		C	COMPL	AINT	- SUN	IMONS				
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COURT CODE	PREFIX	YEAR	SEQUENCE N	O.		MICHA	EL T	EMMERT		
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# of CHARGES	CO-DEFTS			SEX:		RMATION OLOR: BLUE	1	DOB:	1984	
COMPLAINANT R		PORTNER			ER'S LIC. #.	/#: <b>xxx-xx-</b>		SBI#:	DL STATE:	NJ
P	25 MARKET PO BOX 08 PRENTON	5	J 08625	TELE	PHONE #: SCAN PCN #:		( )	3DI #.		
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Original Charg	ge	1) 2C:12-1	B(7)		2) 2C:1	2-1B(7)		3) 2C:2	8-7A(1)	
Amended Cha	arge									
CERTIFICAT I certify that the I am subject to p	foregoing sta ounishment.	atements made by	/ me are true. I	am aware	•	the foregoing	statement	•	ne are willfully fals	se,
The complaini		is a law enforcer nt-Summons.	ment officer ar	nd a judici	al probable	cause determ	ination is	not require	ed prior to the	
SUMMONS YOU ARE HERI	EBY SUMMO	ONED to appear b	ciore tric	perior Court	in th	e county of:	BURLING <sup>*</sup>	TON	NJ 08060-0	000
		ate and at the time			may be issue				22000-01	
Date of Arrest:	05/24/2			6/30/20	-	: 09:00AM		609-28	8-9500	
Signature of Person Is	ssuing Summons	S:	RO	ss	PORTNE	ER		Da	o5/24/2	2022
□ Domestic	: Violence -	- Confidential			ted Traffic ther Comp		<b>⊠</b> Ser		onal Injury/ Dea volved	ath
□ No posse	e, mail or of ession firea	lease: ther personal c rms/weapons	ontact w/vic	tim			OF	RIGINA	L	
☐ Other (spe	ecify):					Page 1 o	f 11		NUCDD1 1/1/	/2047

## **COMPLAINT - SUMMONS**

 COMPLAINT NUMBER

 0307
 S
 2022
 000026

 COURT CODE
 PREFIX
 YEAR
 SEQUENCE NO.

STATE V.

MICHAEL T EMMERT

IN VIOLATION OF N.J.S.A. 2C:12-1(B)(7) (THIRD DEGREE).

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, 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 MICHAEL EMMERT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A PRELIMINARY INCIDENT REPORT, PREPARED BY EMMERT IN CONNECTION WITH HIS DUTIES AS A CORRECTIONAL POLICE SERGEANT FOR THE DEPARTMENT OF CORRECTIONS AT THE GARDEN STATE YOUTH CORRECTIONAL FACILITY, IN VIOLATION OF N.J.S.A. 2C:28-7(A) (THIRD DEGREE).

Original Charge				
Amended Charge				
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**COMPLAINT - SUMMONS** 

Page 2 of 11

NJ/CDR1 1/1/2017

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	S PREFIX		<b>)22</b>	0000 SEQUENCE	<b>26</b>	Ľ	STATE	: V.	MI	CHAEL T	EMMER	т	
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JUDGE'S SIGNATURE					DATE				Page	3 of 11		NJ/CDR1 1/	1/2017

