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Jun 24, 2011

Appellate Division Superior Court (Original and four copies)
State of New Jersey
Richard Hughes Justice Complex
Hon. Dorothea O'C Wefing, Acting Presiding Judge for Administration and filing clerk
Appeal Division Superior Court A-001721-T10
P.O. Box 006
Trenton, New Jersey 08625-0006

State of New Jersey Attorney General Paula Dow, Esq. (two copies)
P.O.Box 080
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Superior Court of New Jersey (two copies)
Law Division - Sussex County Municipal Appellate; L 13-04-09, 19-05-09
Hon. N. Peter Conforti, J.S.C. and Copy for Court Assistant/filing clerk Kay Mack
43-47 High St.
Newton, N.J. 07860

FBI Hq Inspection Service per direction of Department of Justice's Office of Inspector General
Acting Inspector General Cynthia A. Schnedar through Hon. Shelly Berkley, House of Rep, D-1, Nv
935 Pennsylvania Ave, NW
Washington D.C. 20535

Borough of Stanhope
Municipal Court Clerk for filing
77 Main St.
Stanhope, N.J. 07874

Joint Municipal Court of Green, Fredon, Hampton and Borough of Andover
Municipal Court clerk for filing
150 Kennedy Rd
Andover, NJ 07821

State of New Jersey
Plaintiff

vs.

Thomas Caggiano
Defendant

Superior Court of New Jersey
Appellate Division
Docket No. A-001721-10T1

NOTICE OF MOTION FOR VACATING
DISMISSAL AND TO REINSTATE
THE CASE

Subject: State of New Jersey vs. Thomas Caggiano, Appellate Appeal Superior Court of the State of New Jersey, Docket No. A-001721-10T1, Notice of Motion for Vacating Dismissal and to Reinstate the Case

INTRODUCTION

1. Please accept this Verified Certified Affidavit to support my previously submitted initial brief for the purpose to **Vacate the Dismissal and Reinstate the Case** of said Appellate Division Court order issued by Hon. Dorothea O’C. Wefing, Acting Presiding Judge for Administration on Mar 11, 2011, ORDER DISMISSING APPEAL, Docket A-001721-10T1 and Notice of Appeal filed with the above agencies wherein Notice was given that Thomas Caggiano appealed to the Appellate Division from a Judgement and Court Orders issued by Sussex County Superior Court Judge N. Peter Conforti, J.S.C. under Municipal Appeals 13-04-09 and 19-05-09 that was issued in violation of the United States Constitution and the State of New Jersey in a violation of

a. 18 U.S.C. § 241 : US Code - Section 241: Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same

b. 18 U.S.C. § 242 : US Code - Section 242: Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties

c. N.J.S.A. 2C:30-6. Crime of official deprivation of civil rights

a. A public servant acting or purporting to act in an official ca-

capacity commits the crime of official deprivation of civil rights if, knowing that his conduct is unlawful, and acting with the purpose to intimidate or discriminate against an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation or ethnicity, the public servant: (1) subjects another to unlawful arrest or detention, including, but not limited to, motor vehicle investigative stops, search, seizure, dispossession, assessment, lien or other infringement of personal or property rights; or (2) denies or impedes another in the lawful exercise or enjoyment of any right, privilege, power or immunity.

b. (2) If bodily injury results from depriving a person of a right or privilege in violation of subsection a. of this section, the public servant is guilty of a crime of the second degree.

(3) If, during the course of violating the provisions of this section, a public servant commits or attempts or conspires to commit ... kidnapping ... against a person who is being deprived of a right or privilege in violation of subsection a. of this section, **the public servant is guilty of a crime of the first degree.**

c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a conviction of official deprivation of civil rights under this section shall not merge with a conviction of any other criminal offense, nor shall such other conviction merge with a conviction under this section, and the court shall impose separate sentences upon each violation of this section and any other criminal offense.

