

From <http://FreedomNewsDigest.com> and <http://ThomasCaggiano.com>

which Expose Tyranny in Government as the internet publication is adopted a referenced exhibit per R: 1:4-3 as relevant evidence based upon my personal knowledge into this certified affidavit per R: 1:4-4(b) and serve as moving papers for all motions and court orders under all State of New Jersey v. Thomas Caggiano charges filed By Borough of Stanhope officials and employees which is *conduct designed to aid another in commission of a crime*

*N.J.S.A.2C:5-1.c*

7086 Arcadia Glen Court  
North Las Vegas, Nv 89084

Apr 6, 2010

Hon. N. Peter Conforti, JSC.  
Sussex County Superior Court  
43-47 High Street  
Newton, N.J. 07860

Sussex County Superior Court  
File Clerk for filing in Ind 08-09-316-I  
and municipal appeals 13-04-09 and 19-05-09  
43-47 High Street  
Newton, N.J. 07860

Sussex County Prosecutor's Office  
Corrupt Sussex County Prosecutor David Weaver, Esq., corrupt First Assistant  
Prosecutor Gregg Mueller and corrupt Assistant Prosecutor Robin Lawrie  
19-21 High Street  
Newton, N.J. 07860

Subject: Moving papers for Motions to Dismiss all criminal and quasi-criminal charges in State of New Jersey v. Thomas Caggiano with Prejudice concerning Ind 08-09-316-I, Municipal Appeals 13-04-09 and 19-05-09 and payment of all my former attorney's lawyer fees, Robert Mattia, Esq. - Motions for Summary Judgement

1. Please accept this letter brief in lieu of a more formal brief as a VERIFIED Certified Affidavit based upon my personal knowledge and available to the court as evidence of violation of due process, rules of New Jersey courts and actions conducted by Superior Courts and Municipal Courts to violate the Constitutions of the United States of America and New Jersey, the Open Public Meetings Act, the Open Public Records Act, Code of Judicial Conduct, Rules of Professional Conduct and Brady v. Maryland (1963) 373 U.S. 83 requirements to dismiss the above related cases as a COMBINED JUDGEMENT and COMBINED Court order as all cases are related to the complaints from the Borough of Stanhope officials and employees and all above actions are within your court. That an obvious agreement based upon the timing of the complaints submitted to the Borough of Stanhope municipal court despite months or years separation in time of the so called event occurrence in a agreed upon confederation of agreement which defines a conspiracy and pattern of official misconduct to willfully engage in conduct which resulted in my 85 day false imprisonment in Keogh Dwyer Correctional Facility from Jan 7, 2009 through Apr 1,

2009 and whereas the Superior Court issued a court order on Sep 10, 2009 in dismissing the criminal indictment without also directing the Borough of Stanhope to comply with federal, state and municipal laws and allow all actions to enable my wife Kathryn Caggiano and myself to sell our home we had built on 10 East Drive, Stanhope, New Jersey in 1972 and is under contract to be sold. Do to the willful defiance of the Borough of Stanhope, the repeated harrassment of my excellent Weichert Realtor agency Judith A. Togno, GRI by Borough of Stanhope officials, refusal to accept payment of fees for obtaining a Certificate of Habitability required by State law and also payment of a \$50 Map filing fee and Mail Tampering by the Borough of Stanhope officials, based upon guidance to me by the FBI Washington D.C. Pubic Corruption Unit Chief and more recently the FBI Special Agent in Charge in Las Vegas, Nv in his letter noted on the adopted web site

<http://ThomasCaggiano.com/fbi.jpg>

2. Per the FBI directions noted in above, I filed a compliant for Mail Tampering via instructions from the U.S.P.S. Inspection Service's Mary Coatney 888-877-7644. She immediately assigned Case 14933147 to the Las Vegas U.S.P.S. Office of Team Leader Dan Brubaker under whom and investigator who wished I do not publish his name, 702-737-6414 has undertaken review actions with the U.S.P.S. Inspection Service in New Jersey.

