

FILED

NOV 10 2005

A. G. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO.: ACJC 2004-266

IN THE MATTER OF

JOHN PARAGANO,

FORMER JUDGE OF THE
MUNICIPAL COURT

FORMAL COMPLAINT

Patrick J. Monahan, Jr., Secretary, Advisory Committee on Judicial Conduct
("Complainant"), complaining of Former Municipal Court Judge John Paragano ("Respondent"),
says:

Count I

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1990.
2. At all times relevant to this matter, Respondent held the position of Judge of the Municipal Court of Union Township, Union County, New Jersey. Respondent resigned from this position on November 18, 2004.
3. On July 24, 2004, an emergency 911 call was placed to the Union Township Police Department. When a dispatcher answered the call, the caller immediately hung up the phone. The dispatcher traced the phone number to 655 Duquesne Terrace, and subsequently spoke to a woman who answered the phone.

4. The woman who answered the phone was Diane Prior, the live-in girlfriend of Respondent.

5. Ms. Prior told the dispatcher that Respondent was very upset, drinking too much, and breaking up the house. Ms. Prior said that she was frightened.

6. Ms. Prior said that Respondent was drunk and that he had grabbed her in a headlock, thrown her on the floor, twisted her neck and started breaking up the house. She said that he was screaming at her and her daughter. The dispatcher said that she would send someone over.

7. Union Township police officers were then dispatched to Respondent's residence at 655 Duquesne Terrace, Union Township, New Jersey.

8. Officer Nuzzo and Officer Brochu arrived at the aforementioned residence and spoke to Ms. Prior. The officers entered the basement of the residence and observed glassware that was smashed, tables turned upside down, and other items smashed and thrown around the basement.

9. The officers also noticed a significant amount of blood on the basement carpet, blood drops on the basement stairs, blood splatter on the doorway leading into the kitchen, and blood drops on the floor leading to the front door, on the door jam, and on the front screen door.

10. Ms. Prior told the officers that she and Respondent had dinner and were drinking wine. Shortly after dinner they arrived home and began to argue over personal matters. Respondent continued drinking to the point where he became uncontrollable. Ms. Prior said that she and her daughter were extremely shaken and scared.

11. Ms. Prior also told the officers that Respondent then went upstairs to the bedroom and appeared to be sleeping. As Ms. Prior got into bed, Respondent placed his legs around her neck and began to squeeze very tightly attempting to choke her. He lifted her body and threw

her across the room onto the floor. Ms. Prior landed on her right side and experienced pain to her right breast and upper right side of her rib cage. Ms. Prior refused medical attention.

12. An officer took pictures of the scene, and Ms. Prior and her daughter were escorted to the police station to give a statement. At the police station, Ms. Prior did not want to give a formal statement because she did not want to jeopardize Respondent's position with the town. She said that Respondent did not really hurt her in any way.

13. As a result of this incident, Respondent was charged with simple assault, in violation of N.J.S.A. 2C:12-1a(1), and criminal mischief, in violation of N.J.S.A. 2C:17-3a. In accordance with a plea agreement, the prosecutor recommended dismissal of these charges.

Count II

1. Complainant repeats the allegations contained in Count I of this Complaint as if each were set forth fully and at length herein.

2. After Ms. Prior called 911, but before the police officers arrived at Respondent's residence, Respondent got into his motor vehicle and left the scene. While operating his vehicle, Respondent was under the influence of intoxicating liquors, in violation of N.J.S.A. 39:4-50.

3. At approximately 12:35 a.m. on July 24, 2004, police were dispatched to the area of 880 Salem Road in regard to a motor vehicle accident with injury. Upon arriving at the scene, Officer Brescia observed a male he recognized as Respondent standing next to a green Range Rover, later identified as Respondent's motor vehicle.

4. Officer Brescia observed that Respondent's eyes were glassed over, his face was flush, and he was having a hard time standing. Respondent was bleeding from his right hand and his chest was covered in blood.

5. Officer Brescia observed that Respondent's motor vehicle had sustained severe front-end damage, and a silver Toyota Rav 4 had sustained severe rear-end damage. A bystander informed the officer that the Rav 4 belonged to her and that the car was parked when the accident occurred.

6. Respondent was taken to the emergency room for treatment. In the ambulance, Officer Teleposky noticed a strong odor of an alcoholic beverage coming from Respondent's breath. His eyes were glassy and bloodshot. Upon arrival at the hospital, Officer Teleposky placed Respondent under arrest for driving while intoxicated, in violation of N.J.S.A. 39:4-50. A blood sample was taken and it was later confirmed that Respondent's blood alcohol content was 0.165%. Respondent was also charged with careless driving, in violation of N.J.S.A. 39:4-97.

7. On November 16, 2004, Respondent appeared before Judge Salem Vincent Ahto in response to the aforementioned charges.

8. In accordance with a plea agreement, Respondent pled guilty to driving under the influence of alcohol. The remaining charges of simple assault, criminal mischief, and careless driving were dismissed.

9. Judge Ahto imposed a fine of \$300, court costs of \$30, an assessment of \$75 to the Safe Neighborhood Services Fund, a \$200 surcharge to the Drug Enforcement Demand Reduction Fund, a \$200 DWI surcharge, and a \$50 assessment to the Victim of Crime Compensation Board. Judge Ahto suspended Respondent's license for a period of seven months and ordered him to complete 12 hours at the Intoxicated Drivers Resource Center.

WHEREFORE, Complainant charges that, by the conduct set forth above, Respondent, Former Municipal Court Judge John Paragano, violated the following Canons of the Code of Judicial Conduct:

Canon 1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved; and

Canon 2A, which requires judges to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Complainant also charges that Respondent has engaged in conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of *Rule* 2:15-8(a)(6).

DATED: 11/10/05

A handwritten signature in black ink, appearing to read "Patrick J. Monahan, Jr.", is written over a horizontal line. A large, hand-drawn oval is positioned above the signature.

Patrick J. Monahan, Jr., Counsel
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