

Prepared by Thomas Caggiano Aug 25, 2010

This memorandum is filed on <http://thomascaggiano.com/100825conforti.pdf>

This is a VERIFIED CERTIFIED AFFIDAVIT based upon my personal knowledge that was Widely distributed as a public record to defend myself against malicious petty disorder convictions by the Joint municipal court in Green Fredon, Hampton and Borough of Andover on petty disorder charges filed by Borough of Stanhope officials and employees which are NOT criminal nor indictable offenses and filed by me in Sussex County Superior Court under Municipal Appeal 13094-08/19-05-09 and Dismissed Indictment with Prejudice IND 08-09-316-I all State of New Jersey v. Thomas Caggiano

All petty disorder charges which were malicious and the criminal abuse of process in courts continues as criminal coercion and witness retaliation as I filed ethics and criminal charges against dozens of officials and bribed persons and also filed criminal tip line reports to the State of NJ Attorney General and U.S. Attorney Eric Holder Jr., the State of NJ Attorney General Chris Christie and Paul Fishman, and ethics charges to the Department of Community Affairs Local Financial Board which is empowered to conduct investigations and enforce NJ Ethics Law for municipal officials, employees and other persons.

It was faxed to the FBI in New Jersey, NJ Attorney General Paula Dow, Sussex County Prosecutor's Office and Sussex County Municipal Court and Robert Mattia, Esq my court directed attorney for my competency hearing by the corrupt Judge N. Peter Conforti, JSC over motions my by him and myself to remove himself as my directed attorney and not allow to have me represent myself Pro Se as done previously on submission of Pro Se motions filed to the court.

Other published newspaper article blogs include complaints against the U.S. Attorney Paul Fishman with others in editorial responses on <http://nj.com/> and posted on <http://thomascaggiano.com> and <http://thomascaggiano.com/100824fishman.pdf> and related web pages at <http://thomascaggiano.com/100822dcjcriminalreport.pdf>; [100821grcdenialofaccesscomplaint.pdf](http://thomascaggiano.com/100821grcdenialofaccesscomplaint.pdf); [100814scpodenialofaccesscomplaint.pdf](http://thomascaggiano.com/100814scpodenialofaccesscomplaint.pdf), [100807sheriff.pdf](http://thomascaggiano.com/100807sheriff.pdf); [10079maenza.pdf](http://thomascaggiano.com/10079maenza.pdf); [100605.pdf](http://thomascaggiano.com/100605.pdf) and other links available on <http://thomascaggiano.com/page400.htm>

Subject: Subpeano to Commissioner Velez, Esq. Competency hearing To be adopted as referenced adopted exhibit in Moving papers

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To: Robert Mattia, Esq.

1. In recent discussion of my list of intended persons to be subpoenaed, I included the Commissioner of DHS. I also expect to include other persons. Because as indicated in the 1 inch thick package of evidence I obtained from Ann Klein's facility includes hand written notes by Judge Conforti, JSC to Assignment Judge Bozonelis, AJSC and also includes comments relative to Judge Dana, JMC and other documents indicate that Judge Conforti, JSC rather than being an independent party directly without his judicial authority, breach of duty interfered with the independence of DHS and Ann Klein Forensic Psychiatric Hospital in a facsimile transmission header sent by Kay Mack, and six pages, documenting that the Standing Operational Procedure format, or evaluation tool, was personally changed by Judge Conforti, JSC without your knowledge or mine thus changing the test evaluation that was done by them without him having any expertise in the area and beyond is competence in the field and per R. 4.2.8 was negligent in that (a) General Principles of DUTY OF CARE were negligent (Olivo v. Owens-Illinois, Inc. 186 N.J. 394, 401 (2006); Clohesy v. Food Circus Supermkts., 149 N.J. 496, 502 (1997); Siddons v. Cook, 382 N.J. Super. 1,8 (App. Div. 2005). YOU as my designated attorney which I objected as I desired a stand-by attorney so that using my advanced skills noted on my filed web site at <http://thomascaggiano.com/tcb.htm> as for over 20 years in classified programs for the Special Operations Forces, the U.S. Army, the U.S. Navy, the U.S. Air Force and foreign allies, psychology was an important factor in my Project Manager's Office assignments which included my personal visits to the Special Operations Forces Hq and the Pentagon wherein I was authorized by Standing Operating Procedures during the Vietnam War as a Strike Team leader with fairly unique powers for at age 26, about 40 years ago, I was made international technical advisor to the Corps of Engineers and in fact was the entire engineering team with one GS16 supergrade attorney to assist me. A photograph of my leading the Corps of Engineers and a German company as I wrote the technical specifics and was the negotiator, the assigned Project Manager with the direct powers of the secretary of the Army provided me via a four star general in charge of the U.S. Army Material Command and my two star Project Manager to me. Thereafter by the Secretary of the Army I became a certified Project Management Engineer in the U.S. Army Acquisition Corps at level III wherein I managed, controlled cradle to grave as a Level III Corps professional knowledgeable in over fifty fields including positions as a GM15 Program Analyst in charge of a Project Manager's Program Management Division as I lead three Engineering Divisions in areas that included systems of enormous complexity so as also a GM14 Acquisition Business Manager for an ACAT II level system of

