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BRICK, NEW JERSEY 08724  
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Attorneys for Plaintiff

**FILED**

**MAY 11 2009**

**A. C. J. C.**

IN THE MATTER OF  
  
JAMES N. CITTA,  
  
JUDGE OF THE SUPERIOR COURT

SUPREME COURT OF  
NEW JERSEY

ADVISORY COMMITTEE ON  
JUDICIAL CONDUCT

DOCKET ACJC 2008-180  
ACJC 2008-256

ANSWER

Judge James N. Citta, by way of Answer to the Complaint filed and served upon him says:

1. Respondent incorporates herein by reference the materials heretofore filed by way of response to the Committee inquiry, specifically, Respondent's letter of April 11, 2008 and enclosure therewith and Respondent's letter of December 1, 2008 and enclosures therewith.
2. Following Respondent's appointment to the Superior Court of New Jersey he was assigned to the Criminal Division, Ocean County, in September, 1992 and served therein until September, 1994. In September, 1994, Respondent was assigned to the Family Division, Ocean County and served therein until July, 1999. In July, 1999, Respondent was again assigned to the Criminal Division, Ocean County and served therein until July, 2008, when he was assigned to the Civil Division, Ocean County which is his present assignment.

3. In the two periods Respondent was assigned to the Criminal Division he presided over approximately 6,084 sentences involving either initial sentencing proceedings or violation of probation resentencing proceedings.
4. In the matter of State v. Alex Ramirez, Respondent acknowledges that the portions of the sentencing transcript contained in the Complaint are accurate and refers the Committee to the complete transcript of the proceeding. Respondent acknowledges that his remarks were not relevant to the proceeding.
5. In the matter of State v. Peeples, Respondent acknowledges that the portions of the sentencing transcript contained in the Complaint are accurate and refers the Committee to the complete transcript of the proceeding. I refer the Committee to my letter of December 1, 2008 incorporated by reference herein which presents my perspective and explanation for the remarks which I voiced. I acknowledge that my language was harsh, strong and blunt. My purpose was to make it perfectly clear to Mr. Peeples in language he would understand what he did and why he was receiving the sentence I was imposing. It was also

my purpose to assure the victim of this horrific crime and her parents,  
all of whom were present, that they were without fault, that I saw  
through Mr. Peeples, and sentenced him accordingly.

  
WILLIAM P. CUNNINGHAM  
Attorney for Respondent

Dated: May 7, 2009

# Superior Court of New Jersey

CHAMBERS OF  
JUDGE JAMES N. CITTA



OCEAN COUNTY COURT HOUSE  
P.O. BOX 2191  
TOMS RIVER, N.J. 08754-2191

December 1, 2008

RECEIVED

DEC 02 2008

ACJC

The ACJC  
PO Box 037  
Trenton, NJ 08625-0037

Attention: Executive Director John A. Tonelli

Re: ACJC 2008-356

Dear Executive Director Tonelli:

Please accept this letter as my response to your letter sent on behalf of the Advisory Committee on Judicial Conduct.

Earl D. Peeples appeared in my court on October 7, 2002 and entered a plea of guilty to a charge of Attempted Murder, First Degree. The plea was entered pursuant to a plea agreement that the State at sentencing would seek a sentence of fifteen years subject to the No Early Release Act. A presentence report was prepared and Mr. Peeples appeared for sentencing on November 22, 2002. On that date he was sentenced in accordance with the plea agreement. The sentence was affirmed on appeal. In July of 2007 Mr. Peeples filed a Petition for Post Conviction Relief which originally appeared on my calendar as I was the Judge assigned to handle all Post Conviction Relief proceedings. As is indicated in Mr. Peeples' letter dated May 6, 2008 to the Advisory Committee, he was advised by a clerk in the case manager's office in December 2007, that I was assigned to handle his post conviction relief proceeding.

Apparently, on March 18, 2008, almost six years after I sentenced him, Mr. Peeples corresponded with the Advisory Committee on Judicial Conduct complaining about remarks I made at the time of sentencing. On May 12, 2008 Mr. Peoples filed a motion pro se requesting my disqualification as Judge in his post conviction proceedings. He was unaware that due to health issues I was no longer handling these matters. Judge Giovine who was sitting in recall status responded to his motion by letter of June 4, 2008. (Mr. Peeples motion and

Judge Giovine's response enclosed). On September 8, 2008 Mr. Peeples petition was denied (Order enclosed).

I have been asked to respond in writing regarding the propriety of selected comments made by me during the sentencing proceedings. To give some perspective to the matter, I am enclosing a copy of the presentence report and a complete transcript of the sentencing proceeding. The report contains an outline of the circumstances of the offense. It indicates that in the evening hours of December 16, 2001 Mr. Peeples was at the residence of the victim, Susan Blank. Asleep in the home were Ms. Blank's fifteen year old daughter and two year old son. Mr. Peeples is the father of the boy and a permanent restraining order was in effect enjoining his presence at that location. The circumstances surrounding his presence there may be found in Ms. Blank's victim impact statement in the transcript of the sentencing proceeding. While at the residence Mr. Peeples secured a knife and proceeded to stab Ms. Blank eleven times, after which he cut the telephone lines which prevented her daughter from calling for help. Leaving Ms. Blank on the floor in a pool of blood observed by her children, he fled in her car. Four days later he called Ms. Blank's father advising him that he was next and he was coming to get him. On January 25, 2002 Mr. Peeples was arrested by the Jersey City police as a result of information supplied by the Ocean County Prosecutor's Office. The presentence report indicates that Domestic Violence Restraining Orders had also been obtained by Mr. Peeples' first wife by whom he had four children and his sister.

As the transcript will indicate, prior to my remarks in question, Mr. Peeples exercised his right of allocution. His remarks are set forth in full in the sentencing transcript. The only grain of truth found in Mr. Peeples allocution is at the very beginning where he admits that in the past he lied to the victim and her parents. He then proceeded to lie to me about the event in question, even indicating that the victim started shoving him and that the whole incident was really her fault. He even lied about things that were of no moment to the proceeding at hand, telling me that his employer provided him with executive quarters, a limousine and driver, and that he earned thousands of dollars a week. Another example of Mr. Peeples compulsion to lie is found in the Exhibit he submitted to you with his letter of April 15, 2008. I refer to his Report of Separation And Record of Service from the New Jersey National Guard. For some reason Mr. Peeples was attempting to show by this document that he was an active member of the New Jersey National Guard on 9/11/01 and called to duty. The document in question clearly indicates that he was transferred to inactive status with the Guard on July 22, 2000 and that the balance of his obligation would be served on inactive status until July 20, 2002.

Anent your inquiry regarding my colloquy with Mrs. Marie Blank, the victim's mother, you will note that this took place after the lengthy allocution by Mr. Peeples. As noted, I found Mr. Peeples lacking in credibility and his remarks offensive to the victims, i.e., Ms. Susan Blank and her parents who were

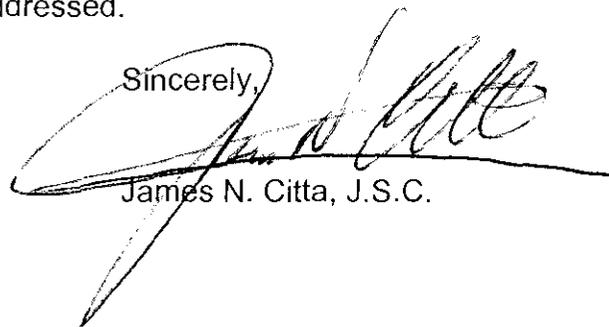
present. I thought it appropriate to let Mr. Peebles know this. Prior to the sentencing proceeding I had read Mrs. Blank's victim impact letter attached to the presentence report. The letter clearly set forth the impact of this crime on both the victim and her family members. I thought it appropriate to let her know that I had no reason to question the truthfulness of her statements to the court.

Anent your inquiry concerning my reference to Mr. Peebles as a pathological liar who would not know the difference between truth and a lie if it hit him in the face. That represents my judgment regarding his credibility based upon the discovery in the case, the presentence report and his allocution. Merriam Webster's Dictionary defines pathological liar as an individual who habitually tells lies so exaggerated or bizarre that they are suggestive of a mental disorder. As noted the victim and her parents had suffered an horrendous experience and were present to listen to Mr. Peebles shameless allocution. I was of the opinion that it was important to let them know my view of his remarks as the sentencing Judge. I also felt it was important to let Mr. Peebles know, in language clear and to the point, that he had failed in his effort to "get over" on the court.

Anent your inquiry about my remarks that Mr. Peebles' conduct exemplified the term domestic violence and noting the similarity between his case and that of O.J. Simpson. It was my intent to let Mr. Peebles know in language that he understood and using an example that he would understand that his present circumstances were the result of his predilection to abuse women and that unlike the Simpson case he was going to be punished for his act. Apparently, many years later and for obvious reasons, Mr. Peebles has decided to characterize my remarks as racial. I categorically deny any such intent.

In closing, I would only ask that in judging my comments and the language used, you bear in mind the court that I was in, the actions and subjects I was dealing with, and the need to occasionally speak in language which while harsh, is understood by those to whom it is addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "James N. Citta". The signature is written in a cursive style with a large, sweeping initial "J".

James N. Citta, J.S.C.

A150-0374

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: OCEAN COUNTY  
INDICTMENT NO. 02-05-0607  
APPELLATE NO. A-

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STATE OF NEW JERSEY, :

Complainant, :

vs. : STENOGRAPHIC

EARL D. PEEPLES, : TRANSCRIPT

Defendant. : OF

-----

PLEA

Place: Ocean County Courthouse  
120 Hooper Avenue  
Toms River, New Jersey

Date: October 7, 2002

B E F O R E:

THE HON. JAMES N. CITTA, J.S.C.

TRANSCRIPT ORDERED BY:

CLAIRE DRUGACH, ESQ. (Office of the Public Defender,  
Appellate Section)

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

MICHEL A. PAULHUS, ESQ.  
(Assistant Prosecutor, Ocean County)  
Attorney for the State

RICHARD H. ARCHER, JR., ESQ.  
(Office of the Public Defender)  
Attorney for the Defendant

SUSAN KELLY, C.S.R., C.R.R. (XI01154)  
OFFICIAL COURT REPORTER  
OCEAN COUNTY JUSTICE COMPLEX  
120 HOOPER AVENUE  
TOMS RIVER, NEW JERSEY

1 THE COURT: Mr. Paulhus?

2 MR. PAULHUS: Good afternoon, your Honor.

3 Your Honor, we have a plea agreement in the  
4 matter of State versus Earl Peeples. It's before the  
5 Court on Indictment 2-5-607. Count 1 of the indictment  
6 charges attempted murder, a crime of the first degree.  
7 I understand the defendant will enter a guilty plea to  
8 that count.

9 At the time of sentencing, the state will  
10 seek dismissal of Counts 2 and 3. This is a No Early  
11 Release Act case, your Honor, and the state is seeking  
12 fifteen years to New Jersey State Prison as a minimum  
13 term in this case.

14 That is the plea agreement, your Honor. And  
15 the plea forms have been executed, including the  
16 supplemental plea form required for the No Early  
17 Release Act cases.

18 THE COURT: Thank you.

19 Mr. Archer?

20 MR. ARCHER: Rick Archer on behalf  
21 Mr. Peeples. Your Honor, we agree with what's been  
22 placed on the record.

23 MR. PAULHUS: May I approach the bench?

24 THE COURT: You may.

25 Let's have the defendant sworn.

1 EARL PEEPLES, sworn.

2 THE COURT CLERK: And your name, please?

3 THE DEFENDANT: Earl Peeples.

4 THE COURT CLERK: Thank you.

5 THE COURT: Mr. Peeples, you've gone over  
6 this plea form with Mr. Archer, your attorney?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You're pleading guilty to the  
9 first count of this indictment charging you with the  
10 first-degree crime of attempted murder.

11 Is that correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And do you understand, under our  
14 statute, the maximum penalty for that offense is twenty  
15 years in state prison?

16 THE DEFENDANT: Yes.

17 THE COURT: And up to a \$200,000 fine?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you also understand that under  
20 our statutes, given the date of this offense as it's  
21 alleged, that the No Early Release Act applies to any  
22 sentence? In other words, there's an enhanced penalty  
23 for this type of crime.

24 Do you understand that?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: And attempted murder is one of  
2 the enumerated types of crimes for which the No Early  
3 Release Act applies specifically?

4 THE DEFENDANT: Yes, I understand.

5 THE COURT: So what that means is that any  
6 sentence that is imposed for this offense requires that  
7 85 percent of that sentence be served before that  
8 person is eligible to be considered for parole.

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand that?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: And in this case, 85 percent of  
13 fifteen years is twelve years and nine months. Do you  
14 understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And that if the Court imposes  
17 fifteen years, and does not go below (sic) the  
18 fifteen-year sentence that's limited by this plea  
19 agreement, you would be required to serve twelve years  
20 and nine months before you would be eligible to be  
21 considered for parole?

