



GURBIR S. GREWAL
Bergen County Prosecutor

Office of the County Prosecutor

County of Bergen

Two Bergen County Plaza
Hackensack, New Jersey 07601
(201) 646-2300

DENNIS CALO
First Assistant Prosecutor

DAVID V. CALVIELLO
Trial Chief

ROBERT ANZILOTTI
Chief of Detectives

January 5, 2018

Via Inter-Office Mail

Honorable James X. Sattely, J.S.C.
Superior Court of New Jersey
Bergen County Justice Center
10 Main Street, Courtroom 417
Hackensack, NJ 07601

Re: In the Matter of the Application of [REDACTED]
for the Expungement of Records

Dear Judge Sattely:

Please accept this letter in lieu of a more formal brief in support of the State's objection to [REDACTED] application for an expungement. It is the State's position that [REDACTED] application is procedurally defective pursuant to N.J.S.A. 2C:52-3b because based upon [REDACTED] criminal record, the proper venue for this application is Ocean County.

On or about October 7, 1997, [REDACTED] pled guilty to two harassment charges in Stafford Municipal Court. Thereafter, on or about August 30, 2005, [REDACTED] was arrested and charged with simple assault contrary to N.J.S.A. 2C:12-1a(1). On or about September



A State Accredited and Nationally Recognized Law Enforcement Agency



28, 2005, the simple assault charge was dismissed in the Hackensack Municipal Court.

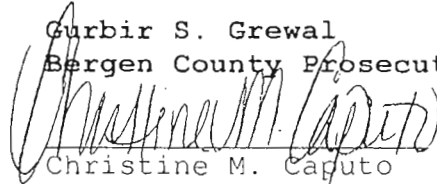
On November 13, 2017, [REDACTED] petition was filed in the Superior Court of New Jersey, Bergen Vicinage. N.J.S.A. 2C:52-3b states, in relevant part, that an individual convicted of a disorderly persons offense may "present an expungement application to the Superior Court in the county in which the conviction for the most recent disorderly persons or petty disorderly persons offense was adjudged...." Based upon the plain language of the statute, the proper venue for [REDACTED] application is Ocean County because that is the county in which his most recent conviction occurred.

The dismissal of [REDACTED] simple assault charge in Hackensack does not have any consequence to this matter. N.J.S.A. 2C:52-6b states, "[w]hen a person **did not apply for an expungement of an arrest or charge not resulting in a conviction** pursuant to subsection a. of this section, the person may...present a duly verified petition as provided in N.J.S.2C:52-7 to the Superior Court in the county in which the disposition occurred ..." (emphasis added). Here, [REDACTED] did apply for an expungement of a conviction of a disorderly persons offense that occurred in Ocean County. Therefore, it is procedurally improper for [REDACTED] expungement application to be heard in Bergen County because it is not the county in which the most recent conviction occurred.

Based upon the foregoing, the State respectfully requests that [REDACTED] application be dismissed without prejudice, allowing Mann to re-file his application in the proper venue.

Respectfully submitted,

Gurbir S. Grewal
Bergen County Prosecutor



Christine M. Caputo
Assistant Prosecutor

cc: Allan Marain, Esq.