

Derek Syphrett's (Attorney-in-fact)
252 Fountayne Ln.
Lawrence Township NJ, 08542

609-936-0025

On Behalf of
Derek Syphrett
Attorney-in-fact & Litigant
From Garrett Taylor's
Facsimile Machine

FAX: COURT RULES 1:12 & 1:33 / FV-03-1154-14 & State v. Campbell

To: September 17, 2014
John Tomasello (Retired / Recalled Quasi-Judge) '
Hon. Janetta Marbrey, J.S.C.
Hon. John Call, J.S.C.
Hon. Ronald Bookbinder, A.J.S.C.
Susan Fortino
Sharyn Sherman
Michelle M. Smith (Clerk of the Court)
Hon. Judge Gannon, J.S.C. 973-574-6219

From: Garrett Taylor's Facsimile Machine

Re: CLARIFICATION OF THE RECORDINGS

REQUEST FOR RETURN OF CASE TO ACTUAL TRIAL JUDGE
(Marbrey)

ASST. ATTORNEY GENERAL'S Aug. 29 Letter

Enclosures:

1. Open Letter Supplemental Pleadings
2. Judge Gannon's Sept. 4, 2013
3. Corrections to the Record (Minute & Default Orders)

CC: **Kathryn Bischoff (Plaintiff)**
(via Clerk)
Attorney General's Office
(E. Pasternack 609-943-4853)
Co-Counsel Lawrence Sheller, Esq
A.C.J.C - J. Tonelli & "The Committee
F.B.I. Special Agent Addisson (NJ)
Mercer County Sheriff's Office

Embedded Memo/Letter:

HON. JUDGE EDWARD V. GANNON:

Judge Gannon, Thank you for writing and sharing your September 4, 2013 letter to Judge Gooden-Brown.

Like you as a member of the public I have been able to receive a coherent response from the Judiciary regarding the transfer of 3 cases by Assignment Judge Jacobson, despite my common-law right of access request for records and/or my requests for clarification of court orders dated 11/17/2013 and 1/17/2014. I've been lied to by court staff and Judges and I also have little faith in the A.C.J.C. Process after discovering Judge / Justice Stern never saw my complaint a year after I filed it, despite the fact he was on the A.C.J.C. Committe. Please take appropriate action to have my concerns and your concerns addressed by the Judiciary,

Your letter of September 4, 2013 is exactly what is necessary to maintain the rule of law and uphold the integrity of our courts. Unfortunately it seems that many in the Judiciary have forsaken their responsibility to the public (the 4th branch of the Government per Justice Scalia). Self Government and our constitution will surely fail if persons such as yourself and myself do not do our part. To that end: Please do your part and raise these issues administratively as a "consulting" Superior Court Judge with General Jurisdiction for any matters put before you (such as this).

- Note: (1) The enclosed documents are resent WITH the addition of Judge Gannon's letter enclosed.
(2) Despite the lack of criminal prosecution in State v. Campbell, its indisputable the law was transgressed
(3) The F.B.I. Completed a formal investigation of some of my concerns & requested Prosecution (U.S. Atty)
(4) Producers for a National Broadcast News Show are preparing a Special on NJ Courts
(5) Citizens in NJ, CT, Texas are publishing information & documents on <http://NJCourtCorruption.com>

NOTICE: This message is intended only for the personal and confidential use of the designated recipient(s) named above. If you are not the intended recipient of this message you are hereby notified that any review, dissemination, distribution or copying of this message is strictly prohibited

Derek C. Syphrett
Pro se litigant (Defendant)
252 Fountayne Ln,
Lawrence Township, NJ 08648

9/10/2014

FACSIMILE via Third Party Sender
POSTAL SERVICE via Third Party Vendor w/ Return Receipt

John Tomasello (retired), Judge Call, Judge Bookbinder, Susan Fortino, S. Sherman, Michelle M. Smith
Superior Court of New Jersey
Chancery Division, Family Part (Burlington County)
49 Rancocas Rd
Mount Holly, NJ 08060