22 THE DEFENDANT: Yes, I understand that.

23 THE COURT: Do you also understand that  
24 because of the first-degree nature of this crime, that  
25 when you are eligible for parole, if you do make

1 parole, you'll be subject to an additional five years  
2 of parole supervision, even though that five years may  
3 go beyond the maximum date of your total sentence?

4 Do you understand that?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: And any violation of that parole  
7 could result in you being re-incarcerated, even if it's  
8 beyond the original fifteen-year sentence. Do you  
9 understand that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: Do you understand that you have a  
12 right to have a jury trial where the state would have  
13 the burden of proving your guilt beyond a reasonable  
14 doubt?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: And by pleading guilty, you are  
17 giving up that right?

18 THE DEFENDANT: Yes, I am.

19 THE COURT: And do you understand that you  
20 have a constitutional right to remain silent?

21 THE DEFENDANT: Yes.

22 THE COURT: And by pleading guilty, you are  
23 giving up that right?

24 THE DEFENDANT: Yes, I am.

25 THE COURT: And do you understand you have a

1 constitutional right to confront and cross-examine the  
2 witnesses the state has at your trial?

3 THE DEFENDANT: Yes.

4 THE COURT: And by pleading guilty, you're  
5 giving up that right?

6 THE DEFENDANT: Yes.

7 THE COURT: Can you read and write English,  
8 sir?

9 THE DEFENDANT: Yes.

10 THE COURT: How far did you go in school?

11 THE DEFENDANT: I have two Associate's  
12 degrees.

13 THE COURT: Did you read all the questions on  
14 these four sheets?

15 THE DEFENDANT: Pretty much, sir.

16 THE COURT: And did you understand them?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And the answers that are  
19 reflected, in response to these questions, are your  
20 answers to the questions?

21 THE DEFENDANT: Yes, they are.

22 THE COURT: Are you satisfied with the advice  
23 and counsel you received from Mr. Archer in this  
24 matter?

25 THE DEFENDANT: Very much so.

1 THE COURT: Has anybody forced you or  
2 threatened you to get you to plead guilty?

3 THE DEFENDANT: No, sir.

4 THE COURT: Has anybody made any promises to  
5 you, other than what's set forth in these pages, these  
6 four pages, or what we've talked about here on the  
7 record, to get you to plead guilty?

8 THE DEFENDANT: No, no.

9 THE COURT: A factual basis, please,  
10 Mr. Archer?

11 MR. ARCHER: Thank you, your Honor.

12 Mr. Peeples, on December 17, 2001, were you  
13 in Manchester Township.

14 THE DEFENDANT: Yes, I was.

15 MR. ARCHER: And was that the home of Susan  
16 Blank?

17 THE DEFENDANT: Yes, it was.

18 MR. ARCHER: And was she someone that you  
19 knew?

20 THE DEFENDANT: Yes.

21 MR. ARCHER: And she's the mother of your  
22 child?

23 THE DEFENDANT: Yes, she is.

24 MR. ARCHER: And someone you had a  
25 relationship with over a period of time?

1 THE DEFENDANT: Yes, we did.

2 MR. ARCHER: Was there an argument that  
3 ensued on that particular day and location?

4 THE DEFENDANT: Yes, there was an argument.

5 MR. ARCHER: And during the course of that  
6 argument, did you go into the kitchen, get a knife, and  
7 stab Susan Blank numerous times?

8 THE DEFENDANT: Yes, I did.

9 MR. ARCHER: Do you have a specific  
10 recollection of doing that?

11 THE DEFENDANT: I don't know how many times  
12 she was stabbed, just what I read from the discovery  
13 and, you know, retrieving information from the news  
14 clippings, from the computer, that's all I know.

15 MR. ARCHER: You don't contest the things I  
16 showed you in the discovery; that, in fact, you did  
17 stab her numerous times, and, in fact, purposely  
18 attempted to cause her death? Even though you didn't  
19 cause it, you attempted it?

20 THE DEFENDANT: Yes.

21 MR. ARCHER: Thank you. I have no further  
22 questions.

23 THE COURT: Prosecutor?

24 MR. PAULHUS: I have no question, your Honor.

25 THE COURT: I find the defendant understands

1 the charges. He's received the advice of competent  
2 counsel. He has knowledge of the maximum penalties the  
3 sentencing court can impose, and he admits to the  
4 charge.

5 He's entered into this plea agreement freely  
6 and voluntarily. He has waived his right of jury  
7 trial, his right of confrontation and his right against  
8 self-incrimination. The plea is not the result of any  
9 threats or force. There is a factual basis for the  
10 plea.

11 He not only understands the concept of parole  
12 ineligibility, but he understands that the provisions  
13 of the No Early Release Act apply here, and that he  
14 will be required, upon his sentence in this matter, to  
15 serve 85 percent of the sentence imposed as mandatory  
16 under the statute.

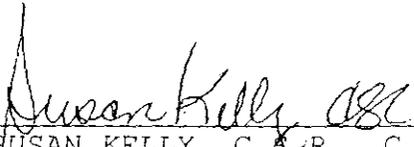
17 All promises made to endue this plea are  
18 limited to those that are set forth on the record or  
19 contained within the four corners of the plea  
20 agreement. Accordingly, the Court will accept the plea.  
21 The Clerk is directed to enter it. Sentencing will  
22 be on --

23 THE COURT CLERK: November 22nd.

24 THE COURT: -- November 22nd, and his bail  
25 will be discharged.

## C E R T I F I C A T E

I, Susan Schaub-Kelly, C.S.R., License  
Number XI01154, C.R.R., License Number 30XR00013600, an  
Official Court Reporter in and for the State of New  
Jersey, do hereby certify that the foregoing to be  
prepared in full compliance with the current Transcript  
Format for Judicial Proceedings and is a true and  
accurate non-compressed transcript to the best of my  
knowledge and ability.

  
SUSAN KELLY, C.S.R., C.R.R.  
Official Court Reporter  
Ocean County Courthouse

Dated: 10-30-03

A-150-0314

SUPERIOR COURT OF NEW JERSEY  
OCEAN COUNTY  
LAW DIVISION, CRIMINAL PART  
INDICTMENT NO. 02-5-607  
APPEAL NO. \_\_\_\_\_

STATE OF NEW JERSEY,            )  
                                  )  
                  Plaintiff,        )  
                                  )  
                  vs.                )  
                                  )  
EARL PEEPLES,                    )  
                                  )  
                  Defendant.        )

TRANSCRIPT  
OF  
SENTENCE

Place: Ocean County Courthouse  
120 Hooper Ave.  
Toms River, NJ 08754

Date: November 22, 2002

BEFORE:

THE HONORABLE JAMES N. CITTA, J.S.C.

TRANSCRIPT ORDERED BY:

CLAIRE DRUGACH, D.P.D.  
(Office of the Public Defender)

APPEARANCES:

LOUIS PINTARO, A.P.  
(Ocean County Prosecutor's Office)  
Attorney for the State.

RICHARD ARCHER, ESQUIRE  
(Office of the Public Defender)  
Attorney for the Defendant.

Transcriber:  
**Geraldine Famularo**  
19 Cherrywood Circle  
Brick, New Jersey 08724  
(732) 458-8298

Sound Recorded  
Recording Operator: Unknown

1 THE COURT: Earl Peeples. Mr. Peeples,  
2 you're here today to be sentenced on a plea you entered  
3 sometime ago. If you disagree with the sentence of  
4 this Court, you have the right to appeal that sentence,  
5 but you must do that within 45 days of today's date.  
6 If you cannot afford an attorney to assist you in any  
7 appeal, you may apply to the Office of the Public  
8 Defender for that purpose. You'll have the right to  
9 address the Court after your attorney is through and  
10 before I impose sentence.

11 Do you understand all of these things?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Mr. Archer, have you and your  
14 client had an opportunity to review the Presentence  
15 Report?

16 MR. ARCHER: We have, Your Honor. We find it  
17 to be complete and accurate with regard to the  
18 sentencing that's going to be performed today.

19 THE COURT: I'll hear you.

20 MR. ARCHER: Judge, with regard to the  
21 sentencing today, I would ask the Court to consider  
22 finding mitigating factor that this was the result of  
23 unusual provocation. We say that because at the time  
24 this happened Mr. Peeples was visiting the mother of  
25 his child. They had had a relation that had been on

1 and off for a period of time. It had been a tumultuous  
2 relationship, to say the least. When he was back at  
3 her house after having stopped by to see her at work, a  
4 boyfriend pulled him in the house. There was an  
5 argument that ensued. The boyfriend left. Mr. Peeples  
6 stayed and the argument escalated until it got to the  
7 violent point that it did.

8 It's not an unusual type of provocation. It  
9 was pretty much standard. We've known about it for  
10 years in the law, but it certainly doesn't amount to a  
11 defense. Once that provocation took place, Mr.  
12 Peeples, "saw red," as the saying goes. His  
13 recollection of the specific details of what happened  
14 after that are not clear, but he acknowledges that  
15 there was a horrendous assault that took place and he's  
16 thankful that the mother of his child is alive today to  
17 take care of his child because he knows he's not going  
18 to be able to do that for a long time.

19 Mr. Peeples is 43 years old. He's been  
20 employed regularly. He does computer work and he has  
21 been doing computer work as a subcontractor for the  
22 United States for a period of time prior to this  
23 particular incident. He has tried to stay up on his  
24 child support and make sure that there was always money  
25 available for the family and so that he provided for

1 his child, as well.

2 He has contact with the criminal justice  
3 system in the past. It started in 1993, but this is  
4 the first indictable conviction he's ever had.  
5 Clearly, he jumped in with both feet from rather minor  
6 type of simple assaults and family domestic violence  
7 matters to come this far with regard to an attempted  
8 murder charge. Clearly, he's jumping in with both  
9 feet.

10 Mr. Peeples could probably express his  
11 remorse over what happened on that particular night and  
12 then the words probably wouldn't mean a whole lot to  
13 someone who has been that close to dying as the victim  
14 in this case. But it's clear that he does regret  
15 what's going on.

16 He panicked that night after the incident  
17 happened. He left. He was living on the street for a  
18 period of time up in North Jersey and eventually went  
19 to police officers that he knew in the area, turned  
20 himself in, said, "Listen, they've been looking for me.  
21 This is what I did." And once they took him into  
22 custody, he gave them as many details as possible.

23 This is a crime of violence and, as such, the  
24 No Early Release Act applies. Clearly, it was intended  
25 to apply in a circumstance such as this. The

1 Prosecutor has offered the presumptive 15 years State  
2 Prison sentence with the requirement that he do 85  
3 percent of that or somewhat over 13 years. Given the  
4 fact that this was such an isolated incident that was a  
5 result of such provocation, I would ask the Court to  
6 consider imposing a 10-year sentence as opposed to a  
7 15-year sentence. He would still have to do eight and  
8 a half years. That would put him out of jail sometime  
9 in his early fifties. At that point it would be  
10 unlikely he would be a threat to either the victim in  
11 this case or anybody else.

12 THE COURT: Mr. Peeples, anything you want to  
13 say?

14 THE DEFENDANT: Yes, sir. What I really want  
15 to say, I believe I thought the victim would be here.  
16 I don't know if she's here. I really wanted to speak  
17 to her and just let her know that we've had problems in  
18 the past. When Susan I first met, I wasn't exactly  
19 truthful to Susan, but we wound up having a  
20 relationship and in that relationship I was indulging  
21 in alcohol and cocaine. I had stopped for a period of  
22 time, but I didn't seek the education behind what I did  
23 to myself. So when I stopped drinking and doing drugs,  
24 it was like about a year, maybe a little longer than  
25 that. Then all of a sudden I woke up one morning and I

1 wanted to get high, and that's exactly what I did. And  
2 I didn't stop until Susan found out and all hell broke  
3 loose in the house because, you know, when you get  
4 found out, people get angry because you're being  
5 deceitful. I've lied to her father, I've lied to her  
6 parents, I've lied to her.

7 So when we broke up, I went in voluntarily  
8 into the Salvation Army because enough was enough.  
9 And I stayed there for the better part of a year. I  
10 had an altercation there, but I have six months in  
11 which at the time the program was a six-month program.  
12 So I had a little over six months in the program. So  
13 I completed the program, but I went in as outpatient  
14 because of the altercation. So I went outpatient.

15 At the same time work became a very important  
16 issue with me because I was no longer with Susan, I was  
17 by myself, and I needed to support myself. So I wind  
18 up getting one job, then I went to a second job, then I  
19 went to a third job. And then shortly after that I  
20 wind up making contact with Susan because I wanted to  
21 go back into my career. What I do for a living, I'm a  
22 systems operations analyst. So all my work was at  
23 Susan's home because we resided together. So I made  
24 contact with her and I told her I was coming down to  
25 get my manuals. She told me I could come down.

