JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY

By: Beatriz Valera-Schutz
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FILED
AUG 29
NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **ALAN L. MARCUS, D.C.** LICENSE NO. MC 1604 TO PRACTICE CHIROPRACTIC IN THE STATE OF NEW JERSEY	**Certification of** **BEATRIZ M. VALERA-SCHUTZ IN SUPPORT OF MOTION FOR LEAVE TO AMEND THE COMPLAINT AND FOR SUMMARY DECISION**

BEATRIZ VALERA-SCHUTZ, a Deputy Attorney General of the State of New Jersey, certifies as follows:

1. I am assigned to represent the Board of Chiropractic Examiners of the State of New Jersey ("the Board").

2. I am familiar with the circumstances of this matter.

3. An Order to Show Cause, including a Verified Administrative Complaint, was served upon Dr. Alan L. Marcus, respondent herein, on December 22, 1998.

4. When served with the Order to Show Cause, respondent agreed to a voluntary surrender of his license pending a hearing before the full Board on January 14, 1999.

5. Prior to the hearing, respondent agreed to the entry of an Order, dated January 14, 1999 voluntarily surrendering his license to practice chiropractic pending resolution of the criminal matter which had given rise to the allegations of the Verified Administrative Complaint.

6. On May 11, 1999 respondent was indicted for the acts cited in the Verified Administrative Complaint, as well as other acts specified in the indictment, by a Passaic County Grand Jury. (Indictment, Exhibit A annexed hereto.)

7. By way of motion for limited reinstatement filed August 10, 2000, respondent sought relief from the Order of Temporary Suspension. The motion was denied by the Board by Order filed October 13, 2000.

8. On or about April 2, 2001 respondent entered a plea of guilty to 6 of 11 charges of the indictment: 1 for Child Cruelty and Neglect, 4th degree, N.J.S. 9:6-3 (Indictment supplanted by Accusation), and 5 for criminal sexual contact, 4th degree, N.J.S. 2C:14-3B/2C:14-2c(1). (Plea Transcript, Waiver of Indictment, and Accusation, Exhibits B, C, and D annexed hereto.)

9. Count I of the Verified Complaint corresponds to Count 9 of the Indictment; Count II to Counts 2, 4, 5, and 10 of the Indictment

supplanted by Accusation; Count III to Count 8; Count IV to Count 7, and Count V to Count 6.

10. Count VI of the proposed Amended Complaint, regarding patient S.W., is being added as it is consistent with Count 11 of the Indictment and respondent's plea agreement and conviction.

11. On May 25, 2001, pursuant to his plea of April 2, 2001, respondent was sentenced to 4 years probation during which he is not to practice chiropractic, with a 180 day confinement in the Passaic County Jail. (Sentencing Transcript and Judgment of Conviction and Order for Commitment, Exhibits E and F annexed hereto.)

I understand that if any of the above statements is willfully false, I am subject to punishment.

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY

By: Beatriz Valera-Schutz
Beatriz Valera-Schutz
Deputy Attorney General

Dated: August 29, 2001

A

Rec'd & Filed
MAY 1 1 1999
Passaic County Superior Court
Crim. Div. Manager Office

NEW JERSEY SUPERIOR COURT
PASSAIC COUNTY
LAW DIVISION
(CRIMINAL)

THE STATE OF NEW JERSEY	)	Indictment No. 99 05 0459 I
v.	)	SEXUAL ASSAULT (Second Degree) (4)
ALAN MARCUS,	)	ENDANGERING THE WELFARE OF A CHILD (Third Degree)
	)	CRIMINAL SEXUAL CONTACT (Fourth Degree) (6)

The Grand Jurors of the State of New Jersey for the County of Passaic upon their oath present that Alan Marcus, on or about the 4th day of December 1998 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did commit an act or acts of sexual assault upon J.B., by committing an act of sexual penetration through the use of force or coercion, with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

COUNT 2

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, beginning on or about March 1996 and continuing from that time until December 1996 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did commit an act or acts of sexual assault upon N.T., by committing an act of sexual penetration through the use of force or coercion, with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

COUNT 3

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, on or about October 1997 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did commit an act or acts of sexual assault upon S.W., by committing an act of sexual penetration through the use of force or coercion, with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

COUNT 4

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, beginning on or about March 1996 and continuing from that time until December 1996 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did commit an act or acts of sexual assault upon N.T., by committing an act of sexual penetration, with the victim being at least 13 but less than 16 years old and the actor is at least four years older than the victim, contrary to the provisions of N.J.S. 2C:14-2c.(4) and against the peace of this State, the Government and dignity of same.

COUNT 5

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, beginning on or about March 1996 and continuing from that time until December 1996 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did endanger the welfare of N.T., a child less than 16 years of age, by engaging in sexual conduct with this child such as would impair or debauch the morals of N.T., contrary to the provisions of N.J.S. 2C:24-4 and against the peace of this State, the Government and dignity of same.

COUNT 6

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, on or about the 2nd day of September 1998 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did by force or coercion commit an act of criminal sexual contact upon B.J.S., by intentionally touching her intimate parts with the purpose to sexually arouse or gratify himself or to degrade or humiliate B.J.S., and with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-3b under circumstances set forth in N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

COUNT 7

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, beginning on or about February 1998 and continuing from that time until March 1998 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did by force or coercion commit an act of criminal sexual contact upon K.R., by intentionally touching her intimate parts with the purpose to sexually arouse or gratify himself or to degrade or humiliate K.R., and with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-3b under circumstances set forth in N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

COUNT 8

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, on or about 1996 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did by force or coercion commit an act of criminal sexual contact upon E.L., by intentionally touching her intimate parts with the purpose to sexually arouse or gratify himself or to degrade or humiliate E.L., and with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-3b under circumstances set forth in N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

COUNT 9

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, on or about the 4th day of December 1998 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did by force or coercion commit an act of criminal sexual contact upon J.B., by intentionally touching her intimate parts with the purpose to sexually arouse or gratify himself or to degrade or humiliate J.B., and with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-3b under circumstances set forth in N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

COUNT 10

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, beginning on or about March 1996 and continuing from that time until December 1996 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did by force or coercion commit an act of criminal sexual contact upon N.T., by intentionally touching her intimate parts with the purpose to sexually arouse or gratify himself or to degrade or humiliate N.T., and with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-3b under circumstances set forth in N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

COUNT 11

And the Grand Jurors aforesaid, upon their oath, do further present that Alan Marcus, on or about October 1997 in the City of Clifton in the County of Passaic and within the jurisdiction of this Court, did by force or coercion commit an act of criminal sexual contact upon S.W., by intentionally touching her intimate parts with the purpose to sexually arouse or gratify himself or to degrade or humiliate S.W., and with the victim sustaining no severe personal injury, contrary to the provisions of N.J.S. 2C:14-3b under circumstances set forth in N.J.S. 2C:14-2c.(1) and against the peace of this State, the Government and dignity of same.

RONALD S. FAVA
PASSAIC COUNTY PROSECUTOR

Endorsed: A TRUE BILL

BY Joseph A. Del Russo
JOSEPH A. DEL RUSSO, ASSISTANT PROSECUTOR

William J. Ramsden
WILLIAM J. RAMSDEN, FOREPERSON

Prosecutor's Docket No. 98-6703 Municipal Docket No. 363803A 1st
363804A 2nd
GJA 3rd
GJA 4th
GJA 5th
2096 6th
363801 7th
363802 8th
363803B 9th
363804B 10th
GJA 11th

Richard M. Centanni
8-16-8

Exhibit B

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CRIMINAL PART
PASSAIC COUNTY
IND. NO. 99-05-0459

STATE OF NEW JERSEY,	)	STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS Sentence
vs.	)	
ALAN MARCUS	)	
Defendant	)	

Place: Passaic County Courthouse
77 Hamilton Street
Paterson, New Jersey
07505

Date: MAY 25, 2001

BEFORE:

HON. RONALD B. SOKALSKI, J.S.C.

TRANSCRIPT ORDERED BY:

Budd Larner

APPEARANCES:

JOSEPH DEL RUSSO, ESQ.
Assistant Prosecutor for the County of Passaic
Attorney for the State.

KALMAN GEIST, ESQ.
Attorney for the Defendant.

COMPUTER AIDED TRANSCRIPT
KATHLEEN P. SABINO, C.S.R.
Official Court Reporter
Passaic County Courthouse
77 Hamilton Street
Paterson, New Jersey

THE COURT: Alan Marcus

MR. GEIST: Thank you, Judge, we are ready.

THE COURT: We'll do that. This is State versus Alan Marcus. Counsel, place their appearance on record.

MR. DEL RUSSO: Good morning, Judge, Joseph Del Russo, for the State of New Jersey.

MR. GEIST: Good morning, your Honor, I'm Kalman Geist, appearing for Alan Marcus.