3. As stated by The son of an FBI agent, Mr. Cooley a career prosecutor who joined LADA in 1973 as a law clerk and rose through the ranks. Nearly three decades later, he was elected District Attorney in 2000 by a landslide. He was overwhelmingly re-elected four years later. In 2008, he became the first Los Angeles County District Attorney in 70 years to be re-elected to a third consecutive term. Per Brady protocols as stated in the Los Angles District Attorney's SPECIAL DIRECTIVE 02-08

## **BRADY PROTOCOL**

**December 7, 2002**

"Prosecutors are required to disclose to the defense evidence favorable to a defendant which is either exculpatory or impeaching and is material to either guilt or punishment. Evidence is "favorable" to the defendant if it either helps the defendant or hurts the prosecution. (*In re Sassounian* (1995) 9 Cal.4th 535, 543-544.) In *Strickler v. Greene* (1999) 527 U.S. 203, 280-281, the United States Supreme Court stated:

In *Brady* this Court held "that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Brady v. Maryland*, supra, 373 U.S. at 87. We have since held that the duty to disclose such evidence is applicable even though there has been no request by the accused, [*United States v. Agurs* (1976) 427 U.S. 97, 107], and that the duty encompasses impeachment evidence as well as exculpatory evidence, [*United States v. Bagley*, (1985) 473 U.S. 667, 676]. Such evidence is material "if there is a reasonable probability that had the evidence

been disclosed to the defense, the result of the proceeding would have been different." Id at 682; see also [*Kyles v. Whitley* (1995) 514 U.S. 419, 433-434].

In order to ensure compliance with these rules, the United States Supreme Court on more than one occasion has urged the "careful prosecutor" to err on the side of disclosure. (*Kyles v. Whitley*, supra, 514 U.S. 419, 440; *United States. v. Agurs*, supra, 427 U.S. 97, 110.):

## 2 Background:

a. Whereas David Weaver was a former law partner of William Hinkes, Esq. And took action to dismiss in violation of the Rules of Ethics R 1:14, Rules of Professional Conduct criminal charges filed against Judge Craig U. Dana, JMC, William Hinkes, Esq., Laddey, Clark and Ryan, LLC, Richard Stein, Esq., himself, his Assistant Prosecutor Joseph Corazza, Esq. Whereas such Affidavits of Probable Cause were properly filed by my wife Kathryn Caggiano and myself and witnessed under oath by court administrators in the Township of Green wherein CDR complaint numbers were assigned and the rules of court was violated preventing my due process as per R 7:2-1 a. Process Contents of Complaint , c. Arrest Warrant CDR-2 were completed but NO probable cause hearing before any municipal court judge nor any court judge was ever held nor was any detailed summary ever provided. In addition no description in violation of N.J. Court rules indicated the 08-09-316-1 was dismissed because of mental incompetency on thirteen criminal charges for a noted by Robert Mattia, Esq. Only after conversation in chambers with Judge Conforti, JSC and the corrupt first assistant prosecutor Gregg Mueller. The charges could NOT have been dismissed on that basis as per court rules the State at its expense MUST conduct another mental examination. Per B.D. v. Carley, 307 N.J. Super. 259 (App. Div. 1998) I have demanded such an examination be video recorded and that at the same time a polygraph test be administrated with approval of the Sussex County Prosecutor's Office so that per court rules the material could be presented as evidence in any court but that due process right has been denied me by our court on repeated requests thereby by a repeated pattern of apparent violation of Rules of Judicial conduct, breach of duty, negligence and causing great emotional distress to my wife who suffers from fibromylgia and expressed in letters and person to me by my father and now deceased mother, brother, sister-in-law and neighbors Mary Pawar and Iqbal Pawar who have both come forward for years, been threatened by John Cilo Jr.'s lawyers as he falsely represented himself as an Official Municipal Engineer and something called Land Use Board "Board engineer" without any valid contract in the Borough of Stanhope for apparently more then a generation as based upon OPRA responses that are on the State record of the Government Record Council she could find NO contracts for many different companies that by fraud, trickery of the Mayors, Governing bodies members, former Town Administrator Teri Massood who fled the Borough of Stanhope without sending in a resignation letter when the corrupt Department of Community Affairs' and other corrupt lawyers such as its executive director Catherine Starghill, Esq., the In-house lawyer Karyn Gordon, the corrupt Office of Attorney General for New Jersey's Division of Law Debra Allen, esq. And former Gov Jon Corzine's NJ Attorney General's Farber,