				CO	MPLAI	NT -	- 8	U	MMOI	NS	(Cour	t Action	)		
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0307 COURT CODE	S	EFIX		<b>)22</b>	0000 SEQUENCE	<b>26</b> NO.	١	БТАТ	TE V.		MIC	HAEL T	EMMER	т	
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609-298-2		OUNTY OF: BUR		١	томя	RIVER		N.T	08755-1960
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COMPLAINANT		2020-04	459		MEYEC ER'SLIC.#.	OLOR: BLUE		DOB:	1984 DL STATE: <b>NJ</b>
	oss	PORTNER		SOC TELE		Y #: <b>xxx-xx-</b>	( )	SBI#:	DESTATE. NO
By cortification	on or on oa	th, the complaina	ant cave that t				formatio	n and bolic	of the named
defendant on WITHIN TH	or about () HE JURIS OF CHES	04/08/2020 in DICTION OF TERFIELD, DERRECTIONS A	THIS COU	CHESTER RT, ON UNTY C	R <b>FIELD 1</b> OR ABO F BURLI	TWP UT APRIL NGTON, WH	, BUR 8, 20 ILE E	LINGTON 20, IN MPLOYED	I County, NJ did: THE BY THE
		OR CAUSE					•		
		ENFORCEMEN'							
		ORARY LOSS	•						-
		N.J.S.A. 20							,
WITHIN TH	IE JURTS	DICTION OF	THIS COU	RT. ON	OR ABO	UT APRIL	8. 20	20. TN	тик
		TERFIELD,							
		RRECTIONS							
ATTEMPT I	O CAUSE	OR CAUSE	SIGNIFICA	NT BOD	ILY INJ	URY TO VI	CTIM	1, WHOS	E IDENTITY
		ENFORCEMEN'							
CAUSING H	HIM TEMP	ORARY LOSS	OF RESPI	RATORY	FUNCTI	ON OR TEM	IPORAR	Y LOSS	OF SIGHT,
in violation	of:								
Original Charg	ge	1) 2C:12-1	B(7)		2) <b>2C:</b> 1	.2-1B(7)		3) 2C:2	8-7A(1)
Amended Cha	arge								
CERTIFICAT	TION:							•	
I certify that the false, lam subje	he foregoing	statements made ment	by me are true	. I am awa	re that if any	of the foregoin	g statem	ents made b	y me are willfuly
	•		ROSS P	ORTNER				0	5/24/2022
Signed:								_ Date:	
		s is a law enforce int-Summons.	ment officer ar	nd a judic	ial probable	cause determ	ination i	s not requir	red prior to the
SUMMONS									
YOU ARE HEREE	BY SUMMONE	ED to appear before	the Superio	or Court	in th	e county of:	Burling	TON	
at the following	address: Bl	URLINGTON COUN	TY						
CRIMINAL COUR	TS		49 RANCOCAS I	ROAD		мт	HOLLY		NJ 08060-0000
If you fail to app	ear on the d	ate and at the time	e stated below,	a warrant	may be issu	ed for your arre	st.		
Date of Arrest:	05/24/	2022 Appearar	nce Date: 06	5/30/20	22 Time	9:00AM	Phone	609-28	8-9500
Signature of Person	Issuing Summor	ns:		ROSS	POR	TNER			
□ Domestic	: Violence	– Confidential			ted Traffic ther Comp		<b>⊠</b> Ser		onal Injury/ Death volved
Special cond					_	COMPLAIN	T CUM	MONE (DEE	ENDANT'S CODY
□ No posse	ssion firea	ther personal c arms/weapons	ontact w/vict	tim		COWPLAIN	1 - SUMI	WONS (DEF	ENDANT'S COPY)
☐ Other (sp	ecify):					Page 5 o	f 11		N.I/CDR1 1/1/2017

## **COMPLAINT - SUMMONS (DEFENDANT'S COPY)**

0307 S 2022 000026

PREFIX

STATE V.

MICHAEL T EMMERT

IN VIOLATION OF N.J.S.A. 2C:12-1(B)(7) (THIRD DEGREE).

SEQUENCE NO.

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, 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 MICHAEL EMMERT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A PRELIMINARY INCIDENT REPORT, PREPARED BY EMMERT IN CONNECTION WITH HIS DUTIES AS A CORRECTIONAL POLICE SERGEANT FOR THE DEPARTMENT OF CORRECTIONS AT THE GARDEN STATE YOUTH CORRECTIONAL FACILITY, IN VIOLATION OF N.J.S.A. 2C:28-7(A) (THIRD DEGREE).