THE COURT: One thing I would like to do is I read Doctor Witt's report and Mr. Geist, I'd like to be certain that Doctor Marcus is reaffirming his guilt here. Doctor Marcus, you're pleading guilty to these charges?

THE DEFENDANT: Yes, sir.

THE COURT: You pled guilty before me on April 2nd, 2001. I've read Doctor Witt's report and my concern is simply there is a certain amount of minimization in that report but I want to be certain that you are pleading guilty, that you are guilty of the charges against you; you're pleading guilty to those?

THE DEFENDANT: Yes, your Honor.

THE COURT: Any comments on the presentence report, Mr. Geist?

MR. GEIST: I acknowledge receipt of it. I've reviewed it. My client has reviewed it. It appears to be accurate.

THE COURT: I'll hear you as to sentencing.

MR. GEIST: May it please the Court, as you know, you are sentencing a first offender who is 49 years old, who takes very seriously his sentence.

Your Honor had occasion to review Doctor Silverman's report today. At the suggestion of Philip Witt who evaluated Doctor Marcus, it was suggested, I'm sorry, I need a minute.

THE COURT: Sure.

MR. GEIST: My allergies decided to kick in.

As I was saying, please excuse me, Philip Witt recommended some intervention and Doctor Marcus sought out Howard Silverman. You have the report. I showed it to counsel. Their first contact was on April 12th of this year on the referral from Philip Witt and it's for the purpose of providing suitable and specific treatment with regard to this matter. And my client is already gone there for six sessions.

And I think that suggests that he does take very seriously this plea. He does take very seriously the behavior that brings him here, and he does take very seriously a commitment to resolving this, in a way

that is so much more appropriate than incarceration.

He didn't do it because I told him to do it. We didn't discuss it. I don't think I had received Philip Witt's report at the time of his first appointment with Doctor Silverman and, in fact, I first learned of Doctor Silverman when I got his letter.

So Doctor Marcus has done a lot of things that we don't expect the average defendant to do. I guess it could be said that he did it in preparation for sentence but it wasn't necessary and it wasn't going to effect your Honor's accepting this plea or going ahead with this sentence. It suggests that he will go the extra distance to see that he's never here again.

There are a lot of people, who, by their presence, attest to the fact that Doctor Marcus has led an exemplary life but for the charges which he's answering for today. He is truly contrite. It's his first offense. He's not a child. He has admitted his guilt and I think saved this court and the Prosecutor's Office a tremendous expenditure of time and money which might very well have not been properly spent.

This was a case I think that was very winable but he wanted to admit his guilt and he has and he's here to pay his debt.

1 I would just ask you to consider whether the
2 full pound of flesh is appropriate. The sentence is up
3 to hundred eighty days in Passaic County Jail and it
4 seems to me with someone like Doctor Marcus that it
5 might be appropriate for you to depart somewhat from
6 that sentence, because of his honesty, because of his
7 accepting guilt, because of his beginning therapy when
8 no one ordered it, because of all the people who by
9 their presence show that he really has done a lot of
10 wonderful things in the course of his life.
11 We ask your Honor to temper justice with
12 mercy.
13 Thank you, sir.
14 THE COURT: Thank you, Mr. Geist. Doctor
15 Marcus, anything you wish to say? You have a right to
16 speak, if you wish to say something.
17 THE DEFENDANT: I'm here to accept
18 responsibility for my shortcomings, my guilt, for my
19 lack of my inappropriate behavior.
20 I have a wonderful support group, my family,
21 my fiance, fifteen year old son, who I must continue to
22 pay child support for, whose mother, my ex-wife is in
23 financial destitute. I'm concerned about his welfare.
24 Currently having a job with the full support
25 of my employer, knowing full well of my charges and my

1 sentencing, stands behind me, continues to maintain
2 that job and I'd like to have the opportunity to...
3 and I'm rambling, maybe I'm taking this out of context.
4 THE COURT: No, you're not rambling.
5 THE DEFENDANT: To continue to support him.
6 June 1st, he's having major surgery on his jaw for a
7 tumor. I won't be able to be there with him.
8 And I've done some good things in my life
9 but, obviously, I'm here because I've done perhaps some
10 things I shouldn't have done. I'm sorry for those,
11 And would like to have the opportunity to
12 continue, if possible, with your Honor's mercy,
13 reconstructive therapy with Doctor Silverman. For
14 whatever it's worth, you have my word that I will
15 maintain progress.
16 I would like to have the opportunity to be
17 under perhaps intensive probation supervision where I
18 can be watched and monitored, to make sure that my
19 progress is ongoing, if that's a possibility. If your
20 Honor or Mr. DelRusso would consider that, and maintain
21 the therapy.
22 I've paid a lot up until now by having lost
23 my license and not practicing chiropractic again. I'm
24 financially destitute and I also recognize that I'm not
25 the only person who has suffered, that perhaps some of

1 the women who have been victim of this crime also have
2 an emotional price to pay and that's why Mr. Silverman
3 is engaging with reconstructive psychological
4 counseling with me, so that I can learn from my
5 mistakes and become a more effective citizen.
6 I plead dearly and I would respectfully hope
7 and submit and pray that you would consider some type
8 of leniency or mercy on my behalf.
9 I don't know what else to say, your Honor.
10 THE COURT: Thank you, Doctor Marcus.
11 The State, Mr. DelRusso, I'll hear from you.
12 MR. DEL RUSSO: Judge, we read the
13 presentence report and the Adult Diagnostic and
14 Treatment Report and I reviewed the police reports in
15 this matter and also your Honor's opinion in the 404B
16 hearings in this matter and I'd ask your Honor to
17 accept the plea.
18 The plea is probation with up to one hundred
19 eighty days in the Passaic County Jail, without
20 prejudice to any civil lawsuit.
21 We received the sex offender evaluation from
22 Doctor Witt.
23 As I stand here today and listen to Mr.
24 Marcus' comments to your Honor and read Doctor Witt's
25 report, at least I can see some consciousness of

1 accepting responsibility, certainly there continues to
2 be some degree of minimization of his responsibility
3 and culpability but there are some seeds of accepting
4 criminal responsibility and we ask for no more when we
5 asked for a factual basis and we certainly ask for no
6 more when somebody enters therapy.
7 I want your Honor to take into account that
8 Mr. Marcus has a long way to go to, I think,
9 understanding and gaining insight into what happened in
10 this case. That's the other side of it.
11 The State saved a lot of time and expense and
12 the Court did and the defendant did in this case but
13 the issue we were most concerned with were the
14 emotional consequences, the emotional consequences this
15 trial.
16 This would have involved six additional women
17 testifying additional to the original seven who were
18 part of the 404B hearing. And for the record, Judge,
19 we were primarily motivated by those costs, those
20 consequences and that is having to bring these women in
21 and subject them to cross-examination. I mean,
22 clearly, it was a case that it could have gone either
23 way. And I address the comment that Mr. Geist made.
24 These kinds of cases remind me of the
25 practice of law, where there's something that,

1 fundamental to the practice of law when you're in
2 private practice and that is you are entrusted with
3 clients' funds. And there is a bright line rule, if
4 you misappropriate or betray the use of those funds
5 with your clients there is a bright line rule that you
6 loose your license.
7 Similarly physicians, chiropractors are
8 entrusted with the care for people and people's bodies.
9 These people go there. They trust them. They expect
10 that they're going to be treated honorably. They
11 expect they're going to get care and become well,
12 perhaps after treatment. They don't expect to be
13 sexually touched. They don't expect to be exploited.
14 And I think this much as being entrusted with
15 someone's monies cuts to the heart of the practice of
16 the civil attorney, so does being entrusted with
17 someone's body by a doctor cut to the heart of the
18 fundamental relationship between doctor and patient,
19 chiropractor and patient. And he exploited that and
20 took advantage of it and I think we have to recognize
21 that here today.
22 Certainly this is his first offense.
23 Certainly he's led a law-abiding life. But these
24 offense only happen in a particular context and that is
25 the context of doctor and patient.