RE: *Supplemental Pleadings & statements of fact*

1. **FV-03-1154-14: CORRECTING JOHN TOMASELLO'S LIES / FALSE STATEMENTS OF 9/2/2014**
2. **DEMAND THAT FV-03-1154-14 BE RETURNED TO JUDGE MARBREY, BECAUSE SHE NEVER RECUSED HERSELF AFTER MY APPEARANCE AT THE F.R.O. TRIAL DATE 6/2014**
3. **RESPONSE TO ASST. ATTORNEY GENERAL ERIC PASTERNAK'S LETTER**

ENCLOSURES:

1. "DEFAULT ORDER" entered by clerk 2/19/2014 Signed by John Tomasello
2. MINUTE ORDER of Judge Marbrey
3. 9/4/2013 LETTER FROM JUDGE GANNON, J.S.C.

Dear John Tomasello (Retired/Recalled), Judge Bookbinder, Susan Fortino, and Sharyn Sherman, Michelle M. Smith (Clerk of the court):

Please attempt to restore some integrity to this legal process. I am not looking for a protracted battle with malicious judges or quasi-judges. I am simply looking to have my legal matters resolved in a fair, rational, and just manner.

PURPOSE OF THIS LETTER:

I was once again shocked and horrified by John Tomasello during my appearance on 9/2/2014, because he once again acted as a scoundrel rather than a "Judge" in my opinion.

Notably I brought two witnesses to court with me to watch in horror as John Tomasello lied to me from the

bench about many issues related to my motion for relief.

Below I have provided the following references to clarify the record that is already before the court and I request the court take judicial notice of the record with regard to the issues addressed on the following pages. Please construe this communication as a letter brief, supplemental pleading, and as a letter seeking clarification from the court.

**SPECIFIC ISSUES THE COURT MUST TAKE JUDICIAL NOTICE OF
IN THE INTEREST OF JUSTICE:**

1. John Tomasello lied / issued false statements regarding the court's entrance of a "DEFAULT ORDER" in FV-03-1154-14.

- (a) John Tomasello stated that he "did not issue a default" on 2/19/2014. In fact the order entered by the clerk on 2/19/2014 contains only one comment / finding of fact, which is "DEFAULT ORDER".
- (b) Sharyn Sherman spoke to me via telephone on 2/19/2014 and she told me that a Default Order Was entered in this case.
- (c) When I arrived at court for the trial of my matrimonial matter, I was again told that a Default Order had been issued because I failed to appear at the FRO. To this I replied on about 6/13/2013 I in fact did appear at the FRO hearing and I had motions of limine before the court, which the order did not address, and which the Plaintiff apparently did not address or dispute with regard to the statement of facts or pleadings contained therein.
- (d) Additionally: On 2/19/2014 I spoke to Sharyn Sherman telephonically requested express permission to appear telephonically, I was told John Tomasello denied this request and that I could not appear Telephonically. On 2/19/2014 I had no ride to the court house, because my expected ride with David Hughes was cancelled due to him being pulled over and without a car. I also did not have enough money to afford a \$140 taxi cab ride to the court house. Nor did I have a means to take a bus with 3 boxes of court materials in tow. Lastly in this regard to get to a bus station I would have had to walk down the road carrying three boxes and risk being run over on access roads with no sidewalks... so taking the bus was never a reasonable option for me, it would have involved me risking my life carrying three boxes of files.

2. John Tomasello falsely stated that my 4/15/2014 motions were denied (entirely). This was also false.

- (a) SEE THE 4/25/2014 MINUTE ORDER OF JUDGE MARBREY. It shows my motions were GRANTED IN PART, WITH REGARD TO DISCOVERY OF POLICE TRANSCRIPTS AND LIMITED DISCOVERY FROM THE PLAINTIFF.
- (b) The Plaintiff failed to provide any discovery prior to the trial as the record from Mercer County Confirms.

3. John Tomasello refused to allow me to make any oral motions on 9/2/2014, because the Plaintiff DID NOT APPEAR IN COURT ON 9/2/2014. THIS IS CONTRARY TO HIS TREATMENT OF THE PLAINTIFF IN A SIMILAR CIRCUMSTANCE

- (a) On 2/19/2014 John Tomasello showed prejudice to the Plaintiff during the 2/19/2014 trial by allowing her to orally motion / amend her complaint, WITHOUT THE DEFENDANT PRESENT IN COURT, with statements that were not in the original complaint or transcripts for the TRO. He allowed the plaintiff to orally motion / amend her complaint without me present in court
- (b) On 9/2/2014 when the DEFENDANT appeared in court and asked to make a supplemental oral motion John Tomasello told me I could not because the Plaintiff wasn't present in "Open Court".
- (c) This is evidence of prejudicial treatment of the Defendant.