Original Charge		
Amended Charge		
	COMPLAINT O	LIMMONO (DEEENDANTIO CODY)

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

Page 6 of 11

NJ/CDR1 1/1/2017

			RETUR	N OF SE	RVICE IN	FORMATION	ON	
		COMPLA	AINT NUMBER		TF	HE STATE OF	NEW IF	RSEY
030		S	2022	000026	11.	VS		ROLI
COURT C	ODE	PREFIX	YEAR	SEQUENCE NO.		MICHAEL T	EMMERT	
CHESTE 1 MUNI BORDEN	CIPAL			COURT	ADDRESS:			
609-29			ITY OF: BURLI			RIVER	NJ	08755-1960
# of CHAR 3		O-DEFTS	2020-04	#: <b>45</b> 9		DRMATION COLOR: <b>BLUE</b>	DOB:	1984
COMPLAIN	NANT ROS	S Market	PORTNER ST		DRIVER'S LIC. #. SOCIAL SECURIT	V # ***	SBI#:	DL STATE: NJ
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	- I		-,		_,		_,	- /11(2)
Check √			C	ertification by P	olice Regarding	g Complaint-Summ	ons	
✓	I certify	that I se	erved the compla	aint-summons by	delivering a cop	y to the defendant pe	ersonally.	
				the complaint-su				
				place of abode v e age 14 or over	vith a competent		ily member over	14 years of age
	I certify	that I m	ailed a copy of t	he complaint-sun	nmons by ordina		,	<u> </u>
	mail to	the defe	ndant at his or h	ner last known ad	dress.	Defen	dant's last know	n address
				aint-summons by			dant o last know	T dudi 033
		son autl ant's bel		e service of proc	ess on the	Name -		
				fy that I served th	e complaint-sum		nd title of author	nzea person
			manner:		<u>'</u>			
	I certify	that I w	as unable to ser	ve the complaint	summons.			
Signed:	ROSS		ER NJ DIVIS tle and Department	ION OF CRIM of Officer	JUSTICE Da	ite of Action:	05/24/2	022
							RN OF S	SERVICE FION
						Page 7 of 11		NJ/CDR1 1/1/2017

## RETURN OF SERVICE INFORMATION

 COMPLAINT NUMBER

 0307
 S
 2022
 000026

 COURT CODE
 PREFIX
 YEAR
 SEQUENCE NO.

STATE V.

MICHAEL T EMMERT

IN VIOLATION OF N.J.S.A. 2C:12-1(B)(7) (THIRD DEGREE).

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, 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 MICHAEL EMMERT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A PRELIMINARY INCIDENT REPORT, PREPARED BY EMMERT IN CONNECTION WITH HIS DUTIES AS A CORRECTIONAL POLICE SERGEANT FOR THE DEPARTMENT OF CORRECTIONS AT THE GARDEN STATE YOUTH CORRECTIONAL FACILITY, IN VIOLATION OF N.J.S.A. 2C:28-7(A) (THIRD DEGREE).