1 One of the things that Doctor Witt points out
2 when he did his evaluation and assessed the defendant's
3 risk is that while he falls in the moderate range of
4 risk of recidivism, Doctor Witt writes in this case
5 there is no reported history of him seeking victims out
6 of his chiropractic practice, so it would appear that
7 those most at risk are those for whom he's providing
8 professional chiropractic service, over whom he has
9 some physical control and who are frequently in some
10 state of undress.
11 I think that's important in recognizing when
12 you look at whether you should accept the plea here.
13 While he found him to be in the moderate risk range,
14 the pool of victims can only come from those in his
15 practice. There is no evidence that he had sought out
16 victims of any other type.
17 So I ask your Honor to consider that in
18 accepting this plea.
19 This Doctor Silverman, Judge, I don't know
20 who he is. I don't know where he came from. The
21 expectation was that the defendant would see Doctor
22 Witt or one of the other doctors consistent with the
23 sex offender specific evaluation--
24 MR. GEIST: I don't want to interrupt but it
25 appears he was referred by Doctor Witt. Is that in the

1 report?
2 MR. DEL RUSSO: I know it says that but you
3 said in your comments that he started seeing him before
4 went to Doctor Witt.
5 MR. GEIST: No, no, I don't think I said
6 that. I said he started seeing him even before I was
7 aware of his existence. I didn't mean to interrupt but
8 I thought perhaps Mr. DelRusso missed that.
9 THE COURT: It is a significant factor. I
10 was going to ask you the same question, by the way, Mr.
11 Geist. But be that as it may, Mr. DelRusso.
12 MR. DEL RUSSO: If Doctor Witt referred him
13 there then I have a great degree of confidence in this
14 Doctor Silverman. I just want to make sure that Doctor
15 Silverman has the discovery and I'm going to ask your
16 Honor to order us to send Doctor Silverman the
17 discovery and I will also ask Doctor Silverman for a
18 copy of his CV.
19 Judge, I'm going to ask you to impose one
20 hundred eighty days in the Passaic County Jail, to have
21 Doctor Silverman submit a report to this court in one
22 year, and to the Probation Department and to the State
23 of New Jersey. I'm not asking that we review it one
24 year but any party can ask for a review. I'd like to
25 see how he's doing there and I think Doctor Silverman

1 should follow the recommendation of Doctor Witt,
2 specifically, recommendation number three and that's
3 sex offender treatment group.
4 I think if Doctor Witt were here today and
5 even though he isn't, he's here through by virtue of
6 his report, that it is critical that this defendant not
7 only participate in the individual psychotherapy but in
8 group therapy as well. So, I want to make sure that
9 Doctor Silverman integrates group therapy into his
10 individual therapy.
11 The last thing is, Judge, that the defendant
12 is ordered to cooperate with the State's chiropractic
13 tick board and that the defendant be prohibited from
14 practicing any chiropractic during his term of
15 probation.
16 No other comments, Judge, other than to ask
17 your Honor to accept the plea and sentence the
18 defendant to hundred eighty days in the county jail.
19 THE COURT: Okay. All right. Again, I'm
20 familiar with the case. I had the opportunity here to
21 conduct a hearing with respect to seven other victims
22 which took place over a number of days, I can't recall,
23 three-four days, maybe more.
24 And I've also read the presentence report. I
25 reviewed Doctor Witt's report. Mr. Geist showed me

1 Doctor Silverman's report which I looked at before I
2 came out on the bench.
3 And in assessing aggravating and mitigating
4 factors, what the court must do in imposing a sentence,
5 I find number three as an aggravating factor. I think
6 there is a risk that Doctor Marcus will commit another
7 offense. The indictment here involves illegal sexual
8 behavior with six victims during the years 1967 through
9 1968. Again, all were chiropractic patients. There
10 also were seven other women --.
11 MR. DEL RUSSO: Judge, 1968.
12 THE COURT: 1996, I misspoke. 1996 to 1998.
13 And there also are seven other women who were the
14 subject of a court hearing to determine whether they
15 would be allowed to testify in this case. And some of
16 these, again it's a similar type of situation. They
17 were all patients of Doctor Marcus. All encountered
18 the illegal sexual behavior. Some go back maybe close
19 to fifteen years now, from the day here.
20 I heard the motion and my ruling was that I
21 was satisfied that these acts did take place. I had no
22 problem with that whatsoever. I ruled that they could
23 not testify because I think that the testimony would
24 have been overwhelming as far as the prejudiciality is
25 concerned. So I ruled that they would not be permitted

1 to testify.
2 However, I'm satisfied that these acts did
3 take place. Also Doctor Witt's report, I reviewed
4 Doctor Witt's report. And as I said at the beginning,
5 I was concerned there is a certain amount of
6 minimization by Doctor Marcus but this is not uncommon
7 in situations like this.
8 I'm satisfied that these acts did take place.
9 Doctor Witt does indicate, he says it's a factual
10 situation which he can't determine but he says all the
11 number of victims here there must be something there,
12 basically that's what his conclusion is. He does
13 recommend sex offender treatment.
14 So I'm satisfied here that there is a risk
15 that the defendant will commit another offense.
16 I find number 9, deterrence, as an
17 aggravating factor, in that the defendant took
18 advantage of his female patients. Again they did put
19 their trust in him as their chiropractor, as their
20 physician. I think most of us today do. We do hope
21 physicians, chiropractors, to a certain level, they do
22 have a great amount of respect in the community and
23 when most people go to a doctor or chiropractor they
24 rely upon that individual. Whatever that individual
25 recommends most people listen to. It's a very, very

1 serious relationship of trust between a doctor and that
2 doctor's patient here.
3 Here I'm satisfied that the defendant must be
4 deterred from engaging in conduct of this type of
5 nature.
6 I'm also satisfied that the victims here have
7 been effected emotionally by having to be submitted to
8 these touchings. I did not hear from the six who were
9 the-- who are in the indictment. However, I did hear
10 from the seven during the hearing, so find number 9 as
11 an aggravating factor.
12 I find mitigating factor number 10 in place
13 here. I think Doctor Marcus is amenable to probation.
14 Again, the purpose of probation is really counseling to
15 rectify the situation. And I do note also that Doctor
16 Marcus has voluntarily submitted himself to therapy, as
17 Mr. Geist points out. Doctor Witt did recommend he see
18 that doctor.
19 I also find number 12, in that Doctor Marcus
20 has pled guilty. By pleading guilty, again, as the
21 prosecutor points out, cases of this nature it's always
22 a factor to be considered, the impact upon a victim
23 having to come to court, subjected to
24 cross-examination, going through the rigors of a trial.
25 I factor that in.

1 I also factor in the time factor that's
2 involved in a case of this nature. So I find number 12
3 here, although qualitatively I'm satisfied the
4 aggravating factors outweigh the mitigating factors.
5 I'm going to place the defendant on probation
6 for a period of four years.
7 MR. GEIST: I didn't hear you, I'm sorry.
8 THE COURT: Four years' probation. This is
9 on count six, count six of the indictment. Period will
10 be a period of four years.
11 I am going to sentence Doctor Marcus to the
12 full one hundred eighty days Passaic County Jail. It's
13 very hard to arrive at a sentence on the day of
14 sentencing. It's not a day I look forward to. I do it
15 every Friday and I think about these cases before I
16 sentence anyone and putting a person in jail is a very,
17 very serious matter. They're all different types of
18 crimes, there is all types of different individuals I
19 deal with.
20 I do know that I'm satisfied that Doctor
21 Marcus today is remorseful. I believe it's genuine. I
22 really do today. He is seeking some therapy now and
23 maybe the therapy is having that effect. However, my
24 concern is the victims here, the number of victims.
25 I'm aware of thirteen of them and I'm also aware of the

1 emotional trauma that these victims have sustained as a
2 result. And that's a prime factor in my sentencing.
3 Deterrence is in order here, not only as far
4 as Doctor Marcus being deterred, because maybe he may
5 not be ever allowed to practice chiropractic in the
6 future but my concern is that women, in general, should
7 not have to be afraid of their doctors. Not have to be
8 concerned that the doctor is going to illicitly touch
9 them somehow or do something that's inappropriate in a
10 sexual nature, when that woman is relying upon that
11 doctor.
12 So, there is a certain significance in the
13 so-called sending a message that this cannot be
14 tolerated from physicians, just as Mr. DelRusso pointed
15 out, it cannot be tolerated from attorneys when they
16 take a client's money, because a client has tremendous
17 confidence in that attorney. They gave that attorney
18 sometimes their life's savings and that has to be
19 deterred also.
20 Being a professional person in a sense, in
21 terms of being a doctor or a lawyer, has many
22 privileges, as far as I guess prestige, generally a
23 ability to earn a good income, prestige in the
24 community. However, it carries obligations which far
25 outweigh and I think when either a doctor or lawyer

1 stray from those obligations whereby either the client
2 or the victim are very seriously effected something has
3 to be done to deter that so it doesn't continue in the
4 future and that's the reason for the sentence of
5 hundred eighty days.
6 You're entitled to one day jail credit.
7 There's some additional terms of probation. Number
8 two, I am going to apply drug and alcohol rules. I
9 heard the testimony of the seven prior victims. I also
10 read the report of the six in the indictment. I'm
11 satisfied that drug and alcohol did play a part at some
12 time in the situation, so I'm going to apply drug and
13 alcohol rules.
14 I will also order that Doctor Marcus not
15 operate any chiropractic practice during the
16 probationary period and he also cooperate with them as
17 part of the plea offer.
18 I'll order no victim contact.
19 And the final condition of probation is that
20 he participate in and complete the sex offender
21 treatment as recommended by Doctor Witt, which is
22 relapse prevention training, victim empathy and sex
23 offender treatment group. Doctor Silverman, I saw the
24 report from Mr. Geist this morning. Mr. Geist pointed
25 out that Doctor Witt did recommend Doctor Silverman. I

