

# COMPLAINT - SUMMONS

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> <b>CHRISTOPHER TOTH</b>	
<b>0307</b>	<b>S</b>	<b>2022</b>	<b>000027</b>		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
CHESTERFIELD TWP MUNICIPAL COURT 1 MUNICIPAL DRIVE BORDENTOWN NJ 08505-0000 609-298-2802 COUNTY OF: BURLINGTON				ADDRESS  <b>PLUMSTED NJ 08533-2714</b>	
# of CHARGES <b>1</b>	CO-DEFTS	POLICE CASE #: <b>2020-04459</b>		DEFENDANT INFORMATION	
COMPLAINANT NAME: <b>ROSS PORTNER</b> <b>25 MARKET ST</b> <b>P O BOX 085</b> <b>TRENTON NJ 08625</b>				SEX: <b>M</b> EYE COLOR: <b>BROWN</b> DOB: <b>1984</b> DRIVER'S LIC. #. DL STATE: <b>NJ</b> SOCIAL SECURITY #: <b>xxx-xx-</b> SBI #: <b>( )</b> TELEPHONE #. LIVESCAN 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 **04/08/2020** in **CHESTERFIELD TWP**, **BURLINGTON County, NJ** did: 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 CHRISTOPHER TOTH, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A SPECIAL CUSTODY REPORT, PREPARED BY TOTH, IN CONNECTION WITH HIS DUTIES AS A SENIOR CORRECTION POLICE OFFICER 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). THIS CASE IS BEING PROSECUTED BY DAG ADAM GERKEN, OF THE OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY.

**in violation of:**

Original Charge	1) <b>2C:28-7A(1)</b>	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: 05/24/2022

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: BURLINGTON at the following address: BURLINGTON COUNTY  
CRIMINAL COURTS 49 RANOCAS ROAD MT HOLLY NJ 08060-0000  
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: 05/24/2022 Appearance Date: 06/30/2022 Time: 09:00AM Phone: 609-288-9500  
Signature of Person Issuing Summons: ROSS PORTNER Date: 05/24/2022

- 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

**0307** **S** **2022** **000027**

STATE V.

CHRISTOPHER TOTH

**FTA Bail Information** Date Bail Set: \_\_\_\_\_ Amount Bail Set: \$ \_\_\_\_\_ by: \_\_\_\_\_  Bail Recog. Attached

Released on Bail R.O.R. Committed Default Committed w/o Bail Date Referred to County Prosecutor: \_\_\_\_\_  
Place Committed: \_\_\_\_\_

Date of First Appearance: **06/30/2022**  Advised of Rights by \_\_\_\_\_ Defendant Desires Counsel:  Yes  No

### Prosecuting Attorney Information

### Defense Counsel Information

**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

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: \_\_\_\_\_

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

**Related Traffic Tickets and Complaints:**

- \* 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

# COMPLAINT - SUMMONS (DEFENDANT'S COPY)

## COMPLAINT NUMBER

**0307 S 2022 000027**

COURT CODE PREFIX YEAR SEQUENCE NO.

**CHESTERFIELD TWP MUNICIPAL COURT  
1 MUNICIPAL DRIVE  
BORDENTOWN NJ 08505-0000  
609-298-2802 COUNTY OF: BURLINGTON**

ADDRESS

*THE STATE OF NEW JERSEY*

*VS.*

**CHRISTOPHER TOTH**

**PLUMSTED**

**NJ 08533-2714**

# of CHARGES **1** CO-DEFTS POLICE CASE #: **2020-04459**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN** DOB: **1984**  
DRIVER'S LIC. #. DL STATE: **NJ**  
SOCIAL SECURITY #: **xxx-xx-** SBI #: **( )**  
TELEPHONE #: **( )**  
LIVESCAN PCN #: **( )**

COMPLAINANT NAME: **ROSS PORTNER**

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 04/08/2020 in **CHESTERFIELD TWP**, **BURLINGTON County, NJ** did: 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 CHRISTOPHER TOTH, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A SPECIAL CUSTODY REPORT, PREPARED BY TOTH, IN CONNECTION WITH HIS DUTIES AS A SENIOR CORRECTION POLICE OFFICER 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). THIS CASE IS BEING PROSECUTED BY DAG ADAM GERKEN, 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: 05/24/2022

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: **BURLINGTON**

at the following address: **BURLINGTON COUNTY**

**CRIMINAL COURTS 49 RANOCAS ROAD MT HOLLY NJ 08060-0000**

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: **05/24/2022** Appearance Date: **06/30/2022** Time: **09:00AM** Phone: **609-288-9500**

Signature of Person Issuing Summons: ROSS PORTNER Date: 05/24/2022

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				<b>THE STATE OF NEW JERSEY</b> <b>VS.</b> <b>CHRISTOPHER TOTH</b>
<b>0307</b>	<b>S</b>	<b>2022</b>	<b>000027</b>	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	
<b>CHESTERFIELD TWP MUNICIPAL COURT</b> <b>1 MUNICIPAL DRIVE</b> <b>BORDENTOWN NJ 08505-0000</b> <b>609-298-2802 COUNTY OF: BURLINGTON</b>				ADDRESS :  <p style="text-align: center;"><b>PLUMSTED NJ 08533-2714</b></p>
# of CHARGES <b>1</b>	CO-DEFTS	POLICE CASE #: <b>2020-04459</b>		DEFENDANT INFORMATION SEX: <b>M</b> EYE COLOR: <b>BROWN</b> DOB: <b>1984</b> DRIVER'S LIC. #. DL STATE: <b>NJ</b> SOCIAL SECURITY # <b>xxx-xx-</b> SBI #: TELEPHONE #: ( ) LIVSCAN PCN #:
COMPLAINANT <b>ROSS PORTNER</b> NAME: <b>25 MARKET ST</b> <b>P O BOX 085</b> <b>TRENTON NJ 08625</b>				

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 **04/08/2020** in **CHESTERFIELD TWP**, **BURLINGTON County, NJ** did: 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 CHRISTOPHER TOTH, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A SPECIAL CUSTODY REPORT, PREPARED BY TOTH, IN CONNECTION WITH HIS DUTIES AS A SENIOR CORRECTION POLICE OFFICER 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). THIS CASE IS BEING PROSECUTED BY DAG ADAM GERKEN, OF THE OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY.