1 At the time when I arrived at the house, she  
2 did call her father. They had a discussion. I don't  
3 know what they talked about. And I was welcomed. I  
4 made my amends at that time to Susan because that's  
5 part of, you know -- the first time I ever been in a  
6 rehab -- that's part of what they call the twelve  
7 steps, you have to make your amends. So I went and got  
8 what I needed, made my amends to Susan, made my amends  
9 to her daughter. My son was there. He was looking  
10 good. Everything went fine.

11 Then I left. And I guess about a month later  
12 I began to make contact with Susan again and we began  
13 to have phone contact. So we developed a relationship  
14 by way of phone. So I told her that I wanted to come  
15 down and cook for her, cook for our son, cook for  
16 Amanda because she was about to go to school. I came  
17 down once and I cooked for them. Then I left.

18 And then after the second time of coming down  
19 I spoke to Susan and I said to her, I said, "Listen, I  
20 still love you. You know, forgive me for what I've  
21 done to you. I still love you."

22 And then she began to tell me, she said that  
23 if we got into a relationship, that her parents would  
24 disown her.

25 So I said, "Susan, I don't want to be

1 involved with that. I can't handle your parents  
2 disowning you." So I said, "What do you want to do?"

3 And she said, "Well, if I see you, I can't  
4 let my parents know."

5 I loved the woman. So I said okay. So we  
6 began to see one another. In the beginning I would  
7 come down during the day. This was the summer before  
8 she started school. So I said, "What are we gonna do  
9 when you start school?" I said, "You know, you're  
10 gonna be busy. You're gonna be working a full-time  
11 job. You're gonna be going to school. Now you got  
12 Jonathan. What's happening? What's gonna go on?"

13 So to make a long story short, we began to  
14 see one another during the night. I would come down on  
15 the weekends, spend the night. And as far as I was  
16 concerned, we were committed to one another. We were  
17 committed to one another. Susan could've been with any  
18 man she chose to be with. That's her right. That is  
19 her right. Susan didn't tell me -- in the end when I  
20 began to have feelings that there was something wrong  
21 in the house, I called Susan up at work and I asked  
22 her. I said, "Susan, are you doing something you have  
23 no business doing?"

24 And she's like, "What are you talking about?"

25 I said, "Sit down. I've got to talk to you."

1 I said, "I have to ask you something. I never had to  
2 ask a woman this, but I have to ask you." I asked her,  
3 I said, "Are you seeing somebody besides me?"

4 And she cursed me out. She made me feel like  
5 crap. So I thought I did something wrong. I told her,  
6 "Well, hey, listen, baby, I'm sorry. I didn't mean to  
7 upset you."

8 And we went back and forth with that for  
9 about a good two months. But to make a long story  
10 short, I believed her 'cause I asked her. I believed  
11 her. And then we went on.

12 And then the last weekend that I came down to  
13 stay with her, I noticed a distance. And then I left.  
14 I told her I had to go to work. And I didn't have to  
15 work that weekend. So she drove me to the bus station,  
16 which was the usual routine that we did. And instead  
17 of getting on the bus, I stayed. I stayed at Toms  
18 River, 'cause at the time I was living up in downtown  
19 Jersey City. So I wound up making contact with two  
20 people that I had not talked to in years, two years  
21 exactly. These people -- I used to deal with these  
22 people when I was getting high and drinking alcohol.  
23 So I had no desire to want to see these people or be in  
24 their company, but I wind up contacting them, staying  
25 with them for the better part of Saturday -- all

1 Saturday, all Sunday, and then all day Monday.

2 I called Susan at work. She was extremely  
3 harassing and very nasty. So I felt there was  
4 something wrong. So that night it was raining. So I  
5 told the people that I was staying with, I said,  
6 "Listen, I have to go." They said where was I going.  
7 I said, "I'm going to Susan's house. Something is not  
8 right. I have to go."

9 So I walked from Coolidge Avenue to Hospital  
10 Drive. Now, prior to walking there I called Susan the  
11 last time. I said, "Listen, I want to come down. I  
12 want to see you. I need to talk to you. I'll meet you  
13 at your job. Where do you have the car parked?"

14 So she told me where the car was parked. So  
15 I started walking. So I got there and it was raining,  
16 and I sat in the car. In about 15 minutes she came out  
17 and she was shocked to see me there. So I said -- when  
18 she opened the door, I said, "Hey, how you doing?" And  
19 she cussed me out again. And I said, "I don't know  
20 what's going on. I don't know why you're cursing me  
21 the way you're cursing me. What are you doing, Susan?  
22 Is there something you need to tell me?"

23 So we had an argument, and I said, "Okay.  
24 Take me to the bus station."

25 So she drove me to the bus station. Now, I

1 don't know if you guys ever been to the bus station.  
2 But, anyway, we're sitting in the bus station and I  
3 looked her in her face and I said, "Susan, are you  
4 seeing another man? Is this what this is all about?"

5 And she looked me in my face and she said,  
6 "Yeah."

7 And I said, "Susan, why you couldn't tell me  
8 when I asked you? Why?" I said, "You owed me that  
9 much. You could've told me, Susan."

10 And then she looked at me and she said,  
11 "Well, look at you. You can't take it" -- I'm not  
12 gonna curse in your courtroom -- "You can't take it,"  
13 yadda, yadda, yadda.

14 And I said, "Well, what am I supposed to do?  
15 Am I supposed to be happy about this? I asked you when  
16 I sensed that there was something wrong. Why you  
17 couldn't tell me?"

18 Next thing I know, she's driving off and  
19 we're going west on 37 towards the house. So I said,  
20 "Susan, I'm hungry."

21 "Well, I'm not stopping."

22 I said, "We can stop at the Wa-Wa and we can  
23 get some coffee and we can talk about this."

24 "Oh, I'm not stopping, no f'ing way," yadda,  
25 yadda, yadda.

1 So we went past North Hampton Boulevard which  
2 is where we go to make the right turn going to Third  
3 Avenue. So I said, "Susan, where you going?"

4 "You don't want to know where I'm going."

5 I said, "Yes, I do. Where are you going?"

6 She said, "You don't know -- you don't want  
7 to know."

8 I said, "Susan, I don't know what the hell is  
9 wrong with you. I will jump out of this car and I will  
10 meet you at the house."

11 So I took the seatbelt off and I opened the  
12 car door. The car was still in motion.

13 She said, "Stop. I don't wanna wreck my car.  
14 Get back in here."

15 So I said, "Okay." I closed the door, put my  
16 seatbelt back on, and we drove to the house.

17 So on our way to the house, she's crying to  
18 me and telling me, "Oh, I gotta study. You're always  
19 controlling my life."

20 I'm like, "Susan, I see you on the weekends.  
21 What is -- how am I controlling your life? By asking  
22 you if there's a problem in our relationship, I'm  
23 controlling your life?" I said, "Susan, I work. I  
24 work four days out of the week. In a total month I  
25 work 16 days, and I'm making better than good money.

1 I'm coming there every weekend not empty handed. I'm  
2 laying thousands of dollars on your counter." I said,  
3 "It's not about the money, but why? What's going on?  
4 You could've told me when I asked you."

5 And she just said, "Oh, you're controlling my  
6 life."

7 By that time we're pulling up in the drive  
8 and I said, "You wanna get your books out the car?"

9 "F my books. F my books," and she slammed  
10 the car door and she's walking up to the house. Okay.  
11 I come walk around. I went up there. Now, she's  
12 standing by the door, putting the key in the door and  
13 I'm standing right here, and she says, "There he is.  
14 There he is right there. You're a big bad F'ing man.  
15 Go get him, Mr. Army man."

16 And I turned around and I see this car  
17 pulling up in the drive. Looked out. Okay. I walked  
18 down there to the gentleman. Never seen him, never  
19 knew him. I said, "Who are you?"

20 And at that time his window was coming down  
21 and he says, "Hey, what's going on?"

22 I said, "Who are you?"

23 And he says, "What's the problem?"

24 I said, "I'm her fiancé. I'm the baby's  
25 father. Who are you?"

1 And he didn't say a word. His face -- his  
2 facial expression just dropped.

3 And at that time she's coming down and she's  
4 screaming, "He was in my car. He was in my car. I  
5 didn't bring him here."

6 And I looked at this man, and he wasn't  
7 looking at me. He was looking at her. And I said,  
8 "Well, you talk to your girlfriend. I'm going in the  
9 house."

10 So I went -- Susan was coming down, she  
11 passed me -- I went, and I went up to the house.  
12 Before I walked in the door I said, "Susan, I don't  
13 know what the hell is going on. I'm calling your  
14 father."

15 And she just looked back at me.

16 So they put a new screen -- a glass screen  
17 door on the house, all right. I walked into the screen  
18 door. Okay. I almost broke my nose. So, anyway, I  
19 slammed the screen door, I go in, and I go down to the  
20 hall where my son and Amanda always sleeps. So I open  
21 the bedroom door and I said, "Amanda, Amanda, get up,  
22 Amanda."

23 And she looked at me and she said, "Hey, hi."

24 And I said, "How come you couldn't tell me  
25 mommy was seeing another man?"

1 Because what happened was, Your Honor, I had  
2 called Amanda one night, like I always do, to check on  
3 them because Susan is at work. So I said, "Amanda, I  
4 need to ask you something. I know it's a terrible  
5 thing to ask you, but I gotta ask." I said, "Is mommy  
6 doing something wrong?"

7 And Amanda was having some sort of problem  
8 with Susan, but they always have that kind of problem.  
9 And I said, "Is mommy seeing another man?"

10 And she told me no.

11 I said, "Okay. I'm sorry I had to ask you.  
12 Please forgive me."

13 And that was it, Your Honor.

14 And I woke Amanda, I said, "Get up, Amanda.  
15 Get up." And I said, "Why you couldn't tell me mommy  
16 was seeing another man?"

17 And she didn't know what I was talking about.  
18 She just looked at me like I was crazy.

19 And I said, "Get up. Get Jonathan up. Get  
20 up."

21 And they got up. And as I walked down the  
22 hall, Susan was coming in and she looked at me, I  
23 looked at Susan. I don't think I -- I don't believe I  
24 said anything to her, and I went back to the door. At  
25 that time the gentleman who arrived in the car was

1 pulling out of the drive and going down the street.

2 So I turned around. I said, "Susan, you  
3 could've told me."

4 And she cursed me out. She cursed me out,  
5 this, that, and the other, "You son of a" -- you know,  
6 just real nasty, Your Honor.

7 And I threw my hands up and I said, "The hell  
8 with this. I'm leaving."

9 And she came behind me and she said, "That's  
10 right, Mother F'er, get out. Get out. Get out. Get  
11 the hell out."

12 And I'm walking towards the door, and I  
13 believe she pushed me. But at that time I turned  
14 around and I hit her: I hit this woman so hard that I  
15 just found out that I broke her jaw, because I also  
16 broke my right hand. And from there we started  
17 fighting, and that was it. That was it. That's what I  
18 remember. I remember Susan going over the couch. I  
19 remember the red stain on the couch, and I remember  
20 telling Amanda to run in the bathroom. That's what I  
21 remember.

22 Now, I got my -- he gave me discovery which  
23 included the medical procedures that they did to her.  
24 They gave me a body chart of the front and the back,  
25 and it showed, I think, three stab wounds.

1 But that's what I remember. That's the only  
2 thing I can tell you. I didn't go there to kill my  
3 fiancée. I went there because she led me to believe  
4 that there was something wrong in the house because all  
5 before that I would call -- Susan told me to call her  
6 every day, Your Honor, and don't you know that's what I  
7 did. I called her sometimes two and three times a day.  
8 I work through the night. My hours are from eight p.m.  
9 to eight a.m. Okay. What I do for a living is  
10 strenuous, but so is everybody else's job. That's no  
11 big deal to me. So Susan is in school.

12 I said, "Listen, I know you're study hard,"  
13 'cause I've been to school and I've worked full time  
14 jobs, and it's no joke. I said, "I know you're  
15 studying hard. Being that I'm here at work and I'm up,  
16 do you want me to wake you up in the morning because I  
17 don't want you to miss school?" She was going to the  
18 technical college for nursing, LPN.

19 So she said, "Yeah."

20 I said, "Okay. I'll call you between five  
21 and five-thirty to make sure you're up."

22 I would call her, and she'd usually be up.  
23 Very rare she oversleep, but she would usually be up.

24 When I got my discovery, Your Honor, Susan  
25 could've told me that she wanted to be with another

1 man. That's her right, Your Honor. I read my  
2 discovery. And this gentleman by the name of -- I  
3 think it's Tony -- and the man is sitting in the house  
4 and Susan is talking to me on the phone. That was her  
5 -- I believe that was her time to shine. "Hey, Earl,  
6 listen, hey stupid, hey flaking critter," whatever,  
7 "I'm seeing somebody else. Things ain't working out  
8 with you and I."

