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STATE OF NEW JERSEY,

Plaintiff,

V.

JUDY THORPE

Defendant,

SUPERIOR COURT OF NEW  
JERSEY APPELLATE  
DIVISION

DOCKET NO: A-000634-22T1

CIVIL ACTION

ON APPEAL FROM

SUPERIOR COURT, LAW  
DIVISION

MONMOUTH COUNTY

Honorable Michael A.  
Guadagno J.A.D.

Sat below

**AMENDED LETTER BRIEF  
AND CORRECTED  
APPENDIX FOR  
APPELLANT JUDY THORPE**

**\* ORAL ARGUMENT  
REQUESTED\***

**NOVEMBER 22, 2024**

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**AMENDED LETTER BRIEF**

**PRELIMINARY STATEMENT**

Please accept this letter brief with attached appendix in lieu of a more formal brief in further support of Appellant's October 27, 2022 Superior Court of New Jersey. Following the request for adjournment of the above-captioned matter by my former attorney, Kevin P. Wigenton, Esq., On January 19, 2022 I wrote to Honorable Judge Nicole Sonnenblick while proceeding *pro se* with my case, regarding the incident that occurred on November 14, 2021 (Attached please see true and correct copies of the ticket and citation #1316E21012440, submitted by Officer S. Foley) (Pa7-Pa8). I wish to dispute the violation for which I was charged, as it is inconsistent with my experience and perception of the facts of the incident. Therefore, I then respectfully requested Your Honor's assistance in obtaining a complete record of those facts.

In Officer Foley's citation, he reports that I "failed to move over for patrol stopped in [right] shoulder of US 9, finishing a MVA investigation" and indicates that my reported "violation" was "captured on BWC connected to case number 21FT30950." I then respectfully requested the *complete and continuous* footage that was recorded on the body-worn camera cited, as well as from the patrol vehicle's dash cam. In addition, as Officer Foley noted, our initial encounter occurred at the end of a MVA investigation; however, he only refers

to the camera footage connected to one case number. I am unclear as to whether this number refers to my ticket or the MVA investigation. Being that these two incidents are inextricably linked, I emphasized that my request is for the complete footage containing *both* the above encounter involving my alleged violation and the preceding motor stop and or motor vehicle accident at the Barclay Square freehold New Jersey 07728, along with the full and original reports detailing them. I believe that, in its totality, this relevant and complete discovery is necessary to support that my actions *did not* constitute the statute violation for which I was charged (Pa9-Pa10). As the said violation carries serious consequences for my record, including but not limited to points on my license, I trust that this is a fair and reasonable request.

I then respectfully requested an adjournment of my matter for two cycles to allow sufficient opportunity for me to receive this discovery and seek new counsel, and ask that I may appear in person before the Court, as I myself did not have the adequate technical capabilities for a virtual appearance. I further asked that any and all subsequent documentation and/or correspondence regarding my matter please be sent to me at the above address and/or email. I can also be reached at 732-580-2641.

### **APPELLANT'S PRO SE STATUS**

Indigent and unrepresented litigants have a right to the fair and impartial review of their claims and defenses. An important issue of fairness in our judiciary is raised in this case, in the course of which Appellant has been a victim of grave injustice and has been forced to represent herself as an indigent, pro se litigant. Appellant thus respectfully requests that the statements of her case be given due and equitable consideration, with reasonable lenience, with respect to precedence set by existing case law, to include but not be limited to, the standards of perfection and defense against dismissal. See *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 595, 30 L.Ed.2d 652 (1972) and *Conley v. Gibson*, 355 U.S. 41 at 48 (1957).

### **PROCEDURAL HISTORY**

On November 14, 2021 Appellant received a ticket and citation (Pa7-Pa8). Appellant Proceeded Pro Se on March 8,2022 and April 13,2022. On April 13,2022 an order was filed regarding a wrongful imposed sentence of a wrongful traffic violation (Pa2). On April 22,2022 Appellant filed a Municipal Appeal (Pa3-Pa5). On September 12,2022 a trial de novo occurred. On September 13,2022 an order was filed regarding a wrongful re-imposed sentence (Pa1) regarding Municipal Appeal MA-008-22 Township of Freehold,

Summons, ticket and citation E21-012440-1316 (Pa7-Pa8). Appellant filed her appeal on October 27, 2022 (Pa3-Pa5).