Other alleged crimes include but are not limited to: N.J.S.A. 2C: 13-3 False imprisonment, N.J.S.A. 2C:13-5 Criminal Coercion, N.J.S.A. 2C:21-2.1 Offenses involving false government documents, N.J.S.A. 2C:29-1 Obstructing administration of law or other government function, N.J.S.A. 2C:30-5 Crime of pattern of Official Misconduct, N.J.S.A. 40-18.b Violation of Law intended to protect public health and safety, N.J.S.A. 2C:21-21-3 Offering a false instrument for filing, N.J.S.A. 2C:N.J.S.A. 2C:38-4 including violation of Rules governing the courts, the Open Public Record Act, the Open Public Meetings Act, and Rules of Ethics.

In findings issued by the Superior Court it was already determined that Judge Craig U. Dana, J.M.C. constantly violated court rules with the knowledge of Richard Stein, Esq. and William E. Hinkes, Esq. who did NOT report the Judge's violation of court rules per Rules of Professional Conduct nor each other for conspiracy with the Judge Dana, J.M.C. in the municipal court of Green, Fredon, Hampton and Borough of Andover and wherein in violation of the Constitutions of the United States of America and New Jersey witnesses were NOT allowed in my defense, it was determined by the Superior Court Judge Craig U. Dana J.M.C. had NO legal authority to order any voluntary mental examination AFTER sentencing as this pretext was used to keep me falsely imprisoned from Jan 7, 2009 to Apr 1, 2009 in Sussex County Jail wherein I was threatened repeatedly by its Sgts. The Sussex County Administrator has twice requested investigations by the Sheriff's Office and Sussex County Prosecutor's Office and been ignored and I have complained to the former Sheriff, and current Sheriff and repeatedly to his IAD staff without any investigation as improper medical practices denied me my prescription asthma drugs and other medicine as I was taken by chains and shackles and handcuffed to the emergency room bed in Newton Memorial Hospital and my private medical records without authority as admitted by the Probation Officials on the court record has been ignored in my complaints to the corrupt Sussex County/Morris County Vicinage Probation Chief Jon Bell.

Whereas Judge Dana, J.M.C, Judge N. Peter Conforti, J.S.C., Judge B. Theordore Bozonelis, A.J.S.C., the Vicinage Trial Court Adminstrator M Arnold, the Office of Administrator of the Courts and Chief Justice of the Supreme Court Stuart Rabner have and continue to NOT allow me to examine any government record in the Borough of Stanhope, and whereas the Commissioner of Community Affairs Lori Grifa, Esq., Government Record Council Panel with chair Robin Berg Tabakin, Esq., Office of Attorney General's Division of Law's Deputy Attorney Generals, executive director Catherine Starghill, Esq. have been given per RULES OF EVIDENCE in courts and filed requests for reconsiderations of its corrupt findings stating I have NO authority to request by the Open Public Record Act OPRA a copy of any Government Record in the Borough of Stanhope and the municipal courts in the Borough of Stanhope has refused to allow me to examine my court records and has refused to respond to my valid court record requests and whereas Judge Dana, J.M.C. refuses me to obtain court records needed per Rules of the court to submit court records of the transcript on a CD ROM, refuses to allow me to telephone his court staff or visit to photograph evidence presented to his court, preparation of a brief and my compliance with court rules needed to provide records demanded by court rules and violations of due process will demand upon my filing a summary judgement dismissing the malicious charges with prejudice against the State of New Jersey as done on 13 criminal charges filed by the Borough of Stanhope officials and employees under State of New Jersey vs. Thomas Caggiano, IND 08-09-316-I as all fines were already returned on Sep 10, 2009 and finding were already issued against Judge Dana, J.M.C. that court processes were violated, codes of ethics were in fact violated with Richard A. Stein, Esq and the Office of Attorney General of New Jersey and its Sussex County Prosecutor's Office as Leaders of an organized crime as a supervisor, manager or other function which constitute a pattern of activity to use the courts in conduct designed to aid another in commission of a crime and hindering apprehension and prosecution of their crimes to intimate and threaten witnesses including my wife Kathryn Caggiano in the municipal court and by mail from the Borough of Stanhope after she filed an Open Public Record Act request in her own name in the Borough of Stanhope. As I was also threatened by mail for mailing the Borough of Stanhope a written OPRA request for copies of government records that would be used as relevant evidence per Rules of the Evidence in partipation of a brief.