1 don't know Doctor Silverman either but I have no
2 objection to Doctor Silverman treating Doctor Marcus
3 provided that it is acceptable to probation. I simply
4 don't know. Someone can check that out and if they're
5 satisfied, I'm satisfied also. I also have no
6 objection to this being transferred I believe to
7 Mommouth County. I have no problem with that probation
8 going down to Mommouth County on this either.
9 There's some mandatory assessments here.
10 This is count six, fifty dollar V.C.C.B, seventy-five
11 dollar Safe Neighborhood, thirty dollar LEOPA,
12 fifteen dollar Supervision Fee.
13 Now counts seven, eight, nine and eleven of
14 the indictment as well as the accusation, the sentence
15 is the same on each. Each to run concurrent. However,
16 the remaining counts only have a separate fifty dollar
17 VCCB and seventy-five dollar Safe Neighborhood Service.
18 There's only one supervision fee and one LEOPA.
19 You have the right of appeal. You can appeal
20 this sentence. You must do so within forty-five days.
21 If you cannot afford an attorney one will be appointed
22 to represent you free of charge.
23 Doctor, what's important is you are on
24 probation for a period of four years. There is a
25 series of fourth degrees crimes here. Each carry

1 eighteen months imprisonment. Theoretically, it could
2 be somewhere up to ten years eight months if they were
3 run consecutive.
4 And by that I mean, if you violate probation
5 and come back before the court for sentencing and
6 you're sentenced within the confines of the crime but
7 the sentencing range there is a series of fourth degree
8 crimes which would total ten point some odd years.
9 Again, you most likely would never receive
10 that. It would be in terms of a lesser amount, however
11 though, again, you're subjected to being sentenced if
12 you violate probation. I'm not not saying you will but
13 I have that obligation to advise you of that situation.
14 Again, you do have the right of appeal and
15 you can appeal this within forty-five days. If you
16 cannot afford an attorney one will be appointed to
17 represent you free of charge.
18 And Mr. DelRusso, I believe there's some
19 dismissals here.
20 MR. DEL RUSSO: Yes, Judge. Judge, I don't
21 know whether you addressed this specifically or not,
22 can we get a progress report in a year from the doctor.
23 THE COURT: Oh, yes, I'm sorry. It slipped
24 my mind. I would want a progress report, not a review
25 hearing, I just would like a report, how about nine

1 months. All right. Nine months should be sufficient.
2 Just a report. And then I could decide from there
3 where we're going on the thing.
4 All right. Are there some dismissals now?
5 MR. DEL RUSSO: Yes, Judge.
6 MR. GEIST: Does your Honor deal with
7 statistical data or is that only in county jail time
8 cases.
9 THE COURT: The public information statement
10 is only required with a state term. Doesn't deal here.
11 Here you're simply concerned with the right of appeal
12 as well as the possibility of being sentenced if you
13 violate probation.
14 Mr. DelRusso.
15 MR. DEL RUSSO: Yes, Judge, consistent with
16 our agreement, please dismiss count one, two, three,
17 four, five and count ten of indictment 99-05-0459.
18 THE COURT: So dismissed. Gentlemen, thank
19 you. Doctor Marcus, good luck.
20 THE DEFENDANT: Thank you, sir.
21
22
23
24
25

1
2
3 CERTIFICATION
4
5
6 I, KATHLEEN P. SABINO, C.S.R., License Number
7 XI00900, an Official Court Reporter in and for the
8 State of New Jersey, do hereby certify the foregoing to
9 be prepared in full compliance with the current
10 Transcript Format for Judicial Proceedings and is a
11 true and accurate non-compressed transcript to the best
12 of my knowledge and ability.
13
14 Kathleen Sabino 7/10/01
15 Official Court Reporter Date
16
17 Passaic County Courthouse
18
19
20
21
22
23
24
25

Exhibit C

BORIS MOCZULA
DEPUTY ATTORNEY GENERAL
PASSAIC COUNTY PROSECUTOR'S OFFICE
ADMINISTRATION BUILDING
401 GRAND STREET
PATERSON, NEW JERSEY 07505
(973) 881-4800

SUPERIOR COURT OF NEW JERSEY
PASSAIC COUNTY - LAW DIVISION
(Criminal)

THE STATE OF NEW JERSEY,

V.

ALAN MARCUS,

Defendant.

WAIVER OF INDICTMENT

Accusation No. 01 03 0218 A
Docket No. 98-6703

Alan Marcus, the above-named defendant, who is charged with Child Cruelty and Neglect of a Child (Fourth Degree), in violation of N.J.S.A. 9:6-3, being advised of the nature of the charge against him and of his right to Grand Jury presentation to determine whether an indictment should be returned, hereby waives his right to such Grand Jury presentation and authorizes the Passaic County Prosecutor's Office to draw the Accusation.

Dated in Paterson, New Jersey, the day of March, 2001.

Alan Marcus

Signed and delivered
in the presence of

Kalman Harris Geist, Esq.
Attorney for Defendant

Approved:

Honorable Ronald B. Sokalski, J.S.C.

Reported by:

FOR: BORIS MOCZULA
DEPUTY ATTORNEY GENERAL

Exhibit D

BORIS MOCZULA
DEPUTY ATTORNEY GENERAL
PASSAIC COUNTY PROSECUTOR'S OFFICE
ADMINISTRATION BUILDING
401 GRAND STREET
PATERSON, NEW JERSEY 07505
(973) 881-4800

Rec'd & Filed
Office of the Superior Court Clerk by
MAR 23 2001
Deputy Clerk of the Superior Court
Passaic County

001

SUPERIOR COURT OF NEW JERSEY
PASSAIC COUNTY - LAW DIVISION
(Criminal)

THE STATE OF NEW JERSEY,

V.

ALAN MARCUS,

Defendant.

ACCUSATION

01 - 03 0218 A

Alan Marcus, having been charged upon oath, before a Judge in the said County of Passaic with Child Cruelty and Neglect of a Child (Fourth Degree), and having in writing addressed to the County Prosecutor, waived indictment and trial by jury and requested to be tried upon said charge by the Court, and said request having been duly reported and granted;

The County Prosecutor of the said County of Passaic ALLEGES that the said Alan Marcus, from March of 1996 to and through December of 1996, in the City of ~~Paterson~~ Clifton, in the County aforesaid, and within the jurisdiction of this Court, did commit an act or acts of sexual abuse upon N.T., a child less than ~~16~~ 18 years of age, contrary to the provisions of N.J.S.A. 9:6-3, and against the peace of this State, the Government and dignity of the same.

FOR: BORIS MOCZULA
DEPUTY ATTORNEY GENERAL

Dated: March 23, 2001

Prosecutor's Docket No. 98-6703

[illegible] THAT THE PROCEEDING IS A [illegible]

Richard M. Centanni
8-16-01

Exhibit E

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2001 AUG 13 AM 9:32

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CRIMINAL PART
PASSAIC COUNTY
INDICTMENT NO. 99-05-0459-I &
ACCUSATION NO. 01-03-0218-A

STATE OF NEW JERSEY,

vs.

ALAN MARCUS,

Defendant.

TRANSCRIPT
OF
PLEA

Place: Passaic County Courthouse
77 Hamilton Street
Paterson, New Jersey 07505

Date: Monday, April 2, 2001

B E F O R E:

HONORABLE RONALD B. SOKALSKI, J.S.C.

TRANSCRIPT ORDERED BY:

BEATRIZ VALERA-SCHUTZ, ESQ., Deputy Attorney General

A P P E A R A N C E S:

JOSEPH A. DEL RUSSO, ESQ., Assistant Pros., Passaic County
Attorney for the State.

KALMAN H. GEIST, ESQ.
Attorney for the Defendant.

IRENE M. HAYES, CSR, RMR, CRR
Official Court Reporter
Passaic County Courthouse
77 Hamilton Street
Paterson, New Jersey

1 THE COURT: All right. This is Alan Marcus.
2 Counsel please place their appearances on the record.
3 MR. GEIST: Good morning, your Honor. I'm
4 Kalman Geist and I represent Alan Marcus.
5 MR. DEL RUSSO: Good afternoon. Joe Del
6 Russo, Assistant Prosecutor, for the State.
7 THE COURT: Good afternoon, everyone.
8 I see there's an accusation here.
9 MR. GEIST: Good morning, too. Good morning
10 and good afternoon.
11 THE COURT: Totally understandable.
12 Mr. Del Russo, can you arraign Dr. Marcus on
13 the indictment?
14 MR. DEL RUSSO: Yes, Judge.
15 THE COURT: And then put the terms of the
16 plea offer on the record.
17 MR. DEL RUSSO: On the accusation?
18 THE COURT: I am sorry, on the accusation.
19 It's been a long day.
20 MR. DEL RUSSO: Yes.
21 Your full name is Alan Marcus, is that
22 correct.
23 THE DEFENDANT: Yes, sir.
24 MR. DEL RUSSO: A-l-a-n?
25 THE DEFENDANT: Yes, sir.