9 I, you know, Susan not only was my fiancée,  
10 but she was my best friend, Your Honor. I did  
11 everything with this woman. And the greatest thing  
12 that she ever did for me that I couldn't do for myself  
13 was tell her mother and father, "Hey, listen, I met  
14 some guy and he's got a drug problem, he's got an  
15 alcohol problem." And her father and myself, when they  
16 felt that there was something wrong, her father would  
17 come to the house a lot and I had a relationship with  
18 the man.

19 And he said, "Earl, you have a problem."

20 And I said, "Yeah."

21 That was the beginning of my steps of walking  
22 to being free from bonds. He even went as far as to  
23 contact some place and had me scheduled to go there.  
24 They were gonna come and get me or I was supposed to  
25 go. He had scheduled a drug rehabilitation for me.

1 Things didn't work out between me and the nun  
2 because I was supposed to call her, which I did, but I  
3 could never get in touch with this woman. But, anyway,  
4 I was in my addiction and me and Susan had a falling  
5 out, and I left the house. When the cops came, I said,  
6 "Hey, fellows, you let me go," I left the house. But  
7 this was back in 2000, May of 2000, Your Honor.

8 THE COURT: Was that when Susan got the  
9 Restraining Order against you?

10 THE DEFENDANT: Yeah, yeah, 'cause I was in  
11 the Salvation Army.

12 THE COURT: And that's when you left the  
13 house?

14 THE DEFENDANT: Yeah, I was gone. And I got  
15 a Restraining Order in the mail because I was already  
16 in the Salvation Army. And Susan and I didn't make  
17 contact for the better part of that year. I didn't  
18 call her. Actually, when I first got there I started  
19 calling her father, and the first conversation he had  
20 with me was this. He said, "Earl, take it easy. Sit  
21 down. Take your time. Do what you gotta do. Get  
22 better."

23 And I said, "Yes, sir, I will."

24 I had an appointment out in Bricktown because  
25 I had some sort of altercation out in Bricktown. So I

1 went to see Judge Eck. Now, my counselor was the  
2 director of the program for the Salvation Army and he  
3 told me, he said, "Earl, being that you have this Court  
4 appointment, I'm gonna let you go to Bricktown. But if  
5 you get high or if you drink any alcohol, just keep  
6 going. Don't come back." So I did what I had to do  
7 and I came back. They gave me a urinalysis and they  
8 also breathalyzed me.

9 I stayed clean from June 1st of 2000 up until  
10 the last month of December when the altercation  
11 happened between me and Susan. I was walking the  
12 street and guess what I did? I got high, I drank  
13 alcohol, okay, until I walked in the hands of the  
14 police in Jersey City and I told them what happened.  
15 And they knew me because we would go to this restaurant  
16 -- before I landed the job in my career I was just  
17 taking -- I had four jobs, Your Honor. And I told them  
18 what happened and they said okay. They called down to  
19 Toms River. Two detectives came up and got me. I  
20 didn't lie to them about what happened. Okay. I was  
21 very remorseful, and until this very day I am still  
22 remorseful. My sleep is no sleep at all, Your Honor.  
23 I even went and tried to call Susan's home after the  
24 altercation, and I called her father and I said, "Is  
25 she dead," and he told me no. Because I didn't know if

1 the woman was dead or alive. I didn't know if I had  
2 hurt Amanda or my son Jonathan. I knew nothing. And I  
3 walked the streets. I just left everything. My job  
4 gave me executive quarters with a chauffeur car and  
5 driver.

6 And every time I came down to Susan's home  
7 when she invited me and welcomed me, and I welcomed  
8 myself because this was the woman I loved, and  
9 everything was going right.

10 Your Honor, I made no less than three or four  
11 thousand dollars every two weeks. If I pushed myself,  
12 in one month period I would bring home close to  
13 \$11,000. And that money, I would bring it home to  
14 Susan. It didn't go into alcohol, it didn't go into  
15 cocaine. It went home, and it stayed in my pocket, and  
16 it stayed in her pocket. And I believe that in time  
17 that mom and dad would come around because I was not  
18 lying to them. I was showing them what I was capable  
19 of doing, how God blessed me, because it's very rare  
20 that a man who do what I did in reference to drugs and  
21 alcohol, Your Honor, that they get another opportunity  
22 to go back into their career making the kind of money I  
23 was making. I worked 16 days out of the month and off  
24 14 days out of the month, and I brought home in one  
25 month what most people don't make in a year. And I

1 shared that with Susan because she was the mother of my  
2 son and the woman that I loved, and I still love her.  
3 But guess what? I'm not in love with her.

4 I have nothing bad to say about Susan. Susan  
5 helped me get clean. Her family helped me get clean.  
6 Yes, I lied to them. That's what people do in  
7 addiction. That's what I know. That was the education  
8 I saw when I went into the Salvation Army. They didn't  
9 help me. I helped myself. They just gave me the tools  
10 to do what I needed to do, and I did what I had to do.

11 Susan could've told me, "Earl, you know, I  
12 like you," or whatever. She could've told me anything  
13 she wanted to tell me. I was clean, I was sober, and  
14 my spirit was enriched, and I was happy. And I hadn't  
15 been happy in years. And when I held her in my arms  
16 and I held her hand, I was the greatest man in the  
17 world. Nothing could stop me.

18 I don't want to see no harm come to Susan. I  
19 don't want to see Susan dead. If I wanted to see Susan  
20 dead, Your Honor, with all due respect, I have tons of  
21 military training where you have to kill them, eat  
22 them, puke them up, and kill them again. So there's no  
23 problem for me killing somebody with my bare hands.  
24 But that's not my life. That's what I had to do in  
25 order to live. Yes, I've done things that are wrong.

1 I'll be the first one to stand up and say, hey, you  
2 know, I'm a flaky critter, I'm a nincompoop. I am my  
3 worst enemy.

4 But did I go to Susan's house that night to  
5 kill her? Hell, no. I went there to find out what was  
6 going on. It was my right. And I was misled. But I  
7 can't blame her for misleading me because I misled her.  
8 But I know with all my heart I didn't go there to kill  
9 Susan. I love the woman, but I'm no longer in love  
10 with her, Your Honor. That's it. That's all I can  
11 say. That's all there is.

12 THE COURT: Is there anything else you want  
13 to tell me?

14 THE DEFENDANT: Forgive me, Your Honor, for  
15 bringing this before you. That's it.

16 THE COURT: Prosecutor, any members of the  
17 victim's family here?

18 MR. PINTARO: They are here. The victim's  
19 family is here.

20 THE COURT: Do you wish to be heard?

21 MR. PINTARO: They submitted letters and, as  
22 far as I'm aware, they did not wish to be heard today.

23 MS. SUSAN BLAKE: I do.

24 MR. PINTARO: You do? Okay.

25 I would submit to them before I speak, Judge.

1 THE COURT: Come on up to the rail, ma'am.  
2 Right there, ma'am. State your name for the record,  
3 please.

4 MS. SUSAN BLAKE: Susan Blake.

5 THE COURT: Yes, ma'am. Go ahead. Stay  
6 right there and speak.

7 MS. SUSAN BLAKE: Okay. Good morning, Judge  
8 Citta.

9 Mr. Peeples has said that it was never his  
10 intention to kill me. However, I do not believe that  
11 is true. On the night that everything occurred, Mr.  
12 Peeples had called me up at my job while I was working  
13 several times, harassing me. He is the one who was  
14 yelling at me, cursing me out, very aggressive and  
15 angry and upset, upset because I had enough of his  
16 drinking, I had had enough of his drug use. I had just  
17 had enough of all the problems.

18 Now, I have to admit I had hoped after he had  
19 gone into the rehab, that he would get himself  
20 straightened out. We have a son together, and I hoped  
21 he could do well for his son 'cause I wanted my son to  
22 have a father, a father who could really participate  
23 and take good care of him. But it became obvious to me  
24 that that was just not going to happen. Mr. Peeples  
25 was just -- had too many problems, was too messed up.

1 And I was fed up and had enough, and he  
2 didn't like hearing that. And he had been going on,  
3 and on, and on for weeks about, "Oh, I know you're  
4 seeing someone else. I know you're in love with  
5 someone else," and, "Why are you doing this to me," and  
6 on and on.

7 So the night that everything occurred he had  
8 been calling me up over, and over, and over again at my  
9 job to the point where I just couldn't take it. I'm  
10 like, "Earl, I've just had enough. I don't want to  
11 talk to you. I don't want to see you. Leave me alone.  
12 I have no intention of seeing you. Just leave me be."

13 And he had told me, "Well, I'm coming to your  
14 job. I'm going to see you."

15 And I made the mistake of not believing him.  
16 I didn't take it seriously when he threatened me and  
17 said he was going to come to my job, that he would  
18 actually do that, 'cause I had made the assumption that  
19 he was up in Jersey City. And so I just hung up the  
20 phone.

21 So when I was done work that night, when I  
22 came out to go get into my car, Mr. Peeples had -- he  
23 had managed to get into my car, which wasn't difficult  
24 'cause I had a habit of not normally locking it.  
25 There's security usually around, and so it was

1 unlocked. And since he knew what my car looked like,  
2 he had just simply gotten into the back seat of my car  
3 and hidden to where I couldn't see that he was in the  
4 car until I got right up on the car, and then he popped  
5 up.

6 I had believed at the time that he possibly  
7 had a knife. I wasn't sure if he did or not. But he  
8 started verbally like swearing at me, yelling, making  
9 threats. I made the mistake, instead of running, of  
10 getting into the car. I don't know why. I don't know  
11 what made me think I could handle the situation, or  
12 calm him down, or whatever. But I got into the car.

13 I ended up driving and heading towards my  
14 house 'cause that's where he said to start driving. I  
15 made attempts to try to get him out of the car, you  
16 know, "Let's pull over and why don't you just get out  
17 of the car?" He wasn't going to get out of the car.

18 We get to my house. He's still being very  
19 verbally abusive, and aggressive, and everything. In  
20 the meantime while all this is going on my boyfriend  
21 had come to the house because we had made plans earlier  
22 that night to see each other. He comes driving up, not  
23 knowing what's going on. And Mr. Peeples comes down to  
24 his truck and starts verbally accosting him and telling  
25 him, "You have no right to be here," and saying a bunch

1 of stuff.

2 So my boyfriend is like, "I don't know what's  
3 going on, but obviously I guess you two have something  
4 you need to talk about 'cause I have no idea what's  
5 going on at this point."

6 So he tells me, you know, "I'll talk to you  
7 tomorrow," you know. "Just deal with whatever you've  
8 got to deal with. I'm going home."

9 So he just drives away and leaves.

10 When we get into the house I'm trying to calm  
11 Mr. Peeples down. I'm trying to calm him down and just  
12 get him to see reason, like it's over, it's done, the  
13 relationship hasn't been good from basically the  
14 beginning, the relationship, the whole way through  
15 with, as he even said, his alcoholism, his drug abuse.  
16 And he also has a history of violence. Our whole  
17 relationship there was many instances of violence.

18 So I was like, you know, "Let's discuss this.  
19 We can make some arrangements for you for, you know,  
20 visitation with Jonathan. Other than that, this is  
21 over. It's done."

22 Mr. Peeples then makes like he was going down  
23 the hall. I thought he was going to the bathroom or  
24 whatever. He goes towards what I thought was going  
25 towards my bathroom. I'm standing in my living room.

1 I'm looking out my front windows. The Christmas tree  
2 is there. I'm just looking out the windows. I'm  
3 waiting for him so we can just talk and iron things out  
4 and be done with it.

5 Unbeknownst to me he must've went and got one  
6 of my kitchen knives out of the kitchen when I'm  
7 looking out the front window. He did not start by  
8 punching me or beating me. The very first thing he  
9 did, being the brave military man that he is, was to  
10 take a knife and to stab me near my spine in the back  
11 of my neck. You know, he didn't even have the guts if  
12 he wanted to hurt or kill me to do it face-to-face  
13 looking at me. He did it with my back turned. That  
14 was the first stab wound.

15 The second and the third were to my head and  
16 face. He got me right over my right eye here and he  
17 got me here near my ear. And that is also how my jaw  
18 was broken. My jaw wasn't broken from being punched.  
19 It was broken from when the knife went in, it was  
20 twisted and it popped up and broke the jaw.

21 After the fourth or fifth stab wound, I have  
22 to admit I don't remember anything after that. That  
23 was the point in which I then could hear myself scream,  
24 'cause prior to that I was trying not to scream 'cause  
25 I didn't want my children to come out of their bedroom,

1 where I felt they were safe. I wanted them to stay  
2 right where they were. But it was too painful and I  
3 could hear -- it was like an out of body experience --  
4 I could hear myself screaming as if I was hearing  
5 someone else. At that point I was falling unconscious.  
6 I believed I was dying. I heard what I thought was the  
7 words of God telling me everything was gonna be all  
8 right, and I just assumed that I was dying, I was dead.  
9 After that I don't remember anything. I was quite  
10 obviously unconscious.