It is now noted an OPRA request was provided to the City of Trenton Prosecutor's Office for records under municipal appeal Docket 18723 Case 24-2009 to Prosecutor Lyle P. Hough Jr., Esq. who has stated, IN VIOLATION OF THE STATE'S RECORD RETAIN ACT, the prosecutor's office no longer has copy of its own records under S-2007-754644 State of New Jersey vs. Thomas Caggiano, on a malicious petty disorder charge of harassment by the conspirator of the Borough of Stanhope being the Department of Community Affairs' Catherine Starghill, Esq. who committed perjury in the City of Trenton municipal court and vast evidence was provided to the municipal prosecutor as voluntary disclosure, and whereas the Mercer County Prosecutor's Office has informed the State has NO case in its conviction by Judge Louis Sancinito, J.M.C. and the case MUST be dismissed against me. Whereas these relevant documents in vioilation of State law are also not available and the Borough of Stanhope's former Town Administrator Teri Massood who ran away from the Borough of Stanhope without any letter of resignation or severence pay admitted to the Office of Administrative Law Judge J. Howard Solomon, ALJ in Newark's OAL court and in writting that she willfully destroyed government records that would be used in my defense, I believe the State of New Jersey, its courts and municipal officials and employees and prosecutors and judges have NOT acted in good faith as government records continue to disappear that per Rules of Evidence ARE relevant materials and I can NOT even obtain existing government record copies nor even examine court records and therefore my constitutional rights are non-existant to defend myself against there additional malicious charges.

DISCUSSION

2. This is a **VERIFIED CERTIFIED AFFIDAVIT** based upon my personal knowledge with per R 1:4-3 adopted referenced relevant exhibits which include all court documents in State of New Jersey vs. Thomas Caggiano, Ind 08-09-316-I on 13 malicious criminal charges brought by Borough of Stanhope officials and employees directed under the Borough of Stanhope's Borough Attorney Laddey, Clark and Ryan LLC's Richard A. Stein's, Esq influence that were **Dismissed with Prejudice against the State of New Jersey** by the Superior Court of New Jersey - Law Division-Criminal Part-Sussex County, State of New Jersey, Plaintiff vs. Thomas Caggiano, Defendant as he with over 200 persons have engaged per my allegations provided to the Senate of the United State's Judiciary Committee and the Hon. Darrel Issa, Chair House Committee on Oversight and Government Reform Committee based upon guidance from the staff of my Congresswoman Shelley Berkley, Nv D-1 who wrote the Department of Justice's Office of Inspector General and im my opinion was mislead by the Acting Inspector General Cynthia A. Schnedar in her letter of May 2011 in a continuing cover-up that the Department of Justice was even notified in three civil suites filed against the U.S. Attorney General Eric Holder Jr., the U.S. Attorney's Office in Philadelphia, Pa and Newark, N.J. Paul Fishman, Esq., the Executive Office of U.S. Attorney's and the Civil Rights Division as noted in my fled letter to the Sussex County Superior Court of the corrupt Judge N. Peter Conforti, J.S.C. and the corrupt Sussex County Prosecutor's Office lead by David Weaver, Esq. who themselves have hundreds of records, a DVD with audio recordings, photographs, petitions signed by fifteen property owners as David Weaver has known about the massive corruption among the Department of Agriculture's Sussex County Soil Conservation District, the Borough of Stanhope, Sussex County, 77 Main St., Stanhope, NJ 07874 as all former District 24 Representativeswrote the State of New Jersey Attorney General Office and others.