1 MR. DEL RUSSO: And where do you presently
2 live, Mr. Marcus?
3 THE DEFENDANT: Lawrence Harbor, New Jersey.
4 MR. DEL RUSSO: Your full address?
5 THE DEFENDANT: 25C, as in cat, Matawan Road,
6 Lawrence Harbor, New Jersey.
7 MR. DEL RUSSO: Your social security number?
8 THE DEFENDANT: 081-40-8194.
9 MR. DEL RUSSO: And what is your date of
10 birth?
11 THE DEFENDANT: 11/22/51.
12 MR. DEL RUSSO: Mr. Geist has a copy of
13 something called an accusation, 01-03-0218-A. He's
14 showing it to you now. Do you acknowledge reviewing
15 this accusation earlier today and waive a reading of
16 it?
17 THE DEFENDANT: Yes, sir.
18 MR. DEL RUSSO: Judge, it's my understanding
19 that Mr. Marcus is going to plead guilty to a number of
20 counts of Indictment 99-05-0459. In return for his
21 plea -- in return for his pleas of guilty, we will move
22 to dismiss certain counts of that indictment, as well.
23 Included among the counts for which he will plead
24 guilty are counts six, seven, eight, nine and eleven of
25 the aforementioned indictment. They all allege fourth

1 degree criminal sexual contact.

2 The last crime for which Mr. Marcus will

3 plead guilty is embodied in Accusation 01-03-0218.

4 So to recap, he would be pleading guilty to

5 counts six, seven, eight, nine and eleven of 99-05-0459

6 which is the original indictment in this case, and the

7 additional count contained in Accusation 01-03-0218.

8 They are all fourth degree offenses. We are going to

9 recommend that they run concurrently with each other.

10 Mr. Marcus will be facing a sentence at the

11 Passaic County Jail of no greater than 180 days as a

12 condition of probation which could be anywhere up to

13 five years.

14 Mr. Marcus also agrees, Judge Sokalski, that,

15 consistent with the last page attached to the L.R. 27

16 which is a white photocopy form entitled Supplemental

17 Plea Agreement with Sex Offender Specific Evaluation,

18 Mr. Marcus agrees that he will abide by the terms and

19 conditions of that document. In fact, he will explain,

20 during his voir dire on the L.R. 27, that he read it,

21 understands it and will cooperate and comply with the

22 document. And that includes setting up his own

23 evaluation with any one of the doctors -- it's my

24 understanding he has selected Dr. Phil Witt from

25 Somerville, New Jersey -- and making sure that that

1 doctor has all of the discovery, making sure that he is
2 consistent in his factual basis with that physician
3 and/or, in this case, a psychologist, and cooperate
4 fully and paying for that evaluation.
5 He also understands that he is barred from
6 the business of chiropracting, that he cannot practice
7 chiropracty, and that's contained in the L.R. 27,
8 during the term of probation. And with regard to any
9 practice after that, he will cooperate fully with the
10 Chiropractic Board.
11 We have also discussed the issue of civil
12 remedies. Some of the alleged victims in this case may
13 or may not have civil lawsuits pending or contemplate a
14 civil lawsuit. This plea is without prejudice one way
15 or the other to their civil remedies. No argument can
16 be made by the defense or the prosecutor that has any
17 impact whatsoever on their right to seek civil redress.
18 I think in this case those who have filed have filed
19 and those who haven't won't, but certainly we can't
20 take any message from this plea, and that includes
21 dismissal of counts and things to that effect.
22 One thing I want to mention that's part of
23 the Supplemental Plea Agreement, and I believe that Mr.
24 Geist can voir dire him on this issue, but I'm
25 confident that it's understood by the defendant it's a

1 part of our plea, if Dr. Witt comes back and his
2 opinion is that Mr. Marcus can't be treated or can't be
3 treated on an outpatient basis without presenting a
4 danger to the community, then all the plea in its
5 entirety can be revoked. We don't expect that in this
6 case, but it's certainly part of the Supplemental Plea
7 Agreement with Sex Offender Specific Evaluation.
8 We reserve all rights not specifically waived
9 by virtue of this plea agreement.
10 MR. GEIST: May we approach off the record?
11 THE COURT: Yes.
12 (A side bar discussion was held off the
13 record.)
14 MR. GEIST: I concur in the representations
15 of counsel, your Honor. Additionally, your Honor has
16 indicated, and therefore it was not part of the plea
17 agreement, that it is not this court's custom to impose
18 fines in matters like this.
19 THE COURT: No, it's not. In fact, I very
20 rarely impose fines. There are certain types of cases
21 where I feel they are appropriate. In a case of this
22 nature, it would not be one of my concerns.
23 MR. GEIST: Thank you, Judge.
24 And finally --
25 THE COURT: My only concern is, and Mr. Del

1 Russo did allude to it before because it's something
2 that no one at this stage really knows, Dr. Marcus will
3 be evaluated by Dr. Witt, I believe, and there is the
4 possibility he may come back within the evaluation that
5 some type of inpatient treatment is needed. Now, I
6 know Dr. Marcus at this stage of the proceedings is not
7 contemplating that, neither are you, but if that does
8 come about, I think in all fairness it's something
9 we'll have to address at that point.
10 And as far as I'm concerned, if that is
11 required and it cannot be somehow -- it can't be worked
12 out, I think that either you or any other defendant
13 should have the right to take his plea back under the
14 circumstances.
15 MR. GEIST: Thank you.
16 THE COURT: I run into this on occasion and
17 that's how I generally handle this type of situation.
18 Correct, Mr. Del Russo?
19 MR. DEL RUSSO: Absolutely, Judge.
20 And there's a mutual right to take back the
21 plea. I mean either party.
22 THE COURT: Right. The State may feel, you
23 know, under these circumstances that simply it's not
24 appropriate. I also have the right to refuse the plea.
25 But if that does happen, again, it's my position that

1 let's try to work that out at that point when that
2 comes -- if it does come about.
3 MR. DEL RUSSO: Judge, just with regard to
4 the fines, so the record is clear, we take no position
5 on that except to make it clear that there are certain
6 fines that are mandatory.
7 THE COURT: Right. I call those assessments.
8 MR. DEL RUSSO: Assessments.
9 THE COURT: I have no discretion over those.
10 MR. GEIST: And the plea agreement deals with
11 those issues.
12 Finally, I discussed at side bar with counsel
13 and your Honor the issue of whether this -- these pleas
14 could be used at any civil proceeding, and your Honor
15 indicated that I would not be foreclosed from filing a
16 motion in that regard on notice to the victims named.
17 MR. DEL RUSSO: And to the Prosecutor's
18 Office, Judge.
19 MR. GEIST: Of course.
20 With that, may I voir dire my client?
21 THE COURT: Yes.
22 MR. DEL RUSSO: Well, let me speak to that
23 for a moment. We don't agree with that. We would
24 vigorously oppose that. And certainly, counsel can
25 file whatever motions he wants, but it's not part of

1 the plea. On behalf of the victims, we would oppose
2 it, and the victims can respond in their own way if
3 they are represented by counsel. But that's not
4 contemplated by this plea.
5 THE COURT: But the procedure for that to
6 come about, a motion has to be filed on notice to the
7 victims and then evidence has to be presented to a
8 court to establish good cause to, you know, to allow
9 that. And again, you are never foreclosed from doing
10 that and you have that right. You and the defendant.
11 MR. GEIST: Thank you.
12 Dr. Marcus, I show you a gold copy of a no
13 carbon required form that, in its original, had a white
14 face. Do you recall reviewing the three pages that I
15 displayed?
16 THE DEFENDANT: Yes.
17 MR. GEIST: And did we discuss each and every
18 question and did I circle the answers that you elected
19 to make?
20 THE DEFENDANT: Yes.
21 MR. GEIST: Did you initial the first page?
22 Actually you signed the first page, didn't
23 you?
24 THE DEFENDANT: Yes.
25 MR. GEIST: And did you initial the second

1 page?

2 THE DEFENDANT: Yes, sir.

3 MR. GEIST: And did you sign the third page?

4 THE DEFENDANT: Yes, sir.

5 MR. GEIST: And the signature purports to be

6 the signature of Alan Marcus on this copy. Was that

7 made by you after we discussed each and every question?

8 THE DEFENDANT: Yes.

9 MR. GEIST: Do you understand we are here

10 today to ask the judge to allow you to retract a plea

11 of not guilty that you originally entered with my

12 predecessor and permit you to enter a plea of guilty to

13 counts six, seven, eight, nine and ten of Indictment

14 99-05-0459-I --

15 MR. DEL RUSSO: Nine and eleven.

16 I'm sorry, Mr. Geist, it's nine and eleven.

17 MR. GEIST: Thank you for that correction.

18 -- and Accusation No. 01-03-0218?