significantly over a Billion dollars in constant 2010 dollars, used the ACEIT advanced software to develop over a 10,000 cost element total life cycle analysis for the approval of the senior Cost evaluator for all Army systems, was a member of the Comptroller Society, a graduate of City College in Chemical Engineering in 1970 one of 14 such graduates out of a Student Body in New York City and its related college of 50,000 students and learned during advanced leadership training events where a two star general nominated me to attend the advance learning classes it was determined as stated by the teacher who had taught over 30,000 students during her career I was the only engineer, scientist that was an Myers-Briggs Type Indicator MBTI as illustrated on the material I gave to Dr. Peter Paul who was incompetent in statistical analysis and apparently does NOT have the background skills nor did Dr. Christine Joseph of understanding Statistical analysis and do NOT have competency in the area as I noted of Dr. Joseph's report on the court record and in my 25 page letter I wrote in jail on Mar 10, 2009. stamped received Mar 11, by the Ann Klein Forensic Center to Mr. Main and Dr. Catherine (sp) Joseph, entitled: Complaint against Dr. Christine Joseph, Phd for issuing an incompetent, false report of Feb 17, 2009 and her refusal to correct the report and included data from Dr. Neilson who was hired by me on a voluntary basis and illegally distributed his false information to Dr. Joseph who then illegally and violate ethics further distributed this information. ( My personal private medical records. I note Dr. Neilson refused to provide YOU copies of my medical records and his hired attorney who responded to your letter for my medical records falsely wrote that Dr. Nielson had no medical relationship as Dr. Neilson who was retained as I stated in the Superior Court was a privately paid psychologist to be used as a witness by me to defend myself in any hearing as required by court rules if there is an objection which SHALL be conducted per court rules under the Indictment under which court order Judge Conforti, JSC used 08-09-316-I. I noted my letter to Mr. Main, the CEO of Ann Klein Forensic Center was per R. 1:14(b) a Certified Affidavit and certified the document based upon my personal knowledge which therefore the document CAN be used in court to challenge those in charge of Christine Joseph and changes demanded by Judge Conforti without my knowledge thereby violating the Code of Ethics for Judges and its Cannons.

2. As provided to me in the 1 inch thick package of material sent to me by Ann Klein Forensic Center, on 2/13/10 included is a handwritten letter memorandum dated Mar 26, 2009 which provides Dr. Suchno's report to Presiding Judge B. Theordore Bozonelis, AJSC without my knowledge or the State's Sussex County Prosecutor's Office noting in the criminal trial he recieved Dr. Suckno's privately obtained medical report from you and I gave no such authorization which you also gave to Judge Dana without my knowledge as now where in the municipal court kanagroo hearing did such material brought into the court record. Apparently my personal privacy rights which I asserted on the court record and in the rules of the court are ignored by all parties as I refused to comply with Judge Dana's illegal court orders and sentencing for about 50 days staying illegally imprisoned in Jail to protect my civil rights and medical privacy rights for Judge Dana and per R:4-19(4) a requested video recording of any future examination was demanded by me: Conduct of Examination; Report: B.D. v. Carley v. Carley, 307 N.J. Super. 259 (App. Division 1998), stating the right during a psychiatrist or psychologist examination they are entitled to have the examination recorded and in fact also have their attorney present during such an examination which I have demanded with also a polygraph approved by the State Prosecutor to validate the truth of

my statements and per N.J. Court rules to be used as evidence in court. I note under R. 4-19 that the time for the examination stated in notice SHALL NOT be scheduled to take place for 45 days and the court on a motion pursuant to R. 4:23-5 compel the discovery. I therefore since it is obvious that based upon the documents provided me by Ann Klein persons that "behind the scenes" ex-parte procedures in violation of court rules, in violation of my privacy rights are rampant and I demand you issue a motion to the court to require Ann Klein and DHS to divulge ALL records, emails, faxes, reports and things and provide discovery rights to me as the defendant so that I could provide ALL the records to any witness expert I desire to hire in my defense if I elect to hire at great expense to me to continue my long fight to assure my civil rights are protected for as already stated by the court my rights were already violated in the sentencing and resentencing by Judge Dana, JMC and his conspirator William Hinkes, Esq.