4. John Tomasello is a quasi-judge, Not a "Superior Court Judge"

- (a) N.J.S.A. 43:6A-13: Does not convey the title of "Superior Court Judge" to a recalled judge at any point in the statute
- (b) N.J.S.A. 43:6A-13 Only provides that a "retired and recalled judge" is purported to have all the authority of a "Superior Court Judge". It does not state that such a person will have the "Title" of a Superior Court Judge, or all the privileges, simply equivalent "authority".
- (c) As Such the issue of whether John Tomasello provided express permission for me to appear on 2/18/2014 as I recall, or on 2/19/2014 as he purports, is a MOOT ISSUE. John Tomasello is NOT a "Superior Court Judge", his official title was lost when he retired. He retained his title only for social circumstances at the pleasure of those addressing him. As such his express permission would not meet the bar set by Judge Bookbinder's court orders and is a MOOT issue with regard to my receipt of "EXPRESS PERMISSION FROM A SUPERIOR COURT JUDGE" to appear in court on 2/19/2014.

5. JUDGE MARBREY DID NOT RECUSE HERSELF FROM FV-03-1154-14. I DEMAND THE CASE BE RETURNED TO HER UNTIL SUCH TIME SHE IS RECUSED OR RELINQUISHES HER INDEPENDENT AUTHORITY TO HEAR THE CASE.

- (a) The court has provided no legal basis, nor cited any lawful authority for transferring this case from Judge Marbrey, the independent trier of fact.
- (b) This legal issue (the transferring of a case without express permission of the trial judge) has created a legal issues for the court in the past, and it appears to again create a legal issue here. Notably, Judge Edward Gannon took the same position that I took pre-trial and that I maintain now. THERE WAS NO LAWFUL AUTHORITY TO TRANSFER THIS CASE TO BURLINGTON WITHOUT PERMISSION OF THE TRIAL JUDGE.

- (c) In this regard, please take judicial notice of :

State of New Jersey v. Jason Campbell

Indictment Nos.: 11-05-521-I, 12-08-911-I, 13-05-583-I

- (d) Please also take judicial Notice of Judge Edward Gannon's letter (Dated 9/2/2013) to Judge Gooden-Brown with regard to the aforementioned indictment numbers.
- (e) Please take Judicial Notice of the July 10, 2014 New Jersey Law Journal Article: ***"No Charges for Lawyers Accused of Judge-Shopping"***, written by Mary Pat Gallagher,
 - i. Judge Gannon's expressed legal concerns regarding the transfer of a case without express permission of the trial judge presiding over the matter.
 - ii. Judge Gannon requested the New Jersey Judiciary explain on what authority the case had been transferred without an order or motion for his recusal. The New Jersey Judiciary has refused to provide an answer.
 - iii. The order transferring the case stated that the case was transferred "For Good Cause Shown", but it does not describe the cause or how the matter was brought before the court.
- (f) Judge Gannon's experience is nearly identical to my own. I have repeatedly requested (in writing) an explanation from Judge Jacobson regarding a clarification of her transfer order for FV-03-1154-14 (and its former docket number), yet the court has refused to provide any explanation or legal basis for the transfer order, which was issued without any motion for Judge Marbrey's recusal and without any order for her recusal.