19 It's agreed that's what we are here today, to

20 ask the judge to allow you to plead guilty to six,

21 seven, eight, nine and ten --

22 MR. DEL RUSSO: Eleven.

23 MR. GEIST: -- to the indictment?

24 THE COURT: It's --

25 MR. GEIST: And eleven?

1 MR. DEL RUSSO: It's eleven. Six, seven,
2 eight, nine and eleven.
3 MR. GEIST: Okay. And that's what I read.
4 Thank you.
5 Did you commit the offense to which you are
6 pleading guilty?
7 THE DEFENDANT: Yes.
8 MR. GEIST: And do you understand that before
9 the judge can find you guilty, you'll have to tell the
10 judge what you did that makes you guilty of these
11 offenses? You understand that, don't you?
12 THE DEFENDANT: Yes.
13 MR. GEIST: Count six of the indictment
14 charges that on September 2nd, 1998, in Clifton where
15 you had your practice, that you committed an act of
16 sexual contact upon B.J.S. and you know who that is,
17 don't you?
18 THE DEFENDANT: Yes, sir.
19 MR. GEIST: So that that person doesn't have
20 to have her name mentioned publicly.
21 And it says that you intentionally touched
22 her intimate parts, sexually aroused or gratifying
23 yourself or to degrade or humiliate B.J.S. Did you do
24 that?
25 THE DEFENDANT: Yes.

1 MR. GEIST: And did you do that to cause
2 sexual arousal in yourself or gratification in
3 yourself?
4 THE DEFENDANT: Yes.
5 MR. GEIST: And touching her in a manner that
6 you did, a vaginal touching, that was not the purpose
7 for which she was on the table and seeking treatment,
8 this was not medical treatment, was it?
9 THE DEFENDANT: Correct.
10 MR. GEIST: Does that satisfy the court and
11 counsel with regard to the factual basis for count six?
12 MR. DEL RUSSO: There are two issues, Mr.
13 Geist. One is B.J.S. is patient one. That was a case
14 where Mr. Marcus was --
15 MR. GEIST: Okay. Let me amend that.
16 B.J.S. is one of the people who claimed that
17 there was a touching of her hip or flank by your groin
18 area. That was the allegation in the discovery.
19 THE DEFENDANT: That's correct.
20 MR. GEIST: And is that what happened in that
21 case?
22 THE DEFENDANT: Yes.
23 MR. GEIST: Okay. And the reason for it was
24 the same, but there was no vaginal touching, there was
25 a touching of another part of her body with another

1 part of your body as we just described, correct?

2 THE DEFENDANT: Right.

3 MR. GEIST: And that wasn't done to give her

4 medical treatment, was it?

5 THE DEFENDANT: Correct.

6 MR. DEL RUSSO: So what you are telling us is

7 you rubbed your groin area on her hip or flank area for

8 your sexual satisfaction, is that right?

9 THE DEFENDANT: Did it also say to debauch or

10 demean?

11 Yes. Yes.

12 MR. GEIST: Count seven charges that February

13 '98 'til about March of '98, that there were acts of

14 criminal sexual contact upon K.R. Do you know who K.R.

15 is?

16 THE DEFENDANT: Yes, sir.

17 MR. GEIST: And that you intentionally

18 touched her intimate parts for vaginal touching to

19 arouse yourself sexually. Is that what happened on

20 that date in your medical office in your chiropractic

21 office with that person?

22 THE DEFENDANT: Yes.

23 MR. GEIST: And that touching amounted to a

24 sexual touching, it wasn't done for the purpose of

25 relieving the discomfort for which she came to see you

1 as a professional, agreed?

2 THE DEFENDANT: Correct.

3 MR. GEIST: Count eight charges, again at

4 your office, in or about 1996, that you engaged in

5 similar behavior with E.L. Do you know who that is?

6 THE DEFENDANT: Yes.

7 MR. GEIST: All right. And did you

8 intentionally touch her vaginally for the purpose of

9 sexually arousing or gratifying yourself?

10 THE DEFENDANT: Yes.

11 MR. GEIST: And you didn't do that for any

12 medical purpose, did you?

13 THE DEFENDANT: Correct.

14 MR. GEIST: Count nine alleges that on or

15 about December 4th, again at your office, with J.B. --

16 Do you know who that is?

17 THE DEFENDANT: Yes.

18 MR. GEIST: -- that you intentionally touched

19 her, that was a vaginal touching, for sexual purposes

20 to arouse yourself and gratify yourself. Is that

21 allegation true?

22 THE DEFENDANT: Correct.

23 MR. GEIST: You did that?

24 THE DEFENDANT: Correct.

25 MR. GEIST: And that was not in any way

1 connected to any medical treatment, agreed?

2 THE DEFENDANT: Correct.

3 MR. GEIST: Count eleven names S.W. Do you

4 know who that is?

5 THE DEFENDANT: Yes.

6 MR. GEIST: And it says that on October of

7 1997, at your office in Clifton, and it alleges that

8 you intentionally touched her vaginally to sexually

9 arouse or gratify yourself. Is that allegation true

10 as well?

11 THE DEFENDANT: Correct.

12 MR. GEIST: And this was in no way done for

13 medical treatment, agreed?

14 THE DEFENDANT: Correct.

15 MR. GEIST: Accusation 01-03-0218 alleges

16 that with regard to N.T. --

17 Excuse me. May I have a moment, Mr. Del

18 Russo?

19 March of '96 through December of '96, again

20 at your office, there was a similar touching of N.T.

21 which, because she was under the age of 18, constituted

22 a violation of the statute that is set forth in the

23 accusation, New Jersey Statute 9:6-3. Those

24 allegations are true, as well, is that correct?

25 THE DEFENDANT: Correct.

1 MR. GEIST: And do you know who that N.T.
2 refers to?
3 THE DEFENDANT: Yes.
4 MR. GEIST: And those touchings were not for
5 the purpose of rendering any medical treatment, were
6 they?
7 THE DEFENDANT: No.
8 MR. GEIST: They were done because of the
9 sexual connotation, agreed?
10 THE DEFENDANT: Yes.
11 MR. GEIST: Gratifying yourself sexually?
12 THE DEFENDANT: Yes.
13 MR. GEIST: Does that satisfy the court and
14 counsel with regard to the factual basis?
15 MR. DEL RUSSO: Just with regard to a couple
16 of the counts.
17 The last count, this N.T., you touched her in
18 her vaginal area, is that right? Her vagina?
19 THE DEFENDANT: Yes.
20 MR. DEL RUSSO: Okay. And in count seven,
21 just for the record, indicates February of 1998 with
22 K.R. I don't know if we put that date on the record.
23 Is that consistent with your recollection
24 with K.R., that particular patient? Do you dispute
25 that?

1 THE DEFENDANT: No, I don't dispute it.

2 MR. DEL RUSSO: Okay. So February of 1998 is
3 part of the factual basis.

4 And it's my understanding that all the counts
5 for which you pled guilty, other than count six which
6 was B.J.S., seven, eight, nine, eleven and the
7 accusation involved touching of the women's, and in one
8 case a child's, vaginal area, correct?

9 THE DEFENDANT: Correct.

10 MR. DEL RUSSO: I have nothing else, Judge.

11 MR. GEIST: Dr. Marcus, would you share with
12 the court the extent of your education?

13 THE DEFENDANT: Bachelors degree, Doctor of
14 Chiropractor.

15 MR. GEIST: And certainly you read and write
16 English, right?

17 THE DEFENDANT: Yes, sir.

18 MR. GEIST: And we have had an opportunity to
19 read and go over the L.R. 27 and the Supplemental Plea
20 Agreement that's annexed thereto, agreed?

21 THE DEFENDANT: Yes.

22 MR. GEIST: In fact, we have had the
23 Supplemental Plea Agreement for sometime because Mr.
24 Del Russo gave it to us for our perusal, agreed?

25 THE DEFENDANT: Agreed.

1 MR. GEIST: Have you had anything by way of
2 alcohol or drugs, either prescribed or otherwise, that
3 would in any way effect your understanding of what we
4 are doing here today?
5 THE DEFENDANT: No, sir.
6 MR. GEIST: Do you have any questions about
7 this proceeding of myself, Mr. Del Russo or the court?
8 THE DEFENDANT: No, sir.
9 MR. GEIST: I have nothing further, your
10 Honor.
11 THE COURT: Dr. Marcus, I also have here a
12 plea form. Mr. Geist has the gold copy. You signed
13 that form a little while ago. I'm sure you went over
14 the questions. I think you were in the jury room?
15 THE DEFENDANT: Yes, sir.
16 THE COURT: And did you understand all the
17 questions?
18 THE DEFENDANT: Yes, sir.
19 THE COURT: Are your answers true?
20 THE DEFENDANT: Yes, sir.
21 THE COURT: Did you sign the form
22 voluntarily?
23 THE DEFENDANT: Yes, sir.
24 THE COURT: You told us why you were guilty
25 of these offenses this afternoon. That is a voluntary

1 plea of guilty that you are making?