Letters or emails to my personal knowledge requesting investigations or notifications thereof included but were not limited to:

- a. Senator Lautenberg (D) - Senator New Jersey
- b. Congressman Frelinghausen (R) - D 11th District
- c. Senator Richard Codey (D) - President of N.J. Senate to Office of NJ Attorney General's Office of Government Integrity
- d. Senator Richard Littell - D24 (R)
- e. Assemblywoman Alison Littell Mc Hose D24 (R)
- f. Assemblyman Guy Gregg D24 (R)
- g. Office of Attorney General's Director Consumer Affairs Kimberly Richetts
- h. Fifteen Property owners in the Borough of Stanhope, N.J.
- i. Supreme Court of New Jersey, District XI Ethics Committee, Passaic County via Office of Attorney Ethics Thomas Caggiano vs. Richard A. Stein, Esq. Docket No. XIV-2010-2006E
- j. Supreme Court of New Jersey, District XI Ethics Committee, Thomas Caggiano vs. William E. Hinkes, Esq. Docket No. XIV-2010-2011E
- k. Department of Community Affairs' Government Record Council to the corrupt Office of Administrative Law executive judge
- l. U.S.P.S. Inspector in Charge Peter Zegarac Complaint 16210546
- m. Department of Environmental Protection, Commissioner Lisa Jackson and her Designee Larry Baier of the Department of Agriculture's State's Soil Conservation Committee SSCC
- n. Borough of Stanhope Environmental Commission Chair Mr. Newsome



- o. Borough of Stanhope Code Enforcement Official Arlene Fisher
- p. Borough of Stanhope Municipal Clerk Robin Kline, RMC, MAS witness to FBI and 10 agencies
- q. Borough of Stanhope Town Administrator Richard Stewart witness to FBI and State Police Official Corruption Bureau who was illegally removed from his \$109,000 official position by the corrupt Mayor of Stanhope Diana Kuncken, 8 Valley Road, Stanhope, NJ. 07874 who committed perjury in the Joint Municipal Court of Green, Fredon, Hampton and Borough of Andover
- r. Sussex County Administrator (CEO) John Eskilson
- s. Mary Pawar to the corrupt Office of Attorney General's Department of Consumer Affairs' Board of Engineers Complaint 05-13.a Mary Pawar vs. John Cilo Jr. who posed by fraud as the Borough of Stanhope's Borough Engineer then as a phoney title Land Use Board "Board Engineer"
- t. Iqbal Pawar to the corrupt Office of Attorney General's Department of Consumer Affairs' Board of Engineers Complaint 05-13.b Iqbal Pawar vs. John Cilo Jr.
- u. Office of Governor of N.J. staff member Ian Brennan to Office of Attorney General Department of Consumer Affairs
- v. Kathryn Caggiano, Mary Pawar and Thomas Caggiano letter to the Office of Attorney General Department of Law and Public Safety director Mc Koy

3. Verified Certified Affidavit, published on <http://thomascaggiano.com/110623fbihq.pdf>, on Jun 23, 2011 is attached per Rules of Evidence, as a relevant document usable as evidence per Rules of Evidence in N.J. Courts or hearings. This letter was widely distributed under my U.S. Constitutional Rights of Freedom of Speech, Freedom of the Press in response by a letter sent through The Hon. Shelly Berkley, U.S. House of Representatives by the U.S. Department of Justice's Office of Inspector General Acting Inspector General Cynthia A. Shnedar to send evidence of violation of Federal laws to the FBI Headquarters directly rather than as previously directed to me by Las Vegas, Nv Special Agent in Charge Kevin Favreau as noted in letter of Jan 25, 2010 published as a public record on <http://thomascaggiano.com/fbi.jpg> which was filed in courts. My Jun 23, 2011 letter to the FBI Director is attached with the original and four copies filed with the Appellate Division per this filing and two copies provided the State of N. J. Attorney General Paul Dow, Esq. via certified mail receipt 7011-0110-0000-2295-5259 and two copies to the Sussex County Superior Court, Newton, N.J. via certified receipt number 7011-0110-0000-2295-5266 as proof of service and is provided as a relevant document to be considered per Rules of Evidence and Judicial NOTICE of LAW by the Appellate Division court in granting my Motions previously submitted to the court.