6. RE: ATTORNEY GENERAL PASTERNAK'S LETTER TO QUASH MY SUBPOENAS:

- (a) Mr. Pasternack's legal citations regarding Judges as character witnesses or expert witnesses, are moot. I subpoenaed Judge Jacobson, Judge Marbrey, Court Clerk, Doug Meckel (FV-Team Leader), and Judge Fitzpatrick, as "WITNESSES OF FACT". The Judicial Canons make it clear that Judges can serve as witnesses of fact.
- (b) The information I requested directly relates to this case and the issues I've raised regarding:
 - i. My missing motions filed 6/7/2013 and 12/11/2013, as the 6/7/2013 motion was last seen in possession of Judge Marbrey and the 12/11/2013 motion was presumably given to the clerk and Doug Meckel.
 - ii. Judge Jacobson and Judge Fitzpatrick were administratively responsible for these motions in their administrative capacities.
 - iii. My subpoenas records or testimony regarding issues discoverable issues related to my past treatment by judges in Mercer County and my past for clarifications of the transfer order, which the court has refused to respond to.
 - iv. My subpoenas also requested records regarding my 8/19/2014 arrest without warrant, probable cause, or a criminal charge, which occurred in the court house with full knowledge of Judge Fitzpatrick according to the Sheriff's Office. This is relevant to past issues of bias and prejudice which may have impacted my rights at trial.

(c) Mr. Pasternack's statements regarding the service of the subpoenas is INACCURATE.

- i. The Certification I filed with the court in response to the Plaintiff's Answer to my rule 4:50 motion addresses the statement of facts regarding the service of the Subpoenas and the difficulties created by the woman acting as clerk in Mercer County.
- ii. Mr. Pasternack's claim that the subpoenas were prepared and delivered to harass the subjects of the Subpoenas is false. I at no time have indicated that was my intent. My intent is clearly to get information related to my case so that I can advocate for my rights.
- iii. Mr. Pasternack Should be sanctioned for attempting to smear my efforts to obtain discovery as an attempt to harass court staff. The claim is baseless
- iv. PLEASE TAKE NOTE: I have requested the information in the subpoenas served upon the court by letter, by phone, and by common-law right of access requests. THE COURT HAS REFUSED TO RESPOND TO MY WRITTEN REQUESTS, SO I HAD NO CHOICE BUT TO SUBPOENA THE INFORMATION, AS A LAST RESORT OTHER THAN FILING A LAWSUIT AGAINST THE SUBJECTS.

As such: The court should note my restraint and my attempts to get the information in the subpoenas in the most discrete manner possible (letters and common-law right of access), prior to resorting to the issuance of subpoenas.

Pleading: Nunc Pro Tunc - I object to John Tomasello's lack of authority to issue a final order in lieu of Judge Marbrey, the trial Judge.
THANK YOU FOR CONSIDERING ALL OF THE ABOVE AND I HOPE THE FINAL ORDER WITH REGARD TO MY MOTION REFLECTS THE FACTS AND THE CORRECTIONS I HAVE SUPPLIED IN RESPONSE TO JOHN TOMASELLO'S FALSE STATEMENTS OF 9/2/2014.

I certify that the forgoing Statements of fact are true to the best of my knowledge and I am aware I may be punished in a criminal proceeding if any of the forgoing facts are proven to be willfully false.

Very Truly,



Derek Syphrett

cc: Kathryn Bischoff via Clerk
cc: Attorney General's office
cc: Judge Marbrey J.S.C.
cc Judge Gannon J.S.C.

PREVENTION OF DOMESTIC VIOLENCE ACT

☒ FINAL RESTRAINING ORDER (FRO)☐ AMENDED FINAL RESTRAINING ORDER

FV-03-001154-14

COMMENTS: DEFAULT ORDER

This Order is to become effective immediately and shall remain in effect until further Order of the Superior Court, Chancery Division, Family Part.

ALL LAW ENFORCEMENT OFFICERS WILL SERVE AND FULLY ENFORCE THIS ORDER.
THE PLAINTIFF SHALL NOT BE ARRESTED FOR A VIOLATION OF THIS RESTRAINING ORDER.

02/19/2014

DATE

HONORABLE JOHN TOMASELLO

THIS FINAL RESTRAINING ORDER WAS ISSUED AFTER DEFENDANT WAS PROVIDED WITH NOTICE AND THE OPPORTUNITY TO BE HEARD AND SHOULD BE GIVEN FULL FAITH AND CREDIT PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT OF 1991, SEC. 40221, CODIFIED AT 18 U.S.C.A. S2265(a) AND S2266.