2 THE DEFENDANT: Yes.

3 THE COURT: Now, there's a series here of

4 fourth degree crimes. I think there's six of them.

5 They carry up to 18 months each. You could multiply

6 six times 18 months, that would be the sum. I think

7 there's 108 months here. Again, that would be if they

8 run consecutively. But what is happening is the State

9 is going to dismiss a number of other offenses and

10 their recommendation to the court is probation which

11 can be between one and five years with no more than 180

12 days in the Passaic County Jail as a condition of

13 probation. In addition, you cannot practice

14 chiropracty during your term of probation.

15 And also, you have to be evaluated by one of

16 these eight doctors that appear on the last page. You

17 are choosing Dr. Witt. Dr. Witt will give an

18 evaluation and his recommendations, I am sure, will be

19 followed by me closely.

20 And one of the problems that could come up

21 not only in this case, in any case, you may have an

22 evaluation that requires some type of -- the doctor may

23 say some type of inpatient treatment is required here.

24 You are not contemplating that at this stage. The

25 Court or the State also may say, if that's the

1 evaluation, the probationary sentence really isn't
2 appropriate. If that does come about, we will deal
3 with it at that point. We will try to possibly work it
4 out. But if we can't, basically either party will have
5 the right to take this plea back.
6 And if it's taken back by either the State or
7 yourself, whatever you are saying today cannot be used
8 against you in any future trial. Do you understand
9 that?
10 THE DEFENDANT: Yes, sir.
11 THE COURT: And you are not on parole or
12 probation now, correct?
13 You are not on parole or probation?
14 THE DEFENDANT: No.
15 THE COURT: All right. It's just a question
16 that we usually go through.
17 You also have the right, if you wish, to go
18 to trial on these cases. Mr. Geist can represent you.
19 You don't have to testify at a trial unless you want to
20 testify in your own defense. And whoever is involved,
21 the victims and the other witnesses the State may have,
22 they have to come to court in your presence, testify
23 against you. Mr. Geist can cross-examine these people.
24 You have the right to bring witnesses to court. But by
25 pleading guilty, you give these important rights up

1 because there's no trial that takes place.

2 So do you understand the rights that you are

3 giving up by pleading guilty?

4 THE DEFENDANT: Yes.

5 THE COURT: Is there anything you don't

6 understand? Any questions you may have of either

7 myself or Mr. Geist or Mr. Del Russo?

8 THE DEFENDANT: Actually, there is one

9 question, if I may, which may appear inconsequential.

10 THE COURT: Sure.

11 MR. GEIST: Excuse me. May we?

12 (A discussion was held off the record.)

13 MR. GEIST: My client was concerned about

14 equipment that was taken. I indicated to him that

15 that's something that I will discuss with Mr. Del Russo

16 but is not the subject matter of the plea.

17 THE COURT: Okay.

18 Mr. Geist, any further questions?

19 MR. GEIST: No.

20 THE COURT: Okay. I'm satisfied that Dr.

21 Marcus understands the nature of the charges; he has

22 received the advice of competent counsel; he has

23 knowledge of the maximum penalty that can be imposed;

24 he admits to the charges. I find he understands the

25 nature of the plea proceeding today; he enters his plea

1 freely and voluntarily; he voluntarily waives his right
2 to a jury trial, his right against self-incrimination,
3 his right of confrontation; this plea is not as a
4 result of any threats, force or coercion. I'm
5 satisfied there's a factual basis for this plea.
6 We need an evaluation here.
7 I'm just trying to think when I'm going to
8 set a sentencing date on this thing. Maybe June,
9 perhaps.
10 Mr. Del Russo, do you have an estimate --
11 MR. GEIST: We would like an earlier date, if
12 possible. We have already contacted Dr. Witt and --
13 THE COURT: I can give you May 25th. That's
14 our next sentencing date.
15 MR. GEIST: That's fine.
16 THE COURT: All right. May 25th.
17 And if there is a problem, then we'll simply
18 adjourn it. But we'll set it for May 25th.
19 MR. GEIST: I think we can meet that date.
20 We already contacted Dr. Witt. Mr. Del Russo will make
21 discovery available forthwith.
22 MR. GEIST: Thank you.
23 MR. DEL RUSSO: Thank you, Judge.
24 (Hearing ended.)
25 * * * * * * *

1 C E R T I F I C A T I O N

2

3 I, IRENE M. HAYES, C.S.R., License Number
4 XI00770, an Official Court Reporter in and for the
5 State of New Jersey, do hereby certify the foregoing to
6 be prepared in full compliance with the current
7 Transcript Format for Judicial Proceedings and is a
8 true and accurate non-compressed transcript to the best
9 of my knowledge and ability.

10

11

12 Irene M. Hayes, C.S.R. 7/24/01
13 Irene M. Hayes, C.S.R. Date
Official Court Reporter
14 Passaic County Courthouse
Paterson, New Jersey

15

16

17

18

19

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21

22

23

24

25

Exhibit F

01001705-01

State of New Jersey

v.

Defendant: Alan L. Marcus
(Specify complete name)

RECEIVED
2001 MAY -25 P 5:30
SUPERIOR COURT
PASSAIC COUNTY
CRIMINAL DIVISION

New Jersey Superior Court
Law Division - Criminal
Passaic County

Judgment of Conviction

Order for Commitment

Date of Birth: 11/22/51	SBI Number: 820420B
Date of Arrest: 12/16/98	Date Indictment/Accusation Filed: 3/23/01
Date of Original Plea: 4/2/01	Original Plea: Guilty

Adjudication by: Date:

ORIGINAL CHARGES

IND / ACC NO.	COUNT	DESCRIPTION	DEGREE	STATUTE
01-03-00218-A	1	Child Cruelty & Neglect	4th	9:6-3

FINAL CHARGES

COUNT	DESCRIPTION	DEGREE	STATUTE
1	Child Cruelty & Neglect	4th	9:6-3

It is therefore, on 5/25/01 ORDERED and ADJUDGED that the defendant is sentenced as follows:

Count 1: Probation 4 years. Passaic County Jail 180 days with same conditions as and concurrent with Count 6 of 99-05-0459-I. Report to be submitted to Court in 9 months regarding defendant's progress & treatment.

☐ You are hereby sentenced to community supervision for life.
☐ The court finds that your conduct was characterized by a pattern of repetitive and compulsive behavior.
☒ Fines and penalties are to be collected by the Department of Corrections.

☒ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

☐ Defendant is to receive credit for time spent in custody (R. 3:21-8). TOTAL NUMBER OF DAYS:	DATE (From/To)	DATE (From/To)
☐ Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)).	TOTAL NUMBER OF DAYS:	DATE (From/To)

Total Custodial Term: 180 days	Institution: Passaic County Jail	Total Probation Term: 4 years

Administrative Office of the Courts
State Bureau of Identification
COPIES TO: CHIEF PROBATION OFFICER STATE POLICE AOC CRIMINAL PRACTICE DIVISION DEPT OF CORRECTIONS OR COUNTY PENAL INSTITUTION

CPO106 (6/94)

State of New Jersey v. Alan L. Marcus

SBI #: 820420B IND/ACC #: 01-03-00218-A

Total FINE: $0.00

Total RESTITUTION: $0.00

If the offense occurred on or after December 23, 1991, an assessment of $50 is imposed on each count on which the defendant was convicted unless the box below indicates a higher assessment pursuant to N.J.S.A. 2C:43-3.1. (Assessment is $30 if offense is on or after January 9. 1986 but before December 23, 1991, unless a higher penalty is noted. Assessment is $25 if offense is before January 9, 1986.)

☒ Assessment imposed on count(s): 1

is $50.00 each.

Total VCCB Assessment: $50.00

☐ Installment payments due at the rate of $

per

beginning (date):

If any of the offenses occurred on or after July 9, 1987, and is for a violation of Chapter 35 or 36 of Title 2c,

1) A mandatory Drug Enforcement and Demand Reduction (D.E.D.R.) penalty is imposed for each count (Write in # times for each)

_____1st Degree @ $3000

_____2nd Degree @ $2000

_____3rd Degree @ $1000

_____4th Degree @ $750

_____Disorderly Persons or Petty Disorderly Persons at $500

Total D.E.D.R. Penalty $

☐ Court further ORDERS that collection of the D.E.D.R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.

2) A forensic laboratory fee of $50 per offense is ORDERED.

_____ Offenses @ $50.00 Total lab fees: $

3) Name of Drugs Involved:

4) A mandatory driver's license suspension of 0 months is ORDERED.

The suspension shall begin today and end

Driver's License Number:

(IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)

Defendant's address:

Eye color: Sex: M Date of birth:

☐ The defendant is the holder of an out-of-state driver's license from the following jurisdiction:

Driver's License Number:

☐ Defendant's non-resident driving privileges are hereby revoked for months.

