 2C:28-7 (A 3RD DEGREE CRIME).

THIS CASE IS BEING PROSECUTED BY DAG JONATHAN GILMORE AND SPECIAL DAG MICHAEL MCDONALD OF THE OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY.  
**in violation of:**

Original Charge	1) 2C:28-7A(1)	2)	3)
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Check	Certification by Police Regarding Complaint-Summons
<input checked="" type="checkbox"/>	I certify that I served the complaint-summons by delivering a copy to the defendant personally.
<input type="checkbox"/>	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 _____ <span style="float: right; font-size: 0.8em;">Name of family member over 14 years of age</span>
<input type="checkbox"/>	I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____ <span style="float: right; font-size: 0.8em;">Defendant's last known address</span>
<input type="checkbox"/>	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. _____ <span style="float: right; font-size: 0.8em;">Name and title of authorized person</span>
<input type="checkbox"/>	Other manner of service: I certify that I served the complaint-summons in the following manner: _____
<input type="checkbox"/>	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



# Affidavit of Probable Cause

COMPLAINT NUMBER			
1025	S	2021	000032
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 25 MARKET ST P O BOX 085 TRENTON NJ 08625		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: /1987 DRIVER'S LIC. #. DL STATE: NJ SOCIAL SECURITY #: xxx-xx- SBI #: TELEPHONE #: ( ) LIVESCAN PCN #:	

THE STATE OF NEW JERSEY

VS.

MATTHEW D FASCHAN

ADDRESS

NJ

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:

\*\*\*\*\*CONTINUATION FROM COMPLAINT SUMMONS 1025 S 2021 000031\*\*\*\*\*

FASCHAN LATER SUBMITTED A SPECIAL CUSTODY REPORT WHICH FALSELY CLAIMED THAT HE FILMED VICTIM 1 INFLECTING INJURIES UPON HERSELF. BY FILING A FALSE REPORT, FASCHAN INTENDED TO DECEIVE OTHERS WITHIN THE DOC INTO BELIEVING THAT THE FORCEABLE CELL EXTRACTION OF VICTIM 1 WAS JUSTIFIED AND THAT THE INJURIES SHE RECEIVED WERE SELF-INFLECTED. FASCHAN WAS ALSO RESPONSIBLE FOR FILMING THE EXTRACTION OF VICTIM 2. PEPPER SPRAY WAS DEPLOYED INTO VICTIM 2'S CELL. VICTIM 2 WAS NOT HANDCUFFED AT THAT TIME. THE CORRECTIONS OFFICERS DID NOT GIVE VICTIM 2 THE TIME REQUIRED TO COMPLY, AS REQUIRED BY DOC CUSTODY DIRECTIVE 33, IV(F). DOC OFFICERS THEN ENTERED VICTIM 2'S CELL TO FORCIBLY REMOVE HER. DURING THE EXTRACTION, AN OFFICER STRUCK VICTIM 2 IN THE FACE WITH A CLOSED FIST APPROXIMATELY 28 TIMES, EVEN THOUGH VICTIM 2 WAS NOT RESISTING. VICTIM 2 SUSTAINED INJURIES DURING THE CELL EXTRACTION, INCLUDING A CONCUSSION. FASCHAN DID NOT INTERVENE TO STOP THE OFFICERS' IMPROPER USE OF FORCE, WHICH VIOLATED DOC POLICIES THAT ONLY ALLOW FOR THE OBJECTIVELY REASONABLE AND NECESSARY USE OF FORCE. DESPITE HIS ROLE AS A RECORDING SERGEANT OF THE EXTRACTION TEAM, HIS PRESENCE IN VICTIM 2'S CELL, AND HIS OBSERVATION OF THE EXTRACTION, FASCHAN FAILED TO REPORT THE UNAUTHORIZED USE OF FORCE AGAINST AN INMATE, WHO WAS NOT RESISTING.

Affidavit of Probable Cause

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1/1/2017

# Affidavit of Probable Cause

## COMPLAINT NUMBER

1025

S

2021

000032

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.)

surveillance footage obtained and reviewed during investigation, documents received 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>  <b>VS.</b> <b>MATTHEW D FASCHAN</b>  ADDRESS: [REDACTED]  [REDACTED] NJ [REDACTED]	
<b>1025</b>	<b>S</b>	<b>2021</b>	<b>000032</b>		
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 <b>1</b>	CO-DEFTS	POLICE CASE #: <b>202100926</b>		DEFENDANT INFORMATION SEX: <b>M</b> EYE COLOR: <b>BROWN</b> DOB: [REDACTED]/1987 DRIVER'S LIC. #: [REDACTED] DL STATE: <b>NJ</b> SOCIAL SECURITY #: <b>xxx-xx-[REDACTED]</b> SBI #: [REDACTED] TELEPHONE #: [REDACTED] ( ) LIVESCAN PCN #: [REDACTED]	
COMPLAINANT NAME: <b>ROSS PORTNER</b>					
<b>25 MARKET ST</b> <b>P O BOX 085</b> <b>TRENTON NJ 08625</b>					

**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