**in violation of:**

Original Charge	1) <b>2C:28-7A(1)</b>	2)	3)
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Check √	<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 _____ <span style="float: right; font-size: small;">Name of family member over 14 years of age</span>
	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: small;">Defendant's last known address</span>
	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: small;">Name and title of authorized person</span>
	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: 05/24/2022  
Name, Title and Department of Officer

# Affidavit of Probable Cause

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> VS. <b>CHRISTOPHER TOTH</b>  ADDRESS  <b>PLUMSTED NJ 08533-2714</b>	
<b>0307</b>	<b>S</b>	<b>2022</b>	<b>000027</b>		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
CHESTERFIELD TWP MUNICIPAL COURT 1 MUNICIPAL DRIVE BORDENTOWN NJ 08505-0000 609-298-2802 COUNTY OF: BURLINGTON					
# of CHARGES <b>1</b>	CO-DEFTS	POLICE CASE #: <b>2020-04459</b>		DEFENDANT INFORMATION	
COMPLAINANT NAME: <b>ROSS PORTNER</b>			SEX: <b>M</b> EYE COLOR: <b>BROWN</b> DOB: <b>1984</b>		DL STATE: <b>NJ</b>
ADDRESS: <b>25 MARKET ST P O BOX 085 TRENTON NJ 08625</b>			DRIVER'S LIC. #:		SBI #:
			SOCIAL SECURITY #: <b>xxx-xx-</b>		TELEPHONE #: <b>( )</b>
			LIVESCAN PCN #:		

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:

Christopher Toth is employed by the New Jersey Department of Corrections (DOC) as a Senior Correction Police Officer. On or about April 8, 2020, at approximately 12:05 A.M., Toth was assigned to the Garden State Youth Correctional Facility in Chesterfield Township and conducted a cell extraction of Victim 1 while on duty and working in his official capacity. Toth approached the cell of Victim 1 in a team of two other officers, led by a Sergeant. Toth was holding a shield. Victim 1 offered his hands and stated his intent to be handcuffed. Rather than handcuffing and allowing him to leave the cell voluntarily, the Sergeant sprayed Victim 1 with Oleoresin Capsicum (OC) in the face. Toth used his shield to hold Victim 1 in his cell as the door closed. Toth left and returned as part of a five-person suited team; Toth was the first officer in the stack. Again without offering Victim 1 an opportunity to comply, the Sergeant deployed OC spray on Victim 1 a second time. Toth then entered the cell and forcibly removed Victim 1. Victim 1 screamed in pain and left his cell covered in blood. Victim 1 was given an inhaler and oxygen in the infirmary, and was treated for lacerations around his face. DOC policy only permits use of force that is objectively necessary and reasonable; it requires that an inmate be given an opportunity to comply before a forced cell extraction proceeds. DOC CUS.001.UF.002, IIIA, IVF. In his special custody report, Toth falsely stated that Victim 1 was sprayed with OC "in order to gain compliance, which was not effective" knowing that Victim 1 was not given any opportunity to comply. Toth also falsely stated "As I entered the cell, [Victim 1] tried to kick me and turned to hit me." By filing a false report, Toth intended to deceive others within the DOC into believing that the use of force on Victim 1 was justified.

# Affidavit of Probable Cause

## COMPLAINT NUMBER

**0307**

**S**

**2022**

**000027**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

**THE STATE OF NEW JERSEY**

**VS.**

**CHRISTOPHER TOTH**

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, footage reviewed

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

Victim was injured and received medical treatment

### 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: 05/24/2022

Affidavit of Probable Cause

# Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> VS. <b>CHRISTOPHER TOTH</b>
<b>0307</b>	<b>S</b>	<b>2022</b>	<b>000027</b>	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	
CHESTERFIELD TWP MUNICIPAL COURT 1 MUNICIPAL DRIVE BORDENTOWN NJ 08505-0000 609-298-2802 COUNTY OF: BURLINGTON				ADDRESS  PLUMSTED NJ 08533-2714
# of CHARGES <b>1</b>	CO-DEFTS	POLICE CASE #: <b>2020-04459</b>		DEFENDANT INFORMATION SEX: <b>M</b> EYE COLOR: <b>BROWN</b> DOB: <b>1984</b> DRIVER'S LIC. #. DL STATE: <b>NJ</b> SOCIAL SECURITY #: <b>xxx-xx-</b> SBI #: <b>( )</b> TELEPHONE #: LIVESCAN PCN #:
COMPLAINANT <b>ROSS PORTNER</b> NAME: <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 offense/incident was recorded using electronic/surveillance via:
  - Other/Explain video footage
- The defendant was known to the victim as:
  - Other/Explain inmate
- The victim was injured and:
  - 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: 05/24/2022