If the offense occurred on or after February 1, 1993 but was before March 13, 1995 and the sentence is to probation or to a State Correctional facility, a transaction fee of up to $1.00 is ordered for each occasion when a payment or installment payment is made. (P.L. 1992, c.169). If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, a transaction fee of up to $2.00 is ordered for each occasion when a payment is made. (P.L. 1995, c.9).

If the offense occurred on or after August 2, 1993, a $75 Safe Neighborhood Services Fund assessment is ordered for each conviction. (P.L. 1993, c.220) $75.00

If the offense occurred on or after January 5, 1994 and the sentence is to probation, a fee of up to $25 per month for the probationary term is ordered. (P.L. 1993, c.275)

Amount per month: $see Indictment 99-05-459-I

If the crime occurred on or after January 9, 1997, a $30 Law Enforcement Officers Training and Equipment Fund penalty is ordered.

Name (Court clerk or Person preparing this form):	Telephone number:	Name (Attorney for Defendant at Sentencing):
Richard M. Centanni	(973) 247-8382	Kalman H. Geist, Esq.

STATEMENT OF REASONS

AGGRAVATING FACTORS

Risk that defendant will commit another offense.

Need for deterring defendant and others from violating the law.

MITIGATING FACTORS

Defendant is likely to respond affirmatively to probation.

Willingness of defendant to cooperate with law-enforcement authorities.

Qualitatively, the Aggravating Factors outweigh the Mitigating Factors.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF AN ORIGINAL RECORDED IN MY OFFICE

Richard M. Centanni

Date: 6/7/01

JUDGE (Name):	JUDGE (Signature):	DATE
Ronald B. Sokalski, J.S.C.		5/25/01

98006703-01

State of New Jersey

v.

Defendant: Alan L. Marcus
(Specify complete name)

RECEIVED

New Jersey Superior Court
Law Division - Criminal
Passaic County

Judgment of Conviction

2001 MAY -25 A 10: 10

Order for Commitment

SUPERIOR COURT
PASSAIC COUNTY
CRIMINAL DIVISION

Date of Birth: 11/22/51	SBI Number: 820420B
Date of Arrest: 12/15/98	Date Indictment/Accusation Filed: 5/11/99
Date of Original Plea: 6/28/99	Original Plea: Not Guilty

Adjudication by: Guilty Plea

Date: 4/02/01

ORIGINAL CHARGES

IND / ACC NO.	COUNT	DESCRIPTION	DEGREE	STATUTE
99-05-00459-I		See Attached Sheet		

FINAL CHARGES

COUNT	DESCRIPTION	DEGREE	STATUTE
	See Attached Sheet		

It is therefore, on 5/25/01 ORDERED and ADJUDGED that the defendant is sentenced as follows:

Count 6: Probation 4 years; 180 days Passaic County Jail; Drug and Alcohol Dependency Rules to apply; Not to operate any chiropractic office and to cooperate with State Chiropractic Board. No Victim Contact. Must participate and complete Sex Offenders Treatment as recommended by Dr. Witt including relapse prevention training, victim empathy and Sex Offender Treatment Group; Court has no objection to defendant treating with Dr. Silverman as long as approved by authority (Prob. & Pros.). Court has no objection to probation transferring to Monmouth County. Report to be submitted in 9 mos. regarding defendant's progress & treatment.
Counts 7, 8, 9 & 11: Same as and concurrent with Count 6.
Counts 1, 2, 3, 4, 5 & 10: Dismissed;

☐ You are hereby sentenced to community supervision for life.
☐ The court finds that your conduct was characterized by a pattern of repetitive and compulsive behavior.
☒ Fines and penalties are to be collected by the Department of Corrections.

☒ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

☒ Defendant is to receive credit for time spent in custody (R. 3:21-8). TOTAL NUMBER OF DAYS: 1	DATE (From/To) 12/16/98 to 12/16/98	DATE (From/To) to
☐ Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)).	TOTAL NUMBER OF DAYS:	DATE (From/To)

Total Custodial Term: 180 days	Institution: Passaic County Jail	Total Probation Term: 4 yrs.

Administrative Office of the Courts
State Bureau of Identification
COPIES TO: CHIEF PROBATION OFFICER STATE POLICE AOC CRIMINAL PRACTICE DIVISION DEPT OF CORRECTIONS OR COUNTY PENAL INSTITUTION

CPO106 (6/94)

State of New Jersey v. Alan L. Marcus

SBI #: 820420B IND/ACC #: 99-05-00459-I

Total FINE: $0.00

Total RESTITUTION: $0.00

If the offense occurred on or after December 23, 1991, an assessment of $50 is imposed on each count on which the defendant was convicted unless the box below indicates a higher assessment pursuant to N.J.S.A. 2C:43-3.1. (Assessment is $30 if offense is on or after January 9, 1986 but before December 23, 1991, unless a higher penalty is noted. Assessment is $25 if offense is before January 9, 1986.)

☒ Assessment imposed on count(s): 6,7,8,9,11 is $50.00 each.

Total VCCB Assessment: $250.00

☐ Installment payments due at the rate of $ per

beginning (date):

If any of the offenses occurred on or after July 9, 1987, and is for a violation of Chapter 35 or 36 of Title 2c,

1) A mandatory Drug Enforcement and Demand Reduction (D.E.D.R.) penalty is imposed for each count. (Write in # times for each)

_____1st Degree @ $3000

_____2nd Degree @ $2000

_____3rd Degree @ $1000

_____4th Degree @ $750

_____Disorderly Persons or Petty Disorderly Persons at $500

Total D.E.D.R. Penalty $

☐ Court further ORDERS that collection of the D.E.D.R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.

2) A forensic laboratory fee of $50 per offense is ORDERED.

_____ Offenses @ $50.00 Total lab fees: $

3) Name of Drugs involved:

4) A mandatory driver's license suspension of 12 months is ORDERED.

The suspension shall begin today and end

Driver's License Number:

(IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)

Defendant's address:

Eye color: Sex: M Date of birth:

☐ The defendant is the holder of an out-of-state driver's license from the following jurisdiction:

Driver's License Number:

☐ Defendant's non-resident driving privileges are hereby revoked for months.

If the offense occurred on or after February 1, 1993 but was before March 13, 1995 and the sentence is to probation or to a State Correctional facility, a transaction fee of up to $1.00 is ordered for each occasion when a payment or installment payment is made. (P.L. 1992, c.169). If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, a transaction fee of up to $2.00 is ordered for each occasion when a payment is made. (P.L. 1995, c.9).

If the offense occurred on or after August 2, 1993, a $75 Safe Neighborhood Services Fund assessment is ordered for each conviction. (P.L. 1993, c.220) $375.00

If the offense occurred on or after January 5, 1994 and the sentence is to probation, a fee of up to $25 per month for the probationary term is ordered. (P.L. 1993, c.275)

Amount per month: $15.00

If the crime occurred on or after January 9, 1997, a $30 Law Enforcement Officers Training and Equipment Fund penalty is ordered. $30.00

Name (Court clerk or Person preparing this form):	Telephone number:	Name (Attorney for Defendant at Sentencing):
Richard M. Centanni	(973) 247-8382	Kalman H. Geist, Esq.

STATEMENT OF REASONS

AGGRAVATING FACTORS

Risk that defendant will commit another offense.

Need for deterring defendant and others from violating the law.

MITIGATING FACTORS

Defendant is likely to respond affirmatively to probation.

Willingness of defendant to cooperate with law-enforcement authorities.

Qualitatively the Aggravating Factors outweigh the Mitigating Factors.

JUDGE (Name):	JUDGE (Signature):	DATE
Ronald B. Sokalski, J.S.C.		5/25/01

State of New Jersey

vs.

ALAN L. MARCUS

RECEIVED
2001 MAY 29 A 10:10
SUPERIOR COURT
PASSAIC COUNTY
CRIMINAL DIVISION

Superior Court of New Jersey
Law Division - Criminal
Passaic County
Judgment of Conviction
Order for Commitment
99-05-00459-I

Original Charges:

Ct. 1	Sexual Assault	2nd	2C:14-2C(1)
Ct. 2	Sexual Assault	2nd	2C:14-2C(1)
Ct. 3	Sexual Assault	2nd	2C:14-2C(1)
Ct. 4	Sexual Assault	2nd	2C:14-2C(4)
Ct. 5	Endanger. the welfare of a child	3rd	2C:24-4
Ct. 6	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 7	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 8	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 9	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 10	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 11	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)

Final Charges:

Ct. 6	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 7	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 8	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 9	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)
Ct. 11	Criminal Sexual Contact	4th	2C:14-3B/2C:14-2c(1)

Dated: May 25, 2001

RONALD B. SOKALSKI, J.S.C.

Richard M Cantorni
6/7/01