11 But I have to say it is my belief that he  
12 meant to do exactly what he did. He made the effort to  
13 not be in Jersey City where he was supposed to be and  
14 to meet up with people to stay in the area. He made  
15 the effort to be spying on me. You know, he made the  
16 effort to call and harass me many times that night on  
17 my job and then to walk, as he himself said, to walk in  
18 Toms River from one area of Toms River all the way in  
19 the rain to come to my job, not because I asked him to  
20 be there, because I didn't want him to be there. I  
21 didn't want to see him, but to get into my car and to  
22 hide in my car so he could threaten me, and scare me,  
23 and attack me.

24 And I believe he needs to be sentenced to the  
25 maximum amount of time 'cause my children, I don't

1 believe are safe; I don't believe I'm safe. And  
2 obviously -- you know, I mean at some point he will get  
3 out and, you know, I will have to deal with it. But I  
4 need as much time as possible in order to be able to  
5 rebuild myself and to do what I have to do in order to  
6 keep my children safe, especially my son, you know, and  
7 my daughter, too. I'm very concerned about my  
8 daughter. At least my daughter is near grown and  
9 she'll be able to start, you know, a life of her own.  
10 But my son is still small. He's only just turned  
11 three, and I have, you know, concerns about me. And my  
12 son to this day, my son saw a lot of what happened.  
13 Luckily, he's little so he emotionally doesn't  
14 understand. But he will tell you he saw his mommy  
15 laying in a pool of blood. He will tell you he looks  
16 at the scars I have on my body, like this one I have  
17 here on my shoulder, and he'll tell you that his daddy  
18 did that. He'll tell you that his mommy was dead.  
19 Luckily, he doesn't understand what dead means yet, but  
20 as he gets older, he will. And when he makes that  
21 connection, I'm going to have to explain something to  
22 him. I'm going to have to explain what it was that  
23 happened. And I don't know, I just -- I really don't  
24 know. All I know is I heard Mr. Peeples saying, oh, he  
25 doesn't blame me for any of this and all, but yet I

1 heard nothing but a bunch of excuses as to all the  
2 reasons why like basically none of it had anything to  
3 do with him. It was reasons of everything else but him  
4 as to why this happened and why he tried to kill me.  
5 THE COURT: How many stab wounds did you  
6 have, ma'am?  
7 MS. SUSAN BLAKE: Eleven.  
8 THE COURT: Anything else you want to say?  
9 MS. SUSAN BLAKE: No, that's it.  
10 THE COURT: Thank you.  
11 Anybody else wants to speak on behalf of the  
12 family? Come forward, ma'am.  
13 Please state your name for the record.  
14 MS. MARIE BLAKE: Yes, Your Honor. Marie  
15 Blake. I am, Susan Blake's mother.  
16 You have my impact statement, but I have  
17 something else.  
18 If I had known, I would've brought two  
19 articles today, Judge, for you to see speaking to Mr.  
20 Peeples' veracity. After having heard some of the  
21 things I've heard from him, as I say, I wish I had  
22 brought these articles for you to see because I'm going  
23 to ask you now to just accept my word. On 9/11 --  
24 THE COURT: As opposed to Mr. Peeples' word?  
25 MS. MARIE BLAKE: Yes.

1 THE COURT: I don't think you have any  
2 problem with that, ma'am.

3 MS. MARIE BLAKE: On 9/11/2001 I ran across a  
4 couple of articles. Apparently Mr. Peeples who -- I  
5 take it on the word of the Prosecutor's office that he  
6 has since been discharged from the Military; he's no  
7 longer active in the Military. On 2001, 9/11  
8 apparently he was part of a bucket brigade and he was  
9 presumably purported himself to be part still of the  
10 Military, and he was actually interviewed by a reporter  
11 and he was part of this article. And as I say, he was  
12 passing himself off as part of the Military.

13 I also ran across another article where he  
14 was also interviewed and he was being part of a triage,  
15 and he was passing himself off as an LPN. And he is  
16 only a certified nurses aide.

17 Both of the articles offended me because  
18 obviously he was doing something illegal. In one he  
19 was passing himself off as part of the Military; in the  
20 other he was passing himself off as a Licensed  
21 Practical Nurse. And obviously in both cases he was  
22 doing something illegal.

23 I'm asking you to accept my word because,  
24 unfortunately, I don't have the articles.

25 After what I heard from him today, it just

1 offends me because here he is doing something, passing  
2 himself off in both of those articles, especially on  
3 9/11 which hurt all of us Americans. I found it  
4 offensive. And after I hear some of the things that  
5 are coming out of his mouth today in relation to my  
6 daughter, it offends me.

7 That's all I have to say, Judge. Thank you.

8 THE COURT: Anybody else wants to speak?

9 MR. BLAKE: Yeah. I'm Susan Blake's dad,  
10 Arthur Blake.

11 I had no intentions of speaking, but I won't  
12 take much more of your time, Your Honor.

13 THE COURT: You haven't taken any of my time  
14 yet, sir.

15 MR. BLAKE: Okay. I don't believe Earl  
16 Peeples knows the truth from fiction. My family has  
17 suffered a lot. I tried to be there for my daughter  
18 and my wife, and I've put my family back together. And  
19 alls I can tell you is listening to what Earl David  
20 Peeples has spewed out in this courtroom literally made  
21 me sick to my stomach, and I'm gonna leave it there.  
22 But I'm gonna stand up as the head of my household and  
23 say he needs to be sentenced to the maximum.

24 Thank you for your time.

25 THE COURT: Prosecutor.

1 MR. PINTARO: Judge, the Court is well aware  
2 of the facts and circumstances in this case. As Ms.  
3 Blake herself indicated, this was a total of eleven  
4 stab wounds to her head and body, her abdomen, and  
5 including in her back. There's no question what Mr.  
6 Peeples' intent was when he was inflicting these  
7 wounds.

8 I'd just ask the Court to take into  
9 consideration aggravating factors and the nature and  
10 circumstances of this offense. Not only was he  
11 inflicting these multiple stab wounds, but he did it in  
12 front of her fifteen-year old daughter and two-year old  
13 son that she had with Mr. Peeples in the house, and he  
14 left her for dead in a pool of blood in that house with  
15 the phone disconnected, where the victim's daughter  
16 actually had to run next door to use the phone to call  
17 911.

18 This -- although Mr. Peeples would swear this  
19 is out of character for him, I think it's clear to the  
20 Court and everyone else that this is Mr. Peeples'  
21 character based on his prior history which includes  
22 simple assaults, harassments, contempts or violations  
23 of Restraining Orders, and multiple Restraining Orders.  
24 Mr. Peeples obviously has a problem with domestic  
25 violence. This is how this incident began. And I

1 think the Court has to take all that into consideration  
2 when imposing sentence.

3 Judge, I would also point out that Mr.  
4 Peeples -- in addition to the State asking the Court to  
5 impose the 15 year term, which is the presumptive term  
6 for this offense and, quite frankly, absent the Plea  
7 Agreement, with Mr. Peeples' history, he would not be  
8 entitled to any kind of presumptive term in this case.

9 But in addition to that, Judge, I know Mr.  
10 Peeples went on and on about what a fine job he had and  
11 how much money he made. And, Judge, I would just point  
12 out that there's over \$12,000 in outstanding medical  
13 bills as a result of this assault that the victim --  
14 that the Violent Crimes Compensation Board has paid  
15 out, and I would ask the Court to impose that, as well,  
16 in restitution. And if there's any way, maybe we could  
17 also get Mr. Peeples to share some of his money for the  
18 \$20,000 in back child support that he owes.

19 THE COURT: Thank you.

20 Well, in many respects this may be one of the  
21 most unique sentencings that I've had to deal with  
22 since I've been appointed to the Bench because I've  
23 never had a defendant speak at such length and tell me  
24 about himself and the circumstances surrounding the  
25 criminal incident that led him before as Mr. Peeples.

1           It was a unique experience for this Court,  
2 sir, to have you speak to me at such length and with  
3 such detail.

4           The only thing I can say is that I reviewed  
5 the Presentence Report, as I'm familiar with the  
6 discovery in the case, is that you must have been in a  
7 different place and a different set of circumstances  
8 than what were happening on this occasion.

9           You, sir, in addition to being a domestic  
10 abuser, in addition to being a tough guy with women  
11 throughout your entire adult life -- and apparently  
12 that's the only stage of your life where you're tough  
13 -- are in this Court's view a pathological liar. You  
14 wouldn't know the difference between truth and a lie if  
15 it hit you in the face. The only aspect of what you  
16 told me here today that bears any semblance to the  
17 factual circumstances of what happened on this occasion  
18 is the fact that you secreted yourself in the back of  
19 this lady's car and that you committed some harm to  
20 her. Beyond that there is no connection between your  
21 explanation -- if that's what -- well, that's what I'll  
22 call it -- and reality.

23           You turned yourself in? You didn't turn  
24 yourself in. You were surveilled and as a result of  
25 the telephone trap, you were arrested without incident

1           outside a grocery store.

2           You didn't call to see how Susan was. You  
3 called her father and you said, "I'm coming to get you  
4 next."

5           Mr. Archer, this humble attorney from the  
6 Public Defender's Office, on your behalf, Mr. Peeples,  
7 walked on water because he got you the presumptive term  
8 of incarceration as a result of this plea bargain.

9           And, quite frankly, sir, to have you come  
10 before me and try and explain this attempted murder  
11 which you pled guilty to, these eleven stab wounds,  
12 this atrocious assaultive behavior leaving this woman  
13 to bleed to death in her living room in the presence of  
14 your two-year old son and her fourteen-year old  
15 daughter; to have you come before this Court and blame  
16 every other aspect of your life and everybody else's  
17 life on this unfortunate incident because you are such  
18 a fine, upstanding, supportive, hard earner, "take care  
19 of my kids," loving human being, when you've got a  
20 child support account for another child with a 19,000  
21 plus arrears, in the face of these thousands and  
22 thousands of dollars you're capable of making because  
23 you're a computer systems analyst or whatever you are  
24 for the government, I've got to ask myself who's doing  
25 the background checks for our government?

1           You're a dangerous individual. You look up  
2 domestic violence in the dictionary, your picture  
3 should be next to it. The only difference between you  
4 and O.J. Simpson is he had more money and he got off  
5 for some reason in a land of fruits and nuts. And the  
6 only difference between Susan Blake and Nicole Brown  
7 Simpson is that she got lucky and somebody was able to  
8 get her some medical assistance before she bled to  
9 death on her living room floor.

10           I find aggravating factors number one, three,  
11 six, and nine to be present here. I give heavy weight  
12 to aggravating factor number one for the reasons that  
13 the Prosecutor set forth on the record. This crime was  
14 committed in the presence and the household where a  
15 two-year old and a fourteen-year old child of the  
16 victim lived and in their presence, and they had to  
17 view these circumstances. And at the time this assault  
18 occurred, this attempted murder occurred, this  
19 defendant knew those children were in this house. He  
20 knew they were there. He never explained to me in his  
21 explanation how the knife got into this assault.

22           Thank you, Ms. Blake, for explaining to me  
23 that he intentionally went to the kitchen to get the  
24 knife.

25           Aggravating factor number three, which is a

1           substantial risk that this defendant will be involved  
2 in a similar criminal event in the future. Why do I  
3 say that? Because when I look at his, quote/unquote --  
4 arguably by Mr. Archer, as he must -- minor contact  
5 with the criminal justice system, five out of the six  
6 previous contacts with the criminal justice system  
7 involved incidents and acts of domestic violence,  
8 assaultive behavior against women that this man had a  
9 relationship with.

10           Aggravating factor number six, prior criminal  
11 history. That same criminal history that I just spoke  
12 about, these, quote/unquote, "disorderly persons  
13 offense," contacts with the criminal justice system,  
14 these domestic violences; they're substantial. It's a  
15 crescendo and, unfortunately, led to this case here.

16           Aggravating factor number nine is given great  
17 weight. There's a need to deter Earl Peeples from  
18 having contact with members of the female portion of  
19 our population because he obviously has problems in  
20 dealing with them unless he can control them,  
21 intimidate them, and assault them when he feels it's in  
22 his best interest.

23           On Count One of this Indictment charging this  
24 defendant with attempted murder, to which he pled  
25 guilty and I have a substantial factual basis, I

1 sentence you to be remanded to the custody of the  
2 Commissioner of the Department of Corrections for a  
3 period of fifteen years. Pursuant to the terms and  
4 conditions of the No Early Release Act, I will order  
5 that you will serve 85 percent of that sentence before  
6 you're eligible to be considered for parole. You're  
7 entitled to 301 days credit for time served.

8 I'll further order that you will be subject  
9 to an additional five years of parole supervision  
10 pursuant to the nature of this crime.

11 I'll dismiss Counts Two and Three of the  
12 Indictment in accordance with the Plea Agreement.

13 I'll impose a \$100 Violent Crimes  
14 Compensation Board penalty; a \$30 Law Enforcement  
15 Education Fund assessment; and a \$75 Safe Neighborhood  
16 Fund fee.