IF ORDERED, SUFFICIENT GROUNDS HAVE BEEN FOUND BY THIS COURT FOR THE SEARCH AND SEIZURE OF FIREARMS AND OTHER WEAPONS AS INDICATED IN THIS COURT ORDER.

NOTICE TO PLAINTIFF AND DEFENDANT

IMPORTANT: The parties cannot themselves change the terms of this Order on their own. This Order may only be changed or dismissed by the Family Court. The named defendant **cannot** have any contact with the plaintiff without permission of the court. If you wish to change the terms of this Order and/or you resume living together, you **must** appear before this court for a rehearing.

A violation of any of the provisions listed in this Order or a failure to comply with the directive to surrender all weapons, firearm permits, application or identification cards may constitute criminal contempt pursuant to N.J.S.A. 2C: 29-9(b), and may also constitute violations of other state and federal laws which can result in your arrest and/or criminal prosecution. This may result in a jail sentence.

NOTICE TO DEFENDANT

RETURN OF SERVICE

☒ Plaintiff was given a copy of the Order by

Jen Bligh

2/19/14 10:05 AM

Signature/Badge No./Dept.

☒ I hereby certify that I served the within Order by delivering a copy to the defendant personally:

30 M. Malloy 3557

3/20/14 12:20 PM

30 M. Malloy 3557 BCSD

☐ I hereby certify that I served the within Order by use of substituted service as follows:

Print Name

Time and Date

Signature/Badge No./Dept.

☐ Defendant could not be served (explain):

Print Name

Time and Date

Signature/Badge No./Dept.

Defendant hereby acknowledges receipt of the Restraining Order. I understand that pursuant to this court Order, I am not to have any contact with the named plaintiff even if plaintiff agrees to the contact or invites me onto the premises and that I can be arrested and prosecuted if I violate this Order. I understand that pursuant to N.J.S.A. 53:1-15 any person against whom a Final Restraining Order in a domestic violence matter has been entered shall submit to fingerprinting and other identification procedures as required by law and I HAVE BEEN ADVISED THAT I MUST SUBMIT TO FINGERPRINTING AND OTHER IDENTIFICATION PROCEDURES.

SIGNATURE: Refused 12:20 3/20/14 TIME / DATE:

The courthouse is accessible to those with disabilities. Please notify the court if you will require assistance.

DISTRIBUTION:FAMILY PART,

PLAINTIFF,

DEFENDANT,

SHERIFF,

OTHER

(AOC 7/01)

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, FAMILY PART
COUNTY OF Mercer

DOCKET NO.: FV- 11-887-13

Kathryn Bischoff
Plaintiff

Vs.

Derek Syphrett
Defendant

A True Copy

Sue Regan

SUE REGAN
Deputy Clerk of Superior Court

CLERK OF SUPERIOR COURT
SUPERIOR COURT OF N.J.
MERCER COUNTY
RECEIVED AND FILED

APR 25 2013

Sue Regan

SUE REGAN
DEPUTY CLERK OF SUPERIOR COURT

This matter having been opened to Court for a Final Hearing:

IT IS HEREBY ORDERED ON this 25th day of April, 2013, that all restraints previously ordered in the Temporary Restraining Order dated 2-8-13 (attached) **SHALL CONTINUE IN FULL FORCE AND EFFECT. THE TRO MUST BE ATTACHED TO THIS CONTINUANCE ORDER FOR SERVICE.**

IT IS FURTHER ORDERED: All discovery shall be exchanged no later than May 22, 2013. The court must receive a copy of police records not later than May 6, 2013.
() Since Defendant was not served, this matter is continued until Defendant is served. May 6, 2013
When Defendant is served, return of service must be sent to Family Division so a Final Hearing can be scheduled.

(X) All parties shall appear for a hearing on 6-13-13 at 8:30 am/pm in Courtroom 4C. Judge Marbreys. This Order shall serve as Notice to Appear.

- () This Order shall be served by personal service on () Plaintiff / () Defendant.
- () The parties shall advise the Court of any change in address or phone number.
- () The Temporary Restraining Order is further amended as follows:

RETURN OF SERVICE:

(X) Defendant was given a copy of this Order by:

Court
print name

time and date

signature/ badge number/ dept

(X) Plaintiff was given a copy of this Order by:

Court
print name

time and date

signature/ badge number/ dept

JANETTA D. MARBREY, J.S.C.