Rabner and Milgram including Gov Chris Christie's new NJ Attorney General Paula Dow, Esq are informed with dozens of criminal tip line reports to the Department of Law and Public Safety and to the Department of Consumer Affairs' and its corrupt Board of Engineers and its corrupt Board of Professional Planners with the corrupt enabler Arthur Russo, their executive director. As observed by Sgt Eric Fowler who was in the Department of Consumer Affairs, I requested as I and my wife Kathryn Caggiano met the Office of Attorney General's State Troopers in the Hughes Justice Complex as noted on the referenced adopted exhibit filed in Federal District Court, Sussex County Superior Court and the Sussex County Prosecutor's Office.

Whereas Judge Dana did NOT allow witnesses to appear in my defense in violation of the Constitutions of New Jersey and the United States of America.

Whereas Judge Dana did NOT allow me to examine my own voluntary defendant's disclosures.

Whereas the Department of Human Services has violated New Jersey State law by not conducting hearings in 10 days of receiving complaints against Dr. Joseph who stated correctly that I am competent to stand trial ON CRIMINAL Charges and then wherein as witnessed by my wife Kathryn Caggiano in the law offices of Robert Mattia, Esq. The corrupt DHS Dr. Peter Paul never even asked me on question on competence as done by Dr. Joseph and wrote a false report, and whereas NO hearing as required by State law was ever conducted by the Superior Court on my immediate complaints and demand for another State paid examine at the State's court noted in my oral comments before the court noted on the transcript I ordered immediately on Sep 9, 2010 and was not provided me on a CD ROM until Feb 16, 2010 five months later.

Whereas Judge Dana refused to provide me even access to photograph the evidence I provided in his court.

Whereas Judge Dana has refused my many oral, court transcript requests form to obtain such court records on a CD ROM in violation of court rules so that the many errors could be corrected.

Whereas Judge Dana refused to provide me copies of the audio recordings on court order requests forms and Open Public Record Act requests.

Whereas the Township of Green has refused to provide me any valid contract of William Hinkes on Jan 7, 2009 as well as Fredon, Hampton and Borough of Andover that comply with the State's Local Public Contracts Law and NONE could

be provided by the Town Administrator for Green on Jan 7, 2009 when I submitted a valid OPRA requests as determined by the Appellate Court such requests MUST be responded immediately.

Whereas the Department of Community Affairs' Government Record Council has not had any testimony by me on over fifty denial of access by the Borough of Stanhope as noted on the filed web site ThomasCaggiano.com and its links are also adopted by reference herein to this Verified Certified Exhibit.

Whereas Robert Mattia, Esq. Represented me in the Ind 08-09-316-i over my objections to the Superior Court as I desired only a Stand by attorney so that I could conduct the cross examination of witnesses on each of the 13 criminal charges and the false petty disorder charge by the Chief of Police that I refused to be finger printed for the 20<sup>th</sup> time or so as I lost count.

Whereas the Sussex County Prosecutor's Office has been aware of the corruption I have reported in hundreds of emails some of which were the foundation of the criminal charges wherein a victim reporting criminal conduct is charged with criminal conduct as a victim reporting criminal conduct.

