

COMPLAINT - SUMMONS

COMPLAINT NUMBER

2006	S	2009	000015
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COURT CODE	PREFIX	YEAR	SEQUENCE NO.
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GARWOOD BORO MUNICIPAL COURT
403 SOUTH AVE
GARWOOD NJ 07027
(908) 789-0780 COUNTY OF: **UNION**

THE STATE OF NEW JERSEY
VS.
GENNARO J MIRABELLA

ADDRESS: **120 BELLIS ROAD**
MILFORD NJ 88481-1744

# of CHARGES 1	CO-DEFTS	POLICE CASE #: 200908780
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COMPLAINANT NAME: **LEONARD J DISTEFANO**
SOUTH & CENTER ST
ATTN WARRANTS
GARWOOD NJ 07027

DEFENDANT INFORMATION
 SEX: **M** EYE COLOR: **BROWN** DOB: **03-06-1969**
 DRIVER'S LIC. #. **[REDACTED]** DL STATE: **NJ**
 SOCIAL SECURITY #: **[REDACTED]** SBI #:
 TELEPHONE #:

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 **08-18-2009** in **GARWOOD BORO**, **UNION** County, **NJ** did WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY PURPOSELY TAMPERING WITH PROPERTY BELONGING TO JUMBO WASH, 300 SOUTH AVENUE, GARWOOD, NJ AS TO ENDANGER PROPERTY OF JUMBO WASH BY JAMMING BUSINESS CARDS INTO TWO CURRENCY-TO-COIN CHANGERS INSIDE JUMBO WASH WHICH RENDERED THEM INOPERABLE, THUS DID NOT ALLOW CUSTOMERS TO USE THESE CHANGERS TO CONVERT CURRENCY TO CHANGE TO USE THE WASHERS/DRYERS OF JUMBO WASH, DEPRIVING JUMBO WASH CASH REVENUE, CAUSING PECUNIARY LOSS LESS THEN \$500.00, IN VIOLATION OF N.J.S.A.2C:17-3A(2), A DISORDERLY PERSONS OFFENSE. PROBABLE CAUSE: DEFENDANT WAS CAPTURED BY STORE VIDEO SURVEILLANCE TAMPERING WITH SAID MACHINES.

in violation of:

Original Charge	1) 2C:17-3A(2)	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 wilfully false, I am subject to punishment.

Signed: LEONARD J DISTEFANO Date: 09-03-2009

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

DATE TO APPEAR: 09-14-2009 **TIME:** 9:00 am LEONARD J DISTEFANO 09-03-2009
 Signature of Person Issuing Summons Date

- | | | |
|---|--|--|
| <input type="checkbox"/> Domestic Violence – Confidential | <input type="checkbox"/> Related Traffic Tickets or Other Complaints | <input type="checkbox"/> 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

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COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER

2006 <small>COURT CODE</small>	S <small>PREFIX</small>	2009 <small>YEAR</small>	000015 <small>SEQUENCE NO.</small>
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STATE V.

GENNARO J MIRABELLA

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	Place Committed: _____	Date Referred to County Prosecutor: _____
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Date of First Appearance: **09-14-2009** Advised of Rights by _____ Defendant Desires Counsel: Yes No

Prosecuting Attorney Information

Defense Counsel Information

Name:				Name:					
State	County	Municipal <input checked="" type="checkbox"/>	Other	None	Retained <i>Comment to</i>	Public Def	Assigned	Waived	Other

Original Charge	1) 2C:17-3A(2)	2)	3)
Amended Charge			
Waiver Indt/Jury			
Plea/Date of Plea	Plea: _____ Date: _____	Plea: _____ Date: _____	Plea: _____ Date: _____
Adjudication (* see code)	Finding Code: 6 Date: 10/14/09	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: _____			

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

*9-14-09 Garwood Judge Reusal. Re-1.08 P21
 appearance and arraignment.
 of Garwood police officer
 9/14/09 - see 52009 000016*

*** 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

COMPLAINT NUMBER

0006	S	2009	000016
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

GENNARO J MIRABELLA

GARWOOD BORO MUNICIPAL COURT
100 SOUTH AVE
GARWOOD NJ 07027
(8) 789-0780 COUNTY OF: **UNION**

ADDRESS: **120 BELLIS ROAD**
MILFORD NJ 88481-1744

CHARGES 1	CO-DEFTS	POLICE CASE #: 200909091
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DEFENDANT INFORMATION
 SEX: M EYE COLOR: BROWN DOB: 03-06-1969
 DRIVER'S LIC. # [REDACTED] DL STATE: NJ
 SOCIAL SECURITY #: [REDACTED] SBI #:
 TELEPHONE #:

COMPLAINANT: **LEONARD J DISTEFANO**
 ADDRESS: **SOUTH & CENTER ST**
ATTN WARRANTS
GARWOOD NJ 07027

I, the undersigned, in my capacity as a Justice of the Peace, do hereby certify that on or about **08-19-2009** in **GARWOOD BORO**, **UNION** County, NJ did: **ENTER** WITHIN THE JURISDICTION OF THIS COURT, ENTER IN AN AREA OF THE GARWOOD MUNICIPAL CLERK'S OFFICE AT 403 SOUTH AVENUE, GARWOOD, NJ KNOWING THAT HE WAS NOT PRIVILEGED TO DO SO, BY USING A MASTER BUILDING KEY WHILE ON DUTY AND ENTERING THE LOCKED OFFICES AND DID FURTHER OPEN THE DRAWERS OF THE CHIEF FINANCIAL OFFICER AT HER DESK FOR NO LEGITIMATE PURPOSE WHATSOEVER, IN VIOLATION OF N.J.S.A.2C:18-3A, A DISORDERLY PERSONS OFFENSE. PROBABLE CAUSE: DEFENDANT WAS CAPTURED BY VIDEO SURVEILLANCE OF THE CLERK'S OFFICE.

violation of:

Original Charge	1) 2C:18-3A	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 wilfully false, I am subject to punishment.

Subscribed and sworn to before me on this 09-03-2009 day of September, 2009, at Garwood, New Jersey.

LEONARD J DISTEFANO

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

DATE TO APPEAR: **09-14-2009** **TIME:** **9:00am** LEONARD J DISTEFANO 09-03-2009
 Signature of Person Issuing Summons Date

Domestic Violence – Confidential	<input type="checkbox"/> Related Traffic Tickets or Other Complaints	<input type="checkbox"/> Serious Personal Injury/ Death
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COMPLAINT - SUMMONS (Court Action)

COMPLAINT NUMBER				STATE V.	GENNARO J MIRABELLA
2006	S	2009	000016		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		

TA 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	Date Referred to County Prosecutor: _____
Place Committed: _____				

Date of First Appearance: **09-14-2009** 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:18-3A	2)	3)
Amended Charge			
Waiver Indt/Jury			
Plea/Date of Plea	Plea: _____ Date: _____	Plea: _____ Date: _____	Plea: _____ Date: _____
Adjudication (* see code)	Finding Code: 6 Date: 10/14/09	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: _____			

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

9-14-09 GARWOOD Judge recessed. re-1.57 Ben
 1st appearance of Garwood man
 of is Garwood Police officer.
 victim is Garwood SAC employee.

10/14/09 - returned from Cty - St
 wishes to dismiss f/c OP based on interest of
 justice - D steps to P.C. This + S2009 00 0015
 dismissed f/ same reasons

- * 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

<p><i>Brenda C Cuba</i> JUDGE'S SIGNATURE</p>	<p>10/14/09 DATE</p>	<p>ORIGINAL - Court Action</p> <p>Page 2 of 7</p>
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MUNICIPAL COURT
TOWNSHIP OF GARWOOD
403 SOUTH AVENUE
GARWOOD, NEW JERSEY 07027

CASE
TRANSFER NOTICE

Print or Type Information

Date: 9-14-09

To: Westfield Municipal Court

Defendant's Name: Gennaro J. Mirabella

Date of Offense: 8-18-09 8-19-09

Complaint Number (s): 52009000015 52009000014

The complete file in this matter is being forwarded to your court for disposition for the following reason(s):

- Judge Conflict Court Employee/Relative
- Governing Body Member/Relative Transferred from back-up court
- Other: (Explain) _____

Originating Court to be notified (Initially filed)

Michael J. Maurano, CMCA
Signature of Sender

Copied to : Attorney: Thomas J. Cammarata, Esq.
c:\ Michael D' Ecclesis, Municipal Division Manager

DEFENDANT'S NAME: Carpino, Mirabella

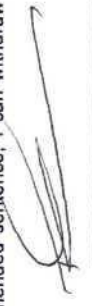
REQUEST TO APPROVE PLEA AGREEMENT

Complaint #	Original Charge #	Amended To	G/D/M*	Recommended Sentence/Comments
2006 5200915	2C:17-3A(2)		D	State not prosecuting in
5200916	2C:18-3A		D	detected interest of
				stop to PC - justice
				(Barward matter)

*G = Guilty; D = Dismissed; M = Guilty But Merged

DEFENDANT'S ACKNOWLEDGEMENT
 I understand the nature of the amended charge(s) against me and the consequences of my guilty plea. I understand and agree voluntarily to the terms of the plea agreement set forth above.
 I further understand that if the judge does not accept my guilty plea or agree with the recommended sentence, I can withdraw it and plead not guilty.

Date: 10/14/09



PROSECUTOR'S ACKNOWLEDGEMENT
 The defendant and I, as the prosecutor in this case, reached the above plea agreement in accordance with B. 7:6-2 and with the Guidelines for Operation of Plea Agreements in the Municipal Courts of New Jersey.
 I represent to the Court that the original charge(s) listed above did not involve an accident resulting in personal injury to any person.

Date: 10/14/09



Date: _____
 Prosecutor