Superior Court Of New Jersey
Sussex County Judicial Center

Chambers of
Edward V. Gannon
Judge



43-47 High Street
Newton, New Jersey 07860
(973) 579-1668

September 4, 2013

Hon. Greta Gooden-Brown, J.S.C.
Superior Court of New Jersey
Passaic County Courthouse
77 Hamilton Street
Paterson, New Jersey 07505
CONFIDENTIAL
E-Mail & Fax

RE: State of New Jersey v. Jason Campbell
Indictment Nos.: 11-05-521-I, 12-08-911-I, 13-05-583-I

Dear Judge Gooden-Brown:

This letter is in response to your law clerk's inquiry last week as to whether I have any notes relating to why this case was sent to Passaic County. I have no notes other than the newspaper articles and correspondence sent to you. However, I will try my best to recount the procedural history of this matter.

The initial Indictment against defendant, Jason Campbell was returned by the Morris County Grand Jury on July 12, 2011 charging two separate arson cases.

The defendant at the time was represented by private counsel, Joseph Corazza, Esq. from Daggett, Kramer, Kovach & Gjelsvik, Esqs., 328D Sparta Avenue, Sparta, New Jersey 07871 and the State of New Jersey was represented by Assistant Prosecutor, Kelley Lavery, Esq. of the Morris County Prosecutor's Office.

The case was transferred to Sussex County by Judge Thomas Manahan, P.J. Criminal Division because of the fact that the defendant was a Morris County Sheriff's Officer. Judge Conforti who is the Criminal Judge in Sussex County was assigned the case and he recused himself assigning the case to me. For the past 5 years I have handled the disqualifications in Criminal as I previously spent about 7 years in Criminal in Passaic County.

I heard a motion to dismiss the arson indictment and granted the application as to dismissal of one arson count on which there was no evidence. An interlocutory appeal followed and the Appellate Division reversed my decision on March 1, 2013 reinstating the Indictment.

Mr. Lavery left the Morris County Prosecutor's Office shortly before Governor Christie ordered the Attorney General to take over the office. The State's case was then assigned to Assistant Deputy Attorney General Brian DiGiacomo while the defendant's motion to relieve Joseph Corazza, Esq. as counsel was granted with the Public Defender being substituted in and pooling the case to defense counsel Jeffery Patti, Esq., Patti & Patti, 255 Woodport Road, Sparta, New Jersey 07871 as the Sussex County Public Defender's Office represents the defendant's wife who is a co-defendant on two separate indictments.

On June 20, 2013 counsel appeared before me for the purpose of putting through a plea agreement, a rather routine event. Instead of representing that the agreement represented a global resolution the defense counsel and prosecutor lied to me. They told me that there were proof problems with the arson cases. I am not sure they realized that I had previously read the Grand Jury testimony and all the police reports in connection with these matters. I called them on this as well as their effort to structure this plea so that the defendant could get into Drug Court.

The obvious flaw in the position of counsel was that the defendant's uncharged accomplice in the arson case was a Boy Scout member of an Explorer Post supervised by the defendant in his capacity as a Morris County Sheriff's Officer who had cooperated with the State.

I rejected the plea for what I felt was an effort to pull the wool over the eyes of the Court. I refused to be a party to this plea agreement. I scheduled a preemptory trial date for July 15, 2013.

About a week or so later I received a telephone call from the Assignment Judge Thomas Weisenbeck advising that he had decided to reassign the case to Morris County because he had the judicial resources available to handle it there. He told me it had nothing to do with me yet when pressed he told me that it was because of statements reported in the press. I reminded him that anything I said was in connection with a ruling by me on the record. He did not have possession of the transcript and relied upon the newspapers. I told him how ridiculous this was and that it appeared to violate the Court Rules as well as being retaliatory. He told me that he had the right as Assignment Judge to remove the case from me. I suggested to him that his conduct was unlawful in that it was interfering with the administration of justice and the independence of the Judiciary. I told him that I might feel compelled to make an official complaint.