17 I will also order restitution in the amount  
18 of the funds paid by the Violent Crimes Compensation  
19 Board in this matter. I don't have the exact figure,  
20 but it's a little over \$12,000. It's in the  
21 Presentence Report. I'll supply that for the purposes  
22 of the Judgment.

23 Do you have the exact figure, Prosecutor?

24 MR. PINTARO: Yes. As of the date of the  
25 report it was \$12,258.52. There's an indication that

1 daycare services for the children are still accruing  
2 through VCCB. They're apparently still paying.

3 THE COURT: They will be included. If I can  
4 get an update from your office, Prosecutor?

5 I order that restitution, recognizing that  
6 Mr. Peeples is going to State's Prison for at least  
7 twelve years, nine months, which by my calculation is  
8 85 percent of fifteen years, before he's eligible to be  
9 considered for parole. But I read recently where  
10 someone got released from prison after being in prison  
11 for six years and they won the Pick 6 for \$15 million.  
12 So we'll have this Judgment against Mr. Peeples. In  
13 the event he suffers the same fortune, at least there  
14 will be some money coming back to the Violent Crimes  
15 Compensation Bureau as a result of his crime.

16 Now, can I have his Writ, please?

17 He's being housed in Atlantic County. Our  
18 Sheriff's officers brought him here this morning. And  
19 now I'll ask them -- Sergeant, get him the heck out of  
20 my courtroom as fast as possible --

21 SHERIFF'S OFFICER: Yes, sir.

22 THE COURT: -- because I'm sick of looking at  
23 him.

24 (The matter was concluded.)

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CERTIFICATION

I, Geraldine Famularo, the assigned transcriber, do hereby certify the foregoing transcript of proceedings on tape number 39-02, index 0069 to 4136 is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings as recorded.

*Geraldine Famularo*  
GERALDINE FAMULARO

          #154            
AOC NUMBER

November 18, 2003

EARL D. PEEPLES

XX JUDGMENT OF CONVICTION  
CHANGE OF JUDGMENT  
ORDER FOR COMMITMENT  
INDICTMENT (ACQUITTAL) DISMISSED  
JUDGMENT OF ACQUITTAL

DATE OF BIRTH 07-29-1959 E.B.I.# 9851228  
DATE OF ARREST DATE IND/ACCUSATION FILED 05-15-2000  
DATE OF THE ORIGINAL PLEA WAC  
ORIGINAL PLEA 04-17-2000 XX NOT GUILTY \_\_\_ GUILTY

ADJUDICATION BY XX GUILTY PLEA DATE 10-07-2000 \_\_\_ NON JURY TRIAL DATE \_\_\_\_\_  
\_\_\_ JURY TRIAL DATE \_\_\_\_\_ \_\_\_ DISM/ACQUITTED DATE \_\_\_\_\_

ORIGINAL CHARGES

IND	COUNT	DESCRIPTION	DEGREE	STATUTE
001	001	CRIM ATTEMPT-CONDUCT PURPOSEFUL	1	20:5-1a(1) 1519 121701
002	002	WEAPON POSE UNLAW PURPOSE-OTHER	3	20:29-4B
003	003	THEFT BY UNLAW TAKING-MOVE	3	20:29 3A

FINAL CHARGES

COUNT	DESCRIPTION	DEGREE	STATUTE
001	CRIM ATTEMPT-CONDUCT PURPOSEFUL	1	20:5-1a(1)

IT IS THEREFORE, ON NOVEMBER 22 2000 ORDERED AND ADJUDGED THAT THE DEFENDANT IS SENTENCED AS FOLLOWS:

**On Count One, Defendant is sentenced to the custody of the Commissioner of the Department of Corrections for 15 years. This is a "No Early Release Act," case, and as such, Defendant will serve 85 per cent of his sentence before becoming eligible for parole. Defendant is also subject to five years parole supervision upon completion of his sentence. Defendant is entitled to 301 days jail credit. With regard to restitution, Defendant will pay \$12,258.52 through the Violent Crimes Compensation Board, and since day care expenses are still accruing, restitution remains open. Counts Two and Three of this Indictment are dismissed. Bail is discharged.**

**VCCB: \$100.00; SNF: \$75.00; LEOTEF: \$30.00.**

( ) IT IS ORDERED THAT THE SHERIFF DELIVER THE DEFENDANT TO THE APPROPRIATE CORRECTIONAL AUTHORITY.

(X) DEFENDANT IS TO RECEIVE CREDIT FOR TIME SPENT IN CUSTODY

301 Days 1/26/02 - 1/22/02

TOTAL DAYS DATES (FROM/TO) DATES (FROM/TO)

( ) DEFENDANT IS TO RECEIVE DAY TIME CREDIT FOR TIME SPENT IN CUSTODY

TOTAL DAYS DATES (FROM/TO)

FOR CORRECTIONAL TERM 15 Years INSTITUTION DOC FOR PROBATION \_\_\_\_\_

TOTAL FINE \$ \_\_\_\_\_ 1) A MANDATORY DEOR PENALTY IS IMPOSED

TOTAL RESTITUTION \$12,258.52\* \_\_\_\_\_ 1ST DEGREE @ \$3000 \_\_\_\_\_ 4TH DEGREE @ \$750  
\_\_\_\_\_ 2ND DEGREE @ \$2000 \_\_\_\_\_ DISORDERLY PERSONS @ \$500  
\_\_\_\_\_ 3RD DEGREE @ \$1000

in, regarding day care expenses

IF THE OFFENSE OCCURRED/AFTER \_\_\_\_\_ TOTAL DEOR PENALTY \$ \_\_\_\_\_  
12/01/1991 AN ASSESSMENT OF \$50 IS \_\_\_\_\_  
IS IMPOSED ON EACH CONVICTED COUNT ( ) COURT FURTHER ORDERS THAT COLLECTION OF DEOR PENALTY BE SUSPENDED UPON  
UNLESS THE BOX BELOW INDICATES DEFENDANT'S ENTRY INTO A RESIDENTIAL DRUG PROGRAM FOR THE TERM OF THE PROGRAM  
A HIGHER ASSESSMENT (\$30 IF OF-

FENSE OCCURRED ON/AFTER 1/9/86 2) A FORENSIC LABORATORY FEE OF \$50 PER OFFENSE ORDERED \_\_\_\_\_ OFFENSES @ \$50.  
UNLESS HIGHER ASSESSMENT NOTED: TOTAL LAB FEE \$ \_\_\_\_\_  
(\$25 IF OFFENSE BEFORE 1/1/86)

3) NAME OF DRUG INVOLVED \_\_\_\_\_  
4) A MANDATORY DRIVERS LICENSE SUSPENSION OF \_\_\_\_\_ MONTHS IS ORDERED  
THE SUSPENSION SHALL BEGIN TODAY \_\_\_\_\_ AND END \_\_\_\_\_  
DRIVERS LICENSE # \_\_\_\_\_

(X) ASSESSMENT IMPOSED ON  
COUNT(S) one  
IS \$100.00 EACH.

TOTAL VCCB ASSESSMENT \$ 100.00

DEFENDANT ADDRESS: \_\_\_\_\_  
EYE COLOR \_\_\_\_\_ SEX \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

( ) INSTALLMENT PAYMENTS ARE  
OF \$ \_\_\_\_\_ PER \_\_\_\_\_  
BEGINNING \_\_\_\_\_

( ) DEFENDANT HOLDS AN OUT-OF-STATE DRIVERS LICENSE FROM FOLLOWING  
JURISDICTION \_\_\_\_\_ DRIVERS LICENSE # \_\_\_\_\_  
( ) YOUR NON-RESIDENT DRIVING PRIVILEGE IS REVOKED FOR \_\_\_\_\_ MONTHS

LEOTEF: \$30.00; SNF: \$75.00

IF OFFENSE ON/AFTER 2/1/1993 & SENTENCE IS PROBATION OR STATE CORRECTIONAL FACILITY, A TRANSACTION FEE UP TO \$1.00  
IS ORDERED FOR EACH OCCASION WHEN A PAYMENT OR INSTALLMENT PAYMENT IS MADE  
IF OFFENSE OCCURRED ON/AFTER 08/02/90 A \$75 SAFE NEIGHBORHOOD SERVICES FUND ASSESSMENT IS ORDERED ON EACH CONVICTION.  
IF OFFENSE OCCURRED ON/AFTER 01/05/94 & SENTENCE IS PROBATION A FEE OF UP TO \$25 PER MO. FOR THE PROB. TERM IS ORDER  
AMOUNT PER MONTH \_\_\_\_\_

NAME OF FORM PREPARER  
ac

TELEPHONE #  
732-506-5012

NAME (ATTORNEY)  
RICHARD ARCHER ESQ.

REASONS

Aggravating Factors: 1(heavy weight), 3, 6, 9(heavy weight);  
Mitigating Factors: 0.

November 22, 2002

CONTINUATION SHEET

IND./ACC. NO. 02-05-00607

NEW JERSEY  
SUPERIOR COURT  
OCEAN COUNTY  
LAW DIVISION-CRIMINAL

STATE OF NEW JERSEY )  
 )  
 V. )  
 )  
 EARL D. PEEPLES )

S.B.I. NO. 885122B

DATE OF ARREST:

JUDGMENT OF CONVICTION

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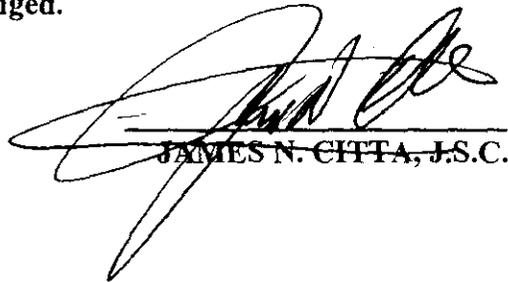
AMENDED JUDGMENT OF CONVICTION

January 8, 2003

The Judgment of Conviction, dated November 22, 2002, is amended to reflect the following change in jail credits:

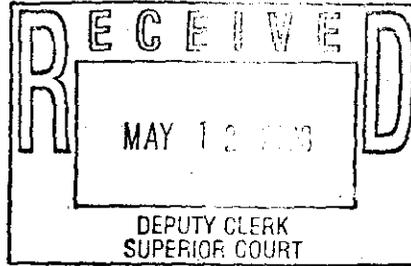
Jail credit totaling 301 days is hereby vacated. Instead, Defendant is entitled to 362 days.

The remainder of the sentence is unchanged.

  
\_\_\_\_\_  
JAMES N. CITTA, J.S.C.

January 8, 2003

Name: Mr. Earl Peoples  
Number: 440145  
Northern State Prison  
168 Frontage Road  
Newark, New Jersey 07114



Defendant, pro-se

State of New Jersey  
Plaintiff

v.

Earl Peoples  
Defendant

Superior Court of New Jersey  
Court

Law DIVISION

COUNTY OF Ocean

INDICTMENT NO. 02-05-0607

Criminal ACTION

To: \_\_\_\_\_, Prosecutor  
\_\_\_\_\_  
\_\_\_\_\_

NOTICE OF MOTION Requesting  
for disqualification of trial  
Court judge on Court motion.

PLEASE TAKE NOTICE that on the \_\_\_\_\_ day of \_\_\_\_\_ 2008, at

9:00 A.M. in the forenoon or as soon thereafter as can be heard, the undersigned hereby moves before

the law Division, Ocean County Court House, Toms River,

New Jersey, for an ORDER Request that the Honorable judge James N. Citta, J.S.C.

disqualify himself on Court motion, and from any further

proceedings on defendant's Post-Conviction relief petition.

---

In support of this motion the defendant shall rely on supporting documentation hereto attached.

This motion is made in good faith and not for the purpose of confusion or delay.

Dated: 05 May 2008

Mr. Earl Peoples  
Defendant

Name: Mr. Earl Peoples  
Number: 440145  
Northern State Prison  
168 Frontage Road  
P.O. Box 2300  
Newark, New Jersey 07114-2300

SUPERIOR COURT OF NEWJERSEY  
LAW DIVISION

COUNTY OF Ocean  
INDICTMENT NO. 02-05-0607

CRIMINAL ACTION

STATE OF NEW JERSEY  
PLAINTIFF

CERTIFICATION IN SUPPORT  
OF MOTION

v.

Earl Peoples  
DEFENDANT

I, Earl Peoples, being of full age and having been duly sworn according to law, depose and say:

1. I am the defendant in the above captioned matter.
2. Request that the Honorable judge  
James N. Citta, j.s.c. disqualify himself on the  
court's motion from hearing post-conviction petition
3. Due to the bias and prejudice remarks /  
comments made on the trial court sentencing  
transcript, this request is being ask in the  
interest of justice.