Whereas Standard Procedures were changed by Judge Conforti, JSC any report by Dr. Peter Paul, Phd which is stale is also useless and moot and I request a motion to the court be made to expunge from the municipal court records all privately obtained medical records for which I gave NO permission to exchange or release. In such motion I also demand the rights per serve written interrogatories that require the respondent to answer the questions under oath as the Sussex County Prosecutor Office refused to respond to such written questionnaires as did the Borough of Stanhope.

I also demand a hearing itself on Judge Conforti's court order to submit to such an examination for mental competency for per rule R. issue a motion to compel to afford the aggrieved party, being me the defendant, to compel the production of all records pursuant to R. 4:18-1 from the Assignment Judge Bozonelis, AJSC, Judge Conforti, JSC, Commissioner Velez, CEO Mr. Main, Dr. Neilson all medical records, all copies of memorandum, emails, faxes, copies of meetings, telephone records, exhibits, charts or drawings and other things that pertain to the mental evaluation and communications on changes to Standing Operating Procedures, ex-parte communications among Judge Dana, Judge Conforti and Judge Bozoneilis for its obvious by the hand written memorandum that in private communications among the Vicinage other factors are being done to prevent with due process my rights as on the court record Judge Dana refused to provide me copies of the audio recordings and refused to provide me copies of the court transcripts on a CD ROM needed for an appellate court appeal. That Judge Bozonelis, AJSC and Judge Conforti, JSC are engaged during the municipal trial and post hearings before Judge Dana's illegal sentencing were even made and such a violation of due process of court rules I believe which is proven by data provided by Ann Klein based upon MY own statement of my rights proves beyond any reasonable doubt the conspiracy I reported in filed Affidavits of Probable Cause which I signed under oath and in fact were entered as court records by Judge Conforti, JSC himself under the dismissed Ind 08-09-316-I based upon MY pro se prepared motions after the case based upon only Dr. Peter Paul's report and that I moved to Nv were the sole reasons stated for the dismissal of criminal charges without prejudice which violated court rules in that both reports by DHS were in conflict and wherein as stated on the court record by Judge Conforti, JSC he would NOT even allow me to have expert witnesses being my own retained psychologist. In order to defend myself and prepare any effective defense Crews v. Garmoney, 141 N.J. Super. 93 (App. Div. 1976), Glass v. Suburban Restoration Co., 317 N.J. Super. 574 (App. Div. 1998) all records must be disclosed, the

right of discovery and all rights therein must be provided by a motion that you should prepare.

Your motion should include a motion for summary judgment for dismissal with prejudice and the court order shall include that all your lawyer expenses on the criminal indictment and municipal appeals be determined by the Superior Court as the reports contested were developed during your efforts as an ordered lawyer when they were court ordered and you as my attorney objected both in motions to Judge Dana and Judge Conforti that I was competent and that even the initial report by DHS stated so.

It is also noted since no mental deficiency was used by me as a defense, Judge Dana has NO authority to court order any mental examination AFTER his sentencing or as part of a sentencing as his sentencing was already determined to have violated court rules.

Please inform Judge Conforti, JSC of the above issues immediately with the Sussex County Prosecutor in a conference ON THE PUBLIC RECORD and request a transcript of that record.

Your client under duress as both you and I have objected to Judge Conforti's court orders and Judge Dana's court orders and I believe if my municipal appeal by Judge Conforti finds in favor of the municipal court that he will be overturned by the Appellate court if I can ever get my court records of a Transcript record on a CD ROM as the original transcriber was requested by me in the Green Township Court but Judge Bozonelis, AJSC issued a court order in secret per Judge Dana, JMC that NO defendant can get those court records which I believe violates due process, the ability to provide them as essential evidence to any psychologist as on an audio recording the tone, speech delay, pattern can be used by a psychologist to using approved Standing Operational Procedures to conduct such an evaluation.

I note I also did have college training in the field by taking three elective courses therein, and spent over 25 years in classified areas with classified courses in Navy, Army and academia on psychological warfare but do to my classification being classified I do not believe Judge Conforti has such authority and a special tribunal would be required for me to even divulge this training and experience to a psychologist and it could NOT be divulged in an OPEN court but a special court and specialized equipment in tempest approved facilities would be needed for any psychologist to get full complete responses from me on my background, my expertise, my psychology as my wife Kathryn did NOT know what I worked on nor in fact did my immediate superiors and my wife did NOT know what county I was in nor my superiors at times in the Army as I had court orders that stated variation authorized.

All the above must be considered as factors in any demanded evaluation which per NJ court rules a mental examination can NOT be ordered by the municipal court after sentencing so one asks how can a Superior Court judge order such an examination AFTER it was already determined by Judge Conforti that I was illegally resentenced dozens of times and illegally imprisoned for 85 days, all fines were returned, all probation dismissed, and the criminal indictment was dismissed because of Dr. Peter Paul's report?