I later received an Order transferring the matters to Passaic County noting that it was "for good cause shown". I called Judge Weisenbeck about this as I was annoyed that it created a misimpression that there was some type of hearing and finding on this. He told me that it was "just customary language".

Thereafter I learned that a letter had been written as a joint application seeking my disqualification by Jeff Patti, Esq. and Deputy Attorney General Brian DiGiacomo. I telephoned Mr. Patti who confirmed this though he declined to provide me with a copy of the letter. I subsequently invited him to my Chambers to fully understand what happened and he failed to appear.

Once I learned about the joint application letter I made a request for same from Judge Weisenbeck by e-mail. He refused several times to provide it. He claimed that he never saw it and that the Judge who had received it was in error when he said that he had delivered a copy to him and discussed it with him.

After playing this shell game for several days I e-mailed Judge Weisenbeck demanding a copy of the letter as a record required by Rule 1:38-1 et seq. and demanded same as a Superior Court Judge and as a private citizen under the Open Public Records Act ("OPRA") N.J.S.A. 47:1A-1 et seq. The letter was provided 5 minutes later. The letter itself was innocuous and it is hard to believe that anyone acted upon it without further sub rosa discussions to which I was not privy.

This is the brief version of what happened, expletives deleted.

I have referred this conduct of the lawyers involved in not following the correct legal procedure and in lying on the record for the purpose of getting me to accept the proffered plea to the Attorney General Office for investigation.

As to the Judiciary I am firm in my position that the Assignment Judge has acted improvidently, precipitously and unlawfully in this matter. I bear him no ill will, but I consider this beyond the pale of any profession disagreement.

I know from prior experience that the Assignment Judge is capable of being influenced by political figures and I had one earlier unpleasant experience where he met the Sheriff of Sussex County about a complaint that I had held the Sheriff's Department in contempt for failing to transport a prisoner to a hospital for an evaluation when he was complaining about a PIC line. Once compliance was had I vacated the Order and purged the contempt.

My educated guess after almost 22 years on the bench is that there are other political influences at work which have intruded upon the independence of the Judiciary in this case.

I want you to understand that despite my professional differences with Judge Weisenbeck I have not and I do not intend to file a complaint against him in this matter. He is for the most part a good person to work for. However, in the final analysis, you either have to take a stand or you stand for nothing in these matters. I have never been accused of being a bystander, a potted plant or a sycophant.

Besides, filing a complaint will accomplish nothing in a Judiciary which time and again has circled the wagons to protect the power structure and thrown the trial Judge under the bus.

As I reach the end of my career, with no further ambition to do anything other than serve the people, I am less and less interested in judicial politics and the connivance and intrigue of unprincipled people.

I have reached that sixth age of man referred to by Shakespeare in "As You Like It":

[A]nd then, the justice, in fair round belly...with eyes severe, and beard of formal cut. Full of wise saws, and modern instances, and so he plays his part.

As you can see there is really no answer to your law clerks question, however, these facts remain clear:

No Appeal has ever been taken to the appropriate tribunal, The Superior Court of New Jersey, Appellate Division from my decision not to accept the proffered plea.

PAGE 4

No application has been made before me to recuse myself as required by Rule 1:12-2.

The transfer is in my opinion not a legitimate exercise of the power conferred upon the Assignment Judge under Rule 1:33-4 in the face of a legal determinations made by the trial Judge who has scheduled a preemptory trial date.

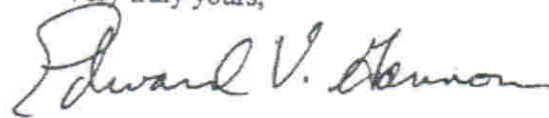
The transfer of venue in this case raises the public specter of trying to influence a particular result in violation of the law and subjects the Judiciary to criticism.

I personally feel betrayed by the Judiciary in that I have been lied to each step of the way by the people in supervisory positions and the truth has been withheld from the public about the matter.

As the holder of an institutional memory of this Judiciary of my generation I oppose those who, like Macbeth "[C]ancel and tear to pieces that great bond".

Please feel free to telephone me if you need any clarification or discussion of the contents of this letter or anything else previously sent to you.

Very truly yours,



Edward V. Gannon, J.S.C.

EVG:llh