Whereas the Sussex County Prosecutor's Office own staff recused themselves as can be heard on a audio recording made on Jun 14, 2006 <http://ThomasCaggiano.com060614fitzgibbonsscpo.mp3> that was provided to the Superior Court on a DVD with 3.7 Gigs of relevant evidence which was also provided the Sussex County Prosecutor's office and never provided as any exculpatory evidence in violation of its direct relevance as noted in R. 3:9-1(a) and R. 3:13-3(b) and R. 3.2.5 for the State's failure to comply with its obligations under State V. Hunt, 184 N.. Super. 304 (Law Div. 1981) and Prosecutor's willful violation of his obligations under provisions to receive a fair trial State v. Black, 234 N.J.Super. 166 (App. Div. 1989), State V. Clark, 347 N.J. Super., 497, 507 (App.Div 2002)

Whereas pursuant to Brady v. Maryland, 373 U.S. 83 (1963), violation of prosecutorial obligations imposed by Brady and the "materiality" test for determining when violation thereof mandates reversal, State v. Marshall, 148 N.J. 89, 185-189 (1997), State v. Florez, 134 N.J. 570 (1994), et.al.

Whereas WE THE PEOPLE have inalienable rights denied me repeatedly by Federal, State and municipal officials.

Whereas the Rules of the Court are ignored.

### 3. Discussion:

Whereas the State Prosecutor and municipal prosecutors have willfully NOT complied with Brady requirement and as stated in State in Interest of D.P., 232 N.J. Super. 8, 20 (App Div, 1989) applying a harmful error standard in determining the consequences of the State's failure as the evidence was both material and relevant so holding State v. Russo, 333 N.J. Super. 119, 135 (App. Div. 2000).

Whereas the lack of truthfulness in statements made the Sussex County Prosecutor's Office and the perjury committed by Laddey, Clark and Ryan's LLC municipal prosecutor and Borough Attorney Richard Stein, Esq. In the Township of Green wherein Richard Stein falsely stated under oath as under Rules of Professional Conduct RPC 5.1(c)(1) and (c)(2) Responsibility of Partners, Supervisory Lawyers and Law Firms Laddey, Clark and Ryan LLC is liable for his false statements that "the Borough provided copies of all documents requested" before the corrupt Judge Craig U. Dana, JMC and the corrupt proir law partner of David Weaver.

Whereas in Sussex County Prosecutor's Case ID: 03-I-00086, on Jan 2, 2003 I contacted that office to report criminal conduct noted in the corrupt Detective Joseph's Costello's report of Feb 13, 2003 available to the court and public with a photograph of the evidence and audio recording I brought the prosecutor's office which is posted at <http://ThomasCaggiano.com/090525TheCAGReport.pdf> and was published on May 5, 2009 and provided copies to the Office of Attorney General, their Assignment Officer Joseph Trapp who I gave a personal copy to him in the lobby of the Hughes Justice Complex and we discussed the bribery, false certified Soil Erosion and Sediment Control Plans by the corrupt lawyer Clifford Lundin, Esq., the former Mayor of Hoptacong wherein he had me convicted by his corrupt Municipal Judge Browkley, Jr and the corrupt municipal prosecutor Anthony Arbone, Esq. At 12:20 am past mid-night on a petty disorder charge as Mary Pawar and Kathryn Caggiano who also signed the letter we sent to the N.J. Attorney General of NJ requesting a criminal investigation. Mary Pawar herself has been threatened repeatedly by the State, written that she and her husband were shills for reporting the corruption and incompetence of John Cilo Jr. who posed as Stanhope's municipal engineer and then some made up term call Land Use Board "Board Engineer's" signing dozens of official authorizations as Board Engineer in violating the State's Map Filing Law and Stanhope's Chapter 100 Land Development with impunity for years protected by the Sussex County Prosecutors office since Feb 13, 2003 in an ever growing conspiracy, repeated pattern of official misconduct and conspiracy and complicity violating RPC 3.8(d) Special Responsibilities of a Prosecutor or assistant prosecutor such as the corrupt A.P. Robin Lawrie in her devious letter to the court by not making timely disclosure of all evidence known to the prosecutor that tends to negate the guilt of the accused.