One wonders when due process, the rules of the court and the Constitution of the United States of America and NJ begin to be enforced and such things as Code of Ethics and medical privacy rights and other civil rights all denied me by Judge Dana's court orders?

One wonders when the tyranny and corruption will end?

I predict within 3 years as I am a witness to the Department of Justice, the FBI, the NJ Attorney General a law enforcement officer or some judge might perform their official duty and not aide others in criminal conduct and give all citizens their inalienable rights and stop the charade of justice.

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false that I am subject to punishment.

I adopt all records in all cases State of New Jersey v. Thomas Caggiano, all OPRA denial of access requests I submitted to the GRC in Thomas Caggiano v. Borough of Stanhope, Thomas Caggiano v. GRC, Thomas Caggiano v. Office of Attorney General of N.J. ( Department of Consumer Affairs), all filing in Office of Administrative law by Thomas Caggiano, all filings before Judge Bozonelis, AJSC by Richard Stein and the GRC and myself under Docket SSX-L-415-

and I also note that per Dusky v. United States based upon the substantive criteria the Supreme court guide to mental professional in competence-to-stand-trial evaluations, in published papers which I have analyzed such as The Journal of the American Academy of Psychiatry and the Law, Volume 34, Number 2, 2006, entitled Practical Application of the Mac-Arthur Competence Assessment Tool-Criminal Adjudication in a Public Sector Forensic Setting by Debra A. Pinals, MD, Chad E. Tillbrook, Ph D, and Denise L. Mumley, Ph D, and other widely used instruments included the Competence to Stand Trial Assessment Instrument from the Laboratory of Community Psychiatry, Harvad Medical School Competency to Stand Trial and Mental illness, SHWQ Publication No. ADM77-103, Rockville, ND, Department of Health, Education and Welfare and other practices and procedures that I am aware and have been trained in Classified universities.

I adopt the filed complaint I made to the Department of Community Affairs Local Finance Board as over 200 pages were filed as an Open Public Record to include <http://thomascaggiano.com/100605.pdf> which was also filed with Affidavits of Probable Cause filed in Newton Municipal Court and Netcong municipa court.

Per Judge Dana's and Judge Conforti's court orders I am not allowed to file Affidavits of Probable Cause in the Borough of Stanhope against any person or law firm in their rampage of racketeering, kidnapping, fraud, conspiracy, complicity, bribery, money laudering, perjury, unsworn false statements to enforce officials, or per Judge Bozonelis court order I can NOT examine my deed or sales records of other homes to prepare an appeal to the Sussex County Tax Appeal Board which should really be called Protest Board as they are NOT a judicial body. So since my assessment is 10 % higher then my sale price on my property on 10 East Drive, I am NOT allowed per court orders to examine records to determine sales of other homes in the area which are needed as exhibits to

prepare my appeal to have my property taxes reduced by over \$600 a year.

As they say taxation without representation is Tyranny. We have tyranny in NJ.

And as stated by Richard Stein any person could pay their taxes in advance? But Thomas Caggiano and Kathryn Caggiano apparently for as stated by Richard Stein in his charges against me I submitted a written letter to Stanhope and per court orders by Judge Dana I am not allowed only pay property taxes, my water bill and sewer taxes.

I can't even go to the library or call the tax assess or notify her I'd like to reduce my property tax assessment that Stanhope had raised 750% percent on my vacant unbuildable property next to my home when the highest increase to any other property was 20% at that time and the Borough had LOST two cases earlier on their assessment of my two vacant lots adjacent to 10 East Drive as my deeds which I can't examine in Stanhope or the property record cards by Judge Dana's court orders are for three separate lots and I am not allowed per Judge Dana's court order to obtain a Certificate of Habitability to sell the house.

So much for the constitution of the United States of America and Bill of Rights as I have no rights.

A convicted victim over 50 times for simply saying can someone in NJ comply with laws and give me back some of things called inalienable rights and stop playing the Novel

Enemy of the People to defame me, threaten every person that has come forward to report criminal conduct? I have more rights in Cuba, North Korea, Iran, Iraq than I do as a citizen of the United States and now Nevada as we left NJ my birthplace as it's simply too corrupt as stated by Richard Stein it's good I am leaving Stanhope for I just harass them.

Yes he's right, for over 10 years I have stated please stop being such criminals and do your job to protect our safety, health and private property

IN AMERICA government protects the government NOT WE the People

Time for a REAL Change vote out all incumbents and change court rules that SAY JUDGES HAVE ABSOLUTE immunity like the felons on the ACJC New Jersey's corrupt Supreme Court led by its Chief felon Stuart Rabner.

Thomas Caggiano  
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Signed electronically *Thomas Caggiano*