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**CERTIFICATION**

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

Dated: 05 May 2006

Mr Earl Peoples  
(Signature)

SUPERIOR COURT OF NEW JERSEY  
OCEAN VICINAGE

CHAMBERS OF  
HON. PETER J. GIOVINE



OCEAN COUNTY COURT HOUSE  
120 HOOPER AVENUE  
TOMS RIVER NJ 08754-2191

June 4, 2008

Earl Peebles  
SBI # 885122B  
Northern State Prison  
168 Frontage Road  
P.O. Box 2300  
Newark, NJ 07114

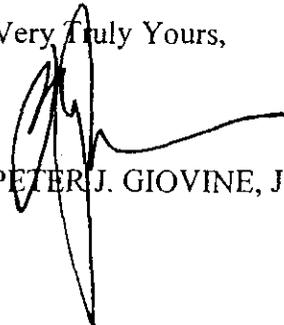
Dear Mr. Peebles:

This Court is in receipt of the two (2) motions you have submitted *pro se* asking respectively for a copy of the Grand Jury Transcript(s) and for The Hon. James N. Citta, J.S.C. to disqualify himself from any involvement with these motions as well as any matters pertaining to your motion for Post-Conviction Relief.

Our records indicate that you are currently represented by John O. Goins, Esq. on your motion for Post-Conviction Relief. This information was confirmed during a recent oral conversation with Mr. Goins himself. As you are represented by counsel on this matter, please note that all motions and correspondence should be sent and filed by your attorney. As such, please contact your attorney in reference to the abovementioned filings.

Additionally, be advised that due to unrelated circumstances Judge Citta is no longer presiding over your motion for Post-Conviction Relief and as such will not have any further involvement with this matter.

Very Truly Yours,

  
PETER J. GIOVINE, J.S.C.

Cc: John O. Goins, Esq.  
File  
Criminal Case Management  
Prosecutor's Office

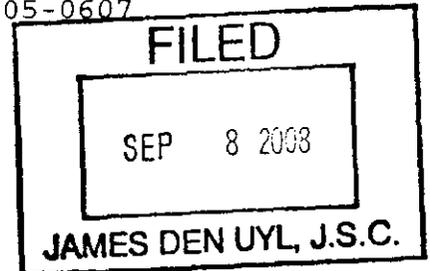


MARLENE LYNCH FORD  
 OCEAN COUNTY PROSECUTOR  
 119 HOOPER AVENUE  
 P.O. BOX 2191  
 TOMS RIVER, NJ 08754  
 (732) 929-2027

**Superior Court of New Jersey**

Law Division

Indictment No. 02-05-0607



\_\_\_\_\_  
 STATE OF NEW JERSEY,  
 Plaintiff-Respondent,  
 v.  
 EARL PEEPLES  
 Defendant-Petitioner  
 \_\_\_\_\_

CRIMINAL ACTION

ORDER DENYING  
 POST-CONVICTION  
 RELIEF

THIS MATTER having come before the Court on a petition for post-conviction relief filed pursuant to R.3:22-1 et. seq. by Defendant, and oral arguments having been heard on August 29, 2008, with John O. Goins, Esq. appearing on behalf of Defendant and Samuel Marzarella, Esq. appearing on behalf of the State of New Jersey, and the Court having considered the briefs submitted by the parties, and having further considered the arguments of counsel, and for good cause shown;

IT IS on this 8 day of SEPTEMBER, 2008 ORDERED THAT Defendant's petition for post-conviction relief is denied.

  
 \_\_\_\_\_  
 Hon. James Den Uyl, J.S.C.

SUPERIOR COURT OF NEW JERSEY  
OCEAN VICINAGE

CHAMBERS OF  
JUDGE JAMES N. CITTA



OCEAN COUNTY COURT HOUSE  
P.O. BOX 2191  
TOMS RIVER, NEW JERSEY 08754-2191

April 11, 2008

Deirdre M. Naughton, Counsel  
Supreme Court of New Jersey  
Advisory Committee on Judicial Conduct  
Post Office Box 037  
Trenton, New Jersey 08625

RECEIVED

APR 16 2008

ACJC

PRIVATE AND CONFIDENTIAL

Re: ACJC 2008-180

Dear Ms. Naughton:

I write in response to your letter of April 8, 2008, and enclosures with same.

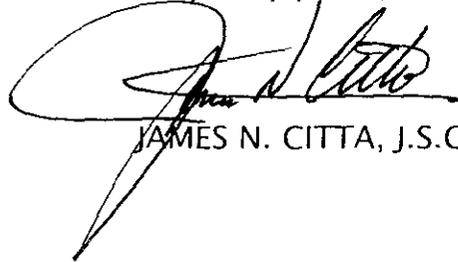
I have reviewed the transcript of the sentencing of Alex Ramirez for violation of probation which occurred on April 13, 2006. My reaction to same is that I said an awful lot which was not relevant to the issues at hand as Judge Payne pointed out in the Order entered at the sentencing appeal proceeding.

Indeed, I said an awful lot which I should not have said, and I stand corrected, and accept without challenge, the censure of Judge Payne as set forth in the Order entered, and a copy of which I am enclosing.

I add the following by way of explanation and not by way of excuse: My Friday calendars are rather lengthy, and contain many proceedings which, quite frankly, are emotionally draining. I have for a number of years - not by my choice - handled the most horrific, sadistic, and emotionally charged criminal trials and sentencings. All of this has exacted a toll which, on occasion, has led me to say things better left unsaid.

In the present situation, a sense of exasperation and frustration resulted in comments better left unsaid. I recognize this and am taking steps to attempt to deal with it. Indeed, if my health permits me to return to work, I would hope to take something positive from this experience, and be more judicious in the manner I conduct proceedings. But please bear in mind that Fridays in Criminal Court are not like a walk in the park.

Very truly yours,

A handwritten signature in black ink, appearing to read "James N. Citta". The signature is written in a cursive style with a large, sweeping initial "C".

JAMES N. CITTA, J.S.C.

JNC:ac  
Enclosure

A-1650-06T4



STATE OF NEW JERSEY

FILED

SUPERIOR COURT OF NEW JERSEY

v.

APPELLATE DIVISION

DOCKET NO: A-001650-06T4

ALEX RAMIREZ

FEB 11 2008

BEFORE PART: G

JUDGES:

PAYNE

SAPP-PETERSON

*J. M. Chacko*  
CLERK

ORAL ARGUMENT DATE: FEBRUARY 06, 2008

DECIDED DATE: FEBRUARY 06, 2008

RECEIVED  
FEB 14 2008  
COURT ADMINISTRATOR'S OFFICE

RECEIVED  
APPELLATE DIVISION  
FEB 11 2008

ORDER

COURT OF NEW JERSEY

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT ON A SENTENCING CALENDAR PURSUANT TO R. 2:9-11, IT IS HEREBY ORDERED AS FOLLOWS:

Having considered the record and argument of counsel, and with the consent of the State, the matter is remanded for entry of an amended judgment of conviction that eliminates charges contained in Count 1 of the indictment, fourth-degree unlawful possession of a weapon, N.J.S.A. 2C:39-3f(1), which was dismissed at the time of defendant's plea.

It appearing that defendant is scheduled to be paroled on February 9, 2008, we decline to address any remaining sentencing issues. However, we specifically disapprove of the sentencing court's intemperate comments at sentencing on defendant's violation of probation, which have no relevance to matters in issue and have no place in a court of law.

The judgment of the trial court is affirmed. The matter is remanded for amendment of the judgment of conviction, as specified.

OCN 04-06-1127

I hereby certify that the foregoing is a true copy of the original on file in my office.

FOR THE COURT:

*J. M. Chacko*  
CLERK OF THE APPELLATE DIVISION

*Edith K. Payne*  
EDITH K. PAYNE, J.A.D.

407 100151

# STATUTORY AGGRAVATING AND MITIGATING FACTORS

N.J.S.A. 2C:44-1

## N.J.S.A. 2C:44-1a AGGRAVATING FACTORS

- (1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;
- (2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;
- (3) The risk that the defendant will commit another offense;
- (4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;
- (5) There is a substantial likelihood that the defendant is involved in organized criminal activity;
- (6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;
- (7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;
- (8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority; the defendant committed the offense because of the status of the victim as a public servant; or the defendant committed the offense against a sports official, athletic coach or manager, acting in or immediately following the performance of his duties or because of the person's status as a sports official, coach or manager;
- (9) The need for deterring the defendant and others from violating the law;
- (10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;
- (11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;
- (12) The defendant committed the offense against a person who he knew or should have known was 60 years of age or older, or disabled;
- (13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle.

## N.J.S.A. 2C:44-1b MITIGATING FACTORS

- (1) The defendant's conduct neither caused nor threatened serious harm;
- (2) The defendant did not contemplate that his conduct would cause or threaten serious harm;
- (3) The defendant acted under a strong provocation;
- (4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;
- (5) The victim of the defendant's conduct induced or facilitated its commission;
- (6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;
- (7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;
- (8) The defendant's conduct was the result of circumstances unlikely to recur;
- (9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;
- (10) The defendant is particularly likely to respond affirmatively to probationary treatment;
- (11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;
- (12) The willingness of the defendant to cooperate with law enforcement authorities;
- (13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

**PLEA FORM**

OCEAN COUNTY

DEFENDANT'S NAME Earl D. Peoples JUDGE Citiga

1. List the charges to which you are pleading guilty:

Prosecutor's Case Number	Ind./Acc./Compl.#	Count	Nature of offense and Degree	Statutory Maximum		VCCB Assmt*
				Time	Fine	
<u>01-12-4488</u>	<u>02-05-607</u>	<u>1</u>	<u>Attempted Murder - 1<sup>st</sup></u>	<u>MAX 20 years</u>	<u>\$20,000</u>	<u>\$100</u>
_____	_____	_____	_____	MAX	_____	_____
_____	_____	_____	_____	MAX	_____	_____
_____	_____	_____	_____	MAX	_____	_____
_____	_____	_____	_____	MAX	_____	_____

Your total exposure as the result of this plea is: TOTAL: 20 yrs Exposure \$100

PLEASE CIRCLE APPROPRIATE ANSWER

2. a. Did you commit the offense(s) to which you are pleading guilty?  Yes  No
- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)?  Yes  No
3. Do you understand what the charges mean?  Yes  No
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
  - a. The right to a jury trial in which the State must prove your guilt by beyond a reasonable doubt?  Yes  No
  - b. The right to remain silent?  Yes  No
  - c. The right to confront the witnesses against you?  Yes  No
5. Do you understand that if you plead guilty:
  - a. You will have a criminal record?  Yes  No
  - b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Violent Crimes Compensation Board Assessment?  Yes  No
  - c. You must pay a minimum Violent Crimes Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive; \$25 if offense occurred before January 1, 1986).  Yes  No
  - d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995 and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? 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, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made?  Yes  No
  - e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction?  Yes  No
  - f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation?  Yes  No
  - g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30?  Yes  No

\*VIOLENT CRIMES COMPENSATION BOARD ASSESSMENT

Defendant's Initials EP

\$ 2001

6. Do you understand that the court could in its discretion impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed?  Yes  No

7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term?  Yes  No

a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is 8 years and 6 months (fill in the number of years/months) and the maximum period of parole ineligibility can be 12 years and 9 months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.

8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison?  Yes  No

9. Are you presently on probation or parole?  
 a. Do you understand that a guilty plea may result in a violation of your probation or parole?  Yes  No

N/A

10. Are you presently serving a custodial sentence on another charge?  
 a. Do you understand that a guilty plea may affect your parole eligibility?  Yes  No

N/A

11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively?  Yes  No

N/A

12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
<u>02-05-607</u>	<u>2</u>	<u>Pass Up. Chl. Purpose - 3rd</u>
<u>02-05-607</u>	<u>3</u>	<u>Theft - 3rd</u>

13. Specify any sentence the prosecutor has agreed to recommend:  
State will seek 15 years N.T.S.P. with M.F.R.A.  
Restitution to victim

14. Has the prosecutor promised that he or she will NOT:  
 a. Speak at sentencing?  Yes  No  
 b. Seek an extended term of confinement?  Yes  No  
 c. Seek a stipulation of parole ineligibility?  Yes  No

15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?  Yes  No

N/A

Defendant's Initials EP

16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?  N/A Yes No
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty?  N/A Yes No
18. Have you discussed with your attorney the legal doctrine of merger?  N/A Yes No
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?  N/A Yes No
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty: NONE
- 
- 

21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? Yes  No
22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence?  Yes No
- b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea?  Yes No
- c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial?  Yes No
23. Are you satisfied with the advise you have received from your lawyer?  Yes No
24. Do you have any questions concerning this plea? Yes  No

DATE: October 7, 2002 DEFENDANT: Mr. Earl Papp

DEFENSE ATTORNEY: Richard H. [Signature]

PROSECUTOR: WMA Paulhus for Wm Heister

( ) This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

**Supplemental Plea Form for No Early Release Act (NERA) Cases**  
**(N.J.S.A. 2C: 43-7.2)**

The following questions need to be answered only if you are pleading guilty to one of the following first or second crimes that occurred on or after June 29, 2001:

murder, aggravated manslaughter or manslaughter, vehicular homicide, aggravated assault, disarming a law enforcement officer, kidnapping, aggravated sexual assault, sexual assault, robbery, carjacking, aggravated arson by placing another person in danger of death or serious bodily injury, burglary, theft by extortion by obtaining property of another by threatening to inflict bodily injury on, or physically confine or restrain anyone or commit another offense, booby traps in manufacturing or distributing of CDS facilities or strict liability for drug induced deaths.