4. As shown by the very large number of requests for investigation, there is significant public interest in protecting the safety, health and private property of the citizens of the State of New Jersey and other property owners and for compliance with federal, state, county and municipal laws which in my opinion MUST BE changed such as the State Soil Erosion and Sediment Control Act wherein a developer can proceed to a Soil Conservation District and obtain a certification on a Project without any notification to the adjacent property owners to the development and as third party's are unaware such a filing was made or certification signed thereby making the 10 day appeal rights to the State Soil Erosion and Sediment Control Act ineffective and meaningless. As I was aware since I brought to the attention of the corrupt Sussex County Soil Conservation District in Aug 2002 as admitted by the State's Department of Agriculture executive secretary James Sadley AFTER an 8 month delay allowing the developer E.N.F. Development Co. LLC. to construct the second house in the illegally developed minor subdivision as the minutes of the Sussex County Soil Conservation District itself states that the Board of Supervisors, the District Chairman Clifford Lundin, Esq. and manager Winifred Straub were ALL aware based upon my appeal that in fact should have gone directly to State's Soil Conservation District

per the appeal process but by a conspiracy as NO two foot contour, drainage calculations were ever provided required for a submittal to be even considered a submittal as NO Soil Erosion and Sediment Control Plan was ever submitted by the Developer to the Sussex County Soil Conservation District for the Project but two false certifications were signed by Clifford Lundin, Esq as for eight years the State's Department of Agriculture denied its very existence.

The Mar 24, 2004 Application SH#\$\$, Block 10902 Lot 10, 2 Oak Drive, Borough of Stanhope is NOT for the project and the drawing submitted was NEVER approved by a municipal engineer in the Borough of Stanhope per municipal laws and the State Map Filing law and whereas the certification signed by the State were NOT introduced by the municipal prosecutor William Hinkes, Esq. as it would prove the perjury committed by Richard A. Stein, Esq as both are under investigation by the Supreme Court investigator Harry Norton, Jr. Esq. as they both in violation of the Brady Protocol and Special Duties of a Prosecutor show that FOUL BLOWS continue in a continuing rampage of obstruction of administration of law.

	SUSSEX COUNTY SOIL CONSERVATION DISTRICT 186 Halsey Road, Suite 2, Newton, NJ 07860 (973) 579-5074
SOIL EROSION & SEDIMENT CONTROL PLAN CERTIFICATION STATUS REPORT	
TO <u>Frank Dawalt, Jr.</u>	MUNICIPALITY <u>Borough of Stanhope</u>
PROJECT <u>Dawalt single family home/ENF Development Co. LLC REVISIONS</u>	
Application # <u>SH-44</u>	Block # <u>10902</u> Lot # <u>10</u>
Pursuant to the New Jersey Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., Chapter 251, P.L. 1975, the Sussex County Soil Conservation District has reviewed the plans for this reference project and finds the plans to be in accordance with the Act.	
This certification is limited to controls specified in this referenced plan. It is not authorized to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency.	
All revisions and municipal renewals of this project will require resubmission and approval by the District. Any conveyance of the project (or portion thereof) will transfer full responsibility for compliance to subsequent owner(s). The District must be notified in writing of any change of ownership.	
REVISIONS CERTIFIED <input checked="" type="checkbox"/>	* CONDITIONALLY CERTIFIED <input type="checkbox"/>
Date <u>March 24, 2004</u>	Authorized Signature 

5. Notice of Motion is hereby supplemented with an update and added adopted exhibits and continued violation by the City of Trenton prosecutor's office and the State of New Jersey officials in a continuing obstruction of the administration of law in an alleged willful conspiracy.

6. This court document is published on <http://thomascaggiano.com/110624appellatedivision.pdf>.

7. This is a VERIFIED CERTIFIED AFFIDAVIT with attached and other adopted exhibits made part of the Verified certified affidavit.

8. 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.

9. **Please NOTE I and my family have extensive trips booked and are supporting investigations by others. Do to the extended travel, please do NOT expect any communications until AUGUST 3, 2011** return to our home in Northern Las Vegas, Nv from our travel to other parts of the county and as we attend my nephew's wedding. We have stopped mail delivery and travels plans to Boston, Ma and other locations are dependant upon the weather conditions as we travel the Northeastern States.

enclosed as: Letter, from Thomas Caggiano to FBI Director, Jun 23, 2011 published on <http://thomascaggiano.com/110623fbihq.pdf>

Sincerely,

Thomas Caggiano
Signed electronically Jun 24,2011