Original Charge			
Amended Charge			
		DETUDN OF	CEDVICE INFORMATION

RETURN OF SERVICE INFORMATION

Page 8 of 11

NJ/CDR1 1/1/2017

		1	Affidavit o	of Probal	ole Cause	<b>)</b>					
	COMPLAI	NT NUMBER		TI	IE STATE O	DE NEW IE	RSFY				
0307	S	2022	000026	]		VS.	K5L1				
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	+	•	V.S. LT EMMERT					
		MUNICIPAL	COURT	ADDRESS	MICHMEL	I DIMIDICI					
1 MUNICIP BORDENTOW			08505-0000								
609-298-2		OUNTY OF: BU		TOMS	RIVER	NJ	08755-1960				
# of CHARGES	CO-DEFTS	POLICE CASE 2020-04		DEFENDANT INFO		DOD:	1984				
COMPLAINANT	ROSS	PORTNER	433	DRIVER'S LIC. #.	OLOR. BLOE	DOB:	DL STATE: NJ				
	25 MARKET S P O BOX 085			SOCIAL SECURIT	Y#: <b>xxx-xx-</b>	SBI #:					
	TRENTON	, No	J 08625	TELEPHONE #: LIVESCAN PCN #	ŧ	( )					
Purpose: This A	ffidavit/Certific	ation is to more fo	ully describe the fact			authorized judicial	officer may determine				
				orobable cause.							
1. Description of relevant facts and circumstances which support probable caus											
	that (1) the offense(s) was committed <u>and</u> (2) the defendant is the one who committed it:										
COMMITTED IT: Michael Emmert is employed by the New Jersey Department of Corrections (DOC) as a Correctional Police Sergeant. On or about April 8, 2020, at approximately 12:05 A.M., Emmert was assigned											
					official cap		ducted a cell t was the				
leader of	the extrac	tion team,	and approach	ed the cell	of Victim 1 w	ith two other	r officers.				
					nandcuffed, bu		d not allow d Victim 1 in				
					returned with						
	eam. Again without offering Victim 1 an opportunity to comply, Emmert deployed OC spray on ictim 1 a second time, then supervised as the team entered the cell and forcibly removed										
inhaler and	ictim 1 a second time, then supervised as the team entered the cell and forcibly removed ictim 1. Victim 1 screamed in pain and left his cell covered in blood. Victim 1 was given an .nhaler and oxygen in the infirmary, and was treated for lacerations on his face. DOC policy										
							hat an inmate				
					extraction pro report, Emmer		ated that				
Victim 1 r	efused ord	lers to be l	handcuffed, b	locked a foo	d port, and a	ttempted to	"mule kick" a				
					evidence. By						
Victim 1 wa			ers Within th	e DOC into be	elieving that	nis use or	force on				
	-										
					Affidav	vit of Probabl	le Cause				
					Page 9 of 1	1	1/1/2017				

		A	Affidavit o	of Probab	le Cause		
	COMPLA	INT NUMBER		T	HE STATE OF NE	W JERSEY	
0307	S	2022 YEAR	000026 SEQUENCE NO.		VS. MICHAEL T E	EMMERT	
2. I am a	ware of the	facts above	because: (Inc	luded, but not	limited to: your ob	servations,state	ments
Documents r	2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)  Documents received and footage reviewed during investigation  3. If victim was injured, provide the extent of the injury: Victim 1 was injured and received medical attention  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						
1		_	_		of the injury:		
I certify	y that the he forego	_	_	_			
Signed: F	ROSS POF	RTNER LAW	ENFORCEMEN	IT OFFICER	Date:	05/24/2022	
					Affidavit o	of Probable Caus	se
					Page 10 of 11		1/1/2017

	Pr	eliminar	y Law	Enforc	eme	nt Incid	ent Re	por	t	
	COMPLA	INT NUMBER			TH	E STATE	OF NEI	V.IF.	RSEY	
0307	S	2022	00002		111		VS.		ROL1	
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1 MUNICIP	AL DRIVI	E			55					
BORDENTOW		NJ 0 TYOF: BURLI	18505-000 NGTON	00	томе	RIVER		NJ	08755-196	50
# of CHARGES	CO-DEFTS	POLICE CASE	#:	DEFEND		RMATION		NO	08755-190	-
COMPLAINANT	2000	2020-04	459		MI EYEC 'SLIC.#.	OLOR: BLUE	DOB		1984 DL STATE:	NJ
NAME:	25 MARKET S			SOCIAL	SECURITY	/#: xxx-xx-	SBI #	ŧ:	DE STATE.	No
	P O BOX 08! TRENTON	5 No	J 08625	TELEPH LIVESCA	ONE #. AN PCN #:		( )			
time of its prepar to, not in lieu of, a investigation.  -The offense/ •Other  -The defendan	ation. It is receasing regular polarization was fincident was fixed by the control of the contro	s recorded using deo recording	tional relevant int, or investigat	nformation will tion reports. No	l emerge a ote that the	s an investigation	n continues.	The PLE	IR shall be in ad	
-The victim w	E/Explain invas injured a	and:								
Certification: I certify that the subject to punis		tements made by	me are true. I	am aware tha	t if any of	the foregoing sta	tements mad	e by me	are willfully false	, I am
Signed:		PORTNER I	LAW ENFO	RCEMENT	OFFI	CER	Date:	05/24	1/2022	
								cement	t Incident Rep	ort
						Page 11 of	11		7/20/	2018