1. Do you understand that because of your plea of guilty to  
attempted murder (1<sup>st</sup> degree)

(LIST FIRST OR SECOND DEGREE CRIME(S) TO WHICH NERA APPLIES)

you will be required to serve 85% of the sentence imposed for that offense(s) before you will be eligible for parole on that offense(s)?  [YES]  [NO]

2. Do you understand that because you have pled guilty to these charges the court must impose a 5 year term of parole supervision and that term will begin as soon as you complete the sentence of incarceration?  [YES]  [NO]

First Degree Term of Parole Supervision - 5 years  
Second Degree Term of Parole Supervision - 3 years

3. Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed?  [YES]  [NO]

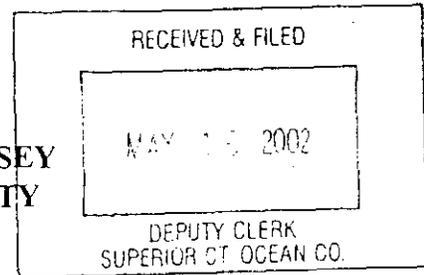
DATE: 10-7-02

DEFENDANT: Mr. Earl Poole

DEFENSE ATTORNEY: Richard H. Greber

PROSECUTOR: WPAullius for Wm. Heister

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - OCEAN COUNTY



THE STATE OF NEW JERSEY :

VS. :

EARL D. PEEPLES :

Defendant :

INDICTMENT

NO. 102-05-607

COUNT ONE - FIRST DEGREE  
ATTEMPTED MURDER

THE GRAND JURORS of the State of New Jersey, for the County of Ocean, upon their oaths PRESENT that EARL D. PEEPLES, on or about December 17, 2001, in the Township of Manchester, and within the jurisdiction of this Court, did purposely attempt to cause the death of Susan Blank, contrary to the provisions of NJS 2C:11-3 and NJS 2C:5-1, and against the peace of this State, the Government and dignity of the same.

COUNT TWO -- THIRD DEGREE  
POSSESSION OF WEAPON FOR UNLAWFUL PURPOSE

THE GRAND JURORS of the State of New Jersey, for the County of Ocean, upon their oaths PRESENT that EARL D. PEEPLES, on or about December 17, 2001, in the Township of Manchester, and within the jurisdiction of this Court, did possess a certain weapon, that is, a knife with purpose to use it unlawfully against the person or property of another, contrary to the provisions of NJS 2C:39-4d, and against the peace of this State, the Government and dignity of the same.

COUNT THREE - THIRD DEGREE  
THEFT BY UNLAWFUL TAKING OF AUTOMOBILE

THE GRAND JURORS of the State of New Jersey, for the County of Ocean, upon their oaths PRESENT that EARL D. PEEPLES, on or about December 17, 2001, in the Township of Manchester, and within the jurisdiction of this Court, knowingly did unlawfully

take or exercise unlawful control over the movable property of Susan Blank, that is a 1993 Mercury Tracer automobile, with the purpose to deprive the owner thereof, contrary to the provisions of NJS 2C:20-3, and against the peace of this State, the Government and dignity of the same.

DATED 5/15/02   
THOMAS F. KELAHER  
County Prosecutor

ENDORSED   
Foreman

BRAMWELL H. TILLSLEY  
GENERAL



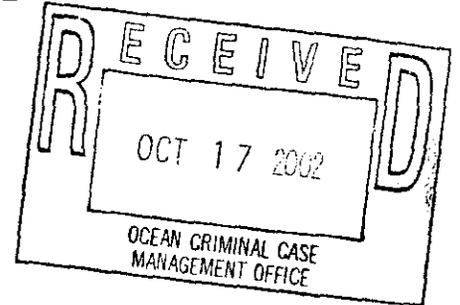
RONALD G. IRWIN  
TERRITORIAL COMMANDER

# THE SALVATION ARMY

FOUNDED IN 1865 BY WILLIAM BOOTH

## ADULT REHABILITATION CENTER

248 ERIE STREET  
JERSEY CITY, N.J. 07302  
TELEPHONE: (201) 653-3071  
FAX: (201) 653-8264



10/14/02

Superior Court of New Jersey  
Ocean Vicinage  
Attn: Ms. Bernadette Moynihan  
120 Hooper Ave. Room 221  
Toms River, N.J. 08753

Dear Ms. Moynihan,

Mr. Earl Peeples entered this facility on 6/1/00. He was discharged on 12/6/00. The reason for discharge was a physical altercation with another client. A confidential warning was sent to other Salvation Army facilities, advising admission with caution. If you require further information, or if I can be of any assistance, please feel free to contact me at the number above during business hours. I thank you for your time and attention, and remain,

Respectfully yours,

Daniel R. Ayres, CADC  
Program Director

cc: Major S. Timothy Lants  
File



THE SALVATION ARMY  
ADULT REHABILITATION CENTERS COMMAND  
EASTERN TERRITORY

CONFIDENTIAL WARNING

The person named below proved unsatisfactory at the

JERSEY CITY A.R.C. on 12/06/00

NAME: PEEPLES, EARL DAVID SS# 099-52-2935 D.O.B.: 7/29/59

EYES: BROWN HAIR: BLACK WEIGHT: 130 HEIGHT: 5' 7"

OCCUPATION: COMPUTER TECH

PHYSICAL CHARACTERISTICS: NONE

MANNER OF SEPARATION:  A  B  C  D CODES: 7, 31  
(Please use National Termination Codes)

CONTACT ADMINISTRATOR  OTHER \_\_\_\_\_

BRIEFLY DESCRIBE OFFENSE:

SEE CODES, ADMIT WITH CAUTION.

W. Paulo Dias, Jr.  
ADMINISTRATOR

(For Command Headquarters to Complete - Do not write below this line)

ADMIT WITH CAUTION  DO NOT ADMIT  DO NOT EMPLOY

Dear Judge Citta,

I am writing to you regarding the sentencing of Earl Peeples. Life has not been the same for me and my family since December 18, 2001. Early that evening I received a phone call from Mr. Peeples stating that he wanted to see me and was coming down to my job. I dismissed the phone call as an attempt to harass and intimidate me so I hung up on Earl. As you know, when I left my job at 11:00 PM, Mr. Peeples was hiding in my car waiting to take me for, what could have been, the last ride of my life.

The severity of my physical injuries left me virtually incapacitated for nearly six months. I was unable to do the most basic tasks with out assistance. Today I am still plagued by a number of symptoms from my injuries. I suffer from frequent headaches and neck pains. I have constant jaw pain and am not able to chew food on one side of my mouth. Because of the difficulty that I have eating I have lost 62 lbs. Since the attack, I am easily fatigued and have difficulty in maintaining my focus. Also, I now suffer from a host of cognitive and memory problems due to the mild traumatic brain injury that I suffered in the attack. The longer that these symptoms persist the less likely that they will ever go away.

Emotionally, I am constantly battling anxiety and depression because of the incident. I have been diagnosed by my neuropsychologist as having

Post Traumatic Stress Disorder and I now need to be medicated with Paxil and Zonax in order to function. I have lost a great deal of my self-confidence and I no longer trust my own judgment or natural instincts.

My two children, Amanda and Johnathan, are still suffering because of the attempt on my life. They both, frequently, experience nightmares about the attack or about my dying or being murdered. My three-year-old son Johnathan is now afraid to sleep alone and does not want me out of his sight. I believe that my son witnessed much more of the incident that I was originally aware of. He often talks about seeing mommy lying dead on the floor in a pool of blood. My son is preoccupied with my scars and always says, "Daddy did that" when he sees them. My daughter, Amanda, says that she is afraid that Earl will come after her to hurt her.

It is extremely important to me that Mr. Peeples receive the maximum sentence allowed by his plea agreement. Earl's violent, self-indulgent actions have devastated myself and my family. We all need time to heal and to rebuild our lives so, I implore you Judge Citta, to sentence Mr. Peeples to the maximum sentence possible.

Thank you for your time and consideration,

Susan Blank

A handwritten signature in cursive script that reads "Susan Blank".

ind # 02-05-607-I

The Honorable James N. Citta  
Justice Complex  
120 Hooper Ave.  
Toms River, NJ 08753

Marie L. Blank  
2704 Adams Ave.  
Toms River, NJ 08753-6126  
November 7, 2002

Your Honor:

During your years on the bench I'm sure you've heard countless pleas, and read untold numbers of impact statements from victim's and family members-to the point where domestic violence may seem almost commonplace.

For me, however, the violence that my family endured at the hands of Earl Peeples has been all too horrifyingly real and anything but commonplace! Never again do I want to spend days in ICU combing dried blood out of my daughter's hair, gingerly trying to avoid contact with the staples from the stab wounds on her scalp. Nor worry that I might tug too hard with the comb and hurt the jaw that he shattered with the force of the thrust of his knife. Or have my heart break each time my daughter cried and begged us not to leave her alone in ICU, because she was terrified that he'd find her and finish the job-knowing that it was possible!

The point is, he wanted her dead! And he wanted her to die slowly. He disabled every phone and left her in a pool of blood. I won't address the particulars of the attack because they're not mine to address. But my daughter is convinced that this would-be murderer will be back to kill her as soon as he has the opportunity. I believe her!

Plus, the effects of his violence extended to rest of the family. My granddaughter huddled in fear in the bathroom during part of this tragedy, holding her little brother, imagining heaven-knows-what, of what was to come, then ran for help once her mother's attacker had left her for dead. And we'll never know what was imprinted on my two-year-old grandson's brain of the obscenity his father committed against his mother. Even our household wasn't spared. Two nights after the attack this "person" called and told my husband, "This isn't over yet. I'm coming for you next."

Earl Peeples has pleaded guilty to attempted murder, but my fear is that this is nothing more than "jailhouse remorse" or an attempt to bargain for less time. I believe that he is manic-depressive and if so he's probably taking lithium while incarcerated. Since many manic-depressives enjoy the high of the manic phase, when he is released from jail he could very easily stop taking the lithium and go right back into the state of mind he was in when he attacked my daughter. The same holds true for his use of drugs and alcohol, which are definite problems for him.

In light of that, the longer he stays in prison the longer my daughter and family has some peace of mind. It's the most we can hope for. Therefore I ask that you please sentence him to the maximum number of years that you are allowed to by law. Thank you Your Honor.

  
Marie L. Blank

Ind # 02-05-609-I

The Honorable Judge James N. Citta  
Justice Complex  
120 Hooper Ave.  
Toms River, NJ 08753

Arthur J. Blank  
2704 Adams Ave.  
Toms River, NJ 08753-6126  
November 13, 2002

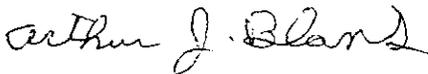
To: The Honorable Judge Citta

During the late hours of December 17, 2001 I received a call from the father of a friend of my granddaughter. He told me that my daughter had been seriously hurt and that a Manchester police officer wanted to talk to me. My heart started to race and my worst fears were soon confirmed. My daughter's ex-fiancé had invaded her home and viciously stabbed her eleven times. He pursued her throughout the house while stabbing her in the abdomen, several times precariously close to the spine, repeatedly to the head, right over her eye, and so forcefully to the jaw that he broke it! He did his dirty work while my granddaughter and grandson slept in the rear bedroom.

My daughter courageously tried not to cry out for fear of waking the children and having her attacker's attention focus on them. But she eventually screamed out in pain, waking her daughter who grabbed her brother, ran into Earl David Peeples and a barrage of threats. She ran into the bathroom, locked the door, calmed her brother as best she could, and waited until there was nothing but silence. Only God knows what went through her mind-their minds! She then ran for help [because all of the phones were disabled], in her pajamas, in the freezing rain, to her friend's house. If not for her, her friend's father [and, of course, emergency personnel] my daughter would be dead.

My daughter tried to do everything by the letter of the law. She had a permanent restraining order against Earl Peeples. But this piece of paper failed to protect her from her determined attacker. My daughter, as with so many other women, was let down by our legal system. She bears permanent scars, physical and emotional, as a result of Earl Peeples's actions eleven months ago. For the viciousness of his attack, I am asking you to sentence Earl D. Peeples to the maximum amount of time allowed by the law. Please give my daughter as much peace of mind as is within your power.

Thank you.



Arthur J. Blank