### **STATEMENT OF FACTS**

Following my November 14, 2021 citation for an alleged traffic violation, I, Appellant Judy Thorpe, was entitled to a fair trial to dispute it. However, the municipal court and the trial court denied my constitutional rights including, but not limited to, receiving complete discovery, witnesses and to be represented by an attorney.

Upon receiving my citation, I retained Kevin P. Wigenton as my attorney, and on January 4, 2022, Mr. Wigenton, provided to me as discovery, copies of the ticket and citation by Officer Foley and of the applied statute, dated 2013 (Pa6-Pa10). Finding this to be incomplete, I addressed my concern in a letter to the Honorable Nicole Sonnenblick as detailed in the preliminary section of this letter brief.

Her Honor Judge Sonnenblick held a hearing via teleconference on January 18, 2022, at which Mr. Wigenton represented me and told me I need not appear. Since Mr. Wigenton did not agree with my preference for trial, he asked for an adjournment, so I could request time to find another attorney and complete discovery. I followed Mr. Wigenton's appearance with my own letter to Judge Sonnenblick, dated January 19, 2022, echoing both said requests.



A new court appearance was set for March 8, 2022. Before our appearance, I was approached by prosecutor Anthony Vecchio with a plea offer. Mr. Vecchio stated that I could avoid points on my record if I accepted a guilty plea to my alleged violation. I declined, and in the hearing that proceeded, Judge Sonnenblick officially reset discovery and adjourned the matter until April 13, 2022, to allow for said discovery and my attainment of a new attorney.

On the trial date of April 13, 2022, Mr. Vecchio again approached me prior to trial that day with a plea offer, to which I again declined. I expressed my dismay that I had not yet been given full discovery, as the records custodian, Lt. Kenneth Kleinman, continued to withhold the complete videos that I had rightfully requested.

Further, I inquired about Lt. Kenneth Kleinman but not limited to, whom I had subpoenaed as witnesses but did not see present for trial. Mr. Vecchio simply *dismissed my inquiry and stated they were not coming*, thus fueling my emotional response (as I began to cry) that surfaced during my appearance before Judge Sonnenblick.

Her Honor then, in effect, appeared to reverse all her positions from March 8, 2022—from which she already knew that discovery was incomplete, and now saw that I did not have my witnesses either. When I voiced that I had not yet found new counsel, Judge Sonnenblick told me *I was not getting one*. Her Honor

nevertheless proceeded and targeted my psychological state (as I was crying), again a result of my encounter with Mr. Vecchio immediately prior to this. It was in this unclear state that I agreed to the plea, despite being denied my constitutional rights including, but not limited to, receiving complete discovery, witnesses and to be represented by an attorney and *treatment with dignity and respect*.

### **ARGUMENT**

**I. IT WAS MANIFEST ERROR AND SIGNIFICANTLY PREJUDICIAL FOR THE MUNICIPAL COURT AND LAW DIVISION TRIAL COURT TO IMPOSE A WRONGFUL SENTENCE. FOLLOWING MY NOVEMBER 14, 2021 CITATION FOR AN ALLEGED VIOLATION I APPELLANT JUDY WAS ENTITLED TO A FAIR TRIAL TO DISPUTE IT. HOWEVER, THE MUNICIPAL COURT AND LAW DIVISION TRIAL COURTS DENIED MY CONSTITUTIONAL RIGHTS INCLUDING, BUT NOT LIMITED TO, RECEIVING COMPLETE DISCOVERY, WITNESSES AND TO BE REPRESENTED BY AN ATTORNEY. AND PLEA OFFER MADE UNDER FALSE PREMISES.**

The trial court manifestly erred as a matter of law in granting defendants motions to dismiss “‘Manifest error’ is one that ‘is plain and indisputable, and that amounts to a complete disregard of the controlling law.’” *Guy v. Crown Equip. Corp.*, 394 F.3d 320, 325 (5th Cir. 2004) (quoting *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 195 (1st Cir. 2004)); See *Black’s Law Dictionary* 563 (7th ed.1999). Other authorities have defined manifest error as “an error that is obvious and indisputable, that warrants reversal of municipal

appeal. It is an indisputable error of judgment in complete disregard of the facts of the case, the applicable rule or law and credible evidence.” *See*. Leal eagle

Had I been afforded a fair trial, I could have proven that I was not guilty of the alleged violation, as evidenced by the law itself. By plain fact, the statute at issue, N.J. Title 39 Section 39:4-92.2 was erroneously misapplied in my situation.

The statute mandates the lane change but explicitly includes the clause, “absent any other direction by a law enforcement officer.” Be it noted that all reports show that Officer Foley was gesturing at me at the time of the incident and stated “I signaled for driver to move over” (Pa8); I could not read his mind and interpreted his gesturing as "other direction by a law enforcement officer" to simply slow down—which I did, to the best of my understanding as abiding by traffic law.

Furthermore, N.J. Title 39 Section 39:4-92.2 as referred to in my case was misapplied because it was out of date. Please note that the copy of the statute, inadvertently sent along to me by my then-attorney Mr. Wigenton, was the version dated 2013. (Pa6-Pa10).

However, I have learned that the same statute had been revised by the time of my citation in 2021, including but not limited to, the notable addition of this clause: "A motor vehicle operator shall not be assessed motor vehicle penalty points unless the stationary vehicle is displaying flashing, blinking, or alternating

lights in accordance with this section at the time of the third or subsequent violation."

In addition to not being a violation due to the above-stated facts, this incident most certainly did not constitute my third or subsequent violation of any sort. As such, I was never at (risk?) to receive points on my record.

In light of these facts, Mr. Vecchio's plea offer, to was made on false premises... Matter of principle... nephew was struck and lost his life on "Killer 9" in a car accident. This matter is personal to me.

April 13, 2022 Transcript (2T)<sup>1</sup>

Page

Referring to summons on page 3 (lines 6-9), Your Honor Nicole Sonnenblick, J.M.C. states, ... two-point summons.”

.....**2T page3, lines 6-9**

Again, referring to the April 13, 2022 transcript page 3 (lines 14-15), that “I need to get an attorney.” In which the court denied.....**2T page3, lines 14-15**

Following that, also on page 3 of the April 13, 2022 transcript (line 19-20), I would then like to address a reference by Judy Thorpe with regards to the footage body worn camera (BWC) and (MVR) video I stated “This is not correct it was redacted”. Appearing out of sequence on page 6 lines 13-20 Anthony Vecchio Prosecutor references including but not limited to, information regarding the body worn camera and MVR video which repeats an untruth that the Officer Foley and the records custodian Kenneth Kleinman have wrongly claimed. Mr. Vecchio was indeed correct I was upset as I mention the BWC and MVR was not correct and was redacted. In addition, from the start I wish to dispute the violation for which I was charged, as it is inconsistent with my experience and perception of the facts of the incident. Therefore, I respectfully requested Your Honor’s Nicole Sonnenblick, J.M.C. assistance in obtaining a complete record of those facts, Your Honor indeed

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<sup>1</sup> Transcript of Proceedings Freehold Township Municipal Court Monmouth County March 8, 2022 (1T) and April 13, 2022 (2T) Honorable Nicole Sonnenblick, J.M.C

reset discovery see March 8,2024 (1T) transcript referenced below. As of this date  
I never received complete discovery.....**2T page3, line 19-20**  
**and out of sequence 2T page6 lines 13-20**

Subsequently, on page 3 of the April 13, 2022 transcript (lines 22-24), *I was crying*  
and Your Honor stated, “You Know what I could do, just ask you to escort her  
over to the Centra State for an evaluation”. recommended Plaintiff begin  
psychotherapy immediately, and reported Plaintiff would shortly need a psychiatric  
consult.” .....**2T page3, lines 22-24**

Next, Judy Thorpe stated on page 3 of the April 13,2022 transcript (line 25), “No,  
I don’t need an evaluation...” and on page 4(line 1) “I have a medical problem”  
.....**2T page3, line25 and 2T page4**  
**line1**

Then on page 4 of the April 13,2022 transcript (line11- 12), Your Honor Nicole  
Sonnenblick states referring to wrongly sending Judy Thorpe to Centra State  
“Okay. “So do you want to go—so you understand that this is just a two-point  
ticket.” Your Honor upholds the violation and states “... just a two-point ticket”.  
which is inaccurate.....**2T page4, line**  
**11-12**

Next, also on page 4 of the April 13,2022 transcript (lines 14-16), regarding  
wrongly sending Judy Thorpe to Centra State, Your Honor Nicole Sonnenblick

summarized that “All right, then I need you to be able to be quite otherwise I have no choice but to do what I just said I think is appropriate.” .....**2T page4 lines**

**15-16**

Thereafter, again on page 4 of the April 13, 2022 transcript (lines 17-18), Judy Thorpe states “Be evaluated for what though? A medical issue.,” with a similar reference appearing on page 4 (lines 19) Your Honor Nicole Sonnenblick states “for some psychiatric issues”.....**2T page4 lines 17-**

**18 and 2T page4 line19**

Also, on page 4 of the April13, 2022 transcript (lines 19), Your Honor’s statement to send Judy Thorpe to Centra State that “for some psychiatric issues.” overlooks how the record shows contradictions between the courts over my allegations against Mr. Vecchio, Mr. Kleinman and officer Foley. Just because I was crying about an unfair predicament does not mean I have some “psychiatric issues” I was not treated with dignity and respect. There is zero tolerance for conduct of this sort in the New Jersey Judiciary.**2T page9, lines 9-12**

I next wish to address Your Honor’s prior statement on page4 of the April13,2022 transcript (lines 20-22), referring to Your Honor’s Statement Judy Thorpe states “I don’t have psychiatric issues. See this is what I mean, I’m not going to get a fair trial. I’m just—” as it is also inaccurate.....**2T page4, lines 20-22**



I also wish to clarify an inaccuracy on page 4 of the April 13, 2024 transcript (lines 23-25), where Your Honor continue to imply that I have “psychiatric issues” and states “Okay. So, I need you to be able to be quite while I talk to the prosecutor. If you can’t--” then on page 5 lines (1-2) Judy Thorpe states “But I don’t have psychiatric issues.” then on page 5 (line 4) Judy Thorpe states “That was so rude”

.....**2T page4 lines 23-25**  
**and 2T page 5 lines 1-2 and 2T page 5 line4**

September 12, 2022 Transcript (3T)<sup>2</sup>

I indeed informed Your Honor that I wish to dispute the violation ... on page 6 of the September 12, 2022 transcript (lines 20-25), Superior Court Of New Jersey Law Division, Municipal Appeal Transcript of Trial De Novo September 12,2022 Honorable Michael A. Guadagno, J. A. D.

.....**3T page6 lines 20-25**

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<sup>2</sup> Superior Court Of New Jersey Law Division, Municipal Appeal Transcript of Trial De Novo September 12,2022 (3T) Honorable Michael A. Guadagno, J. A. D.

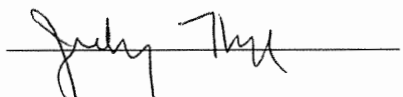


## CONCLUSION

Based on the foregoing, I maintain that there is indeed a basis for this Court's September 13, 2022 and April 13, 2022 to be reversed, remanded "in the interest of justice," as I have shown that it contained clear manifest errors of fact including, but not limited to, violations of my constitutional rights. Reversal and remand of my case is justified and necessary to provide an objective judicial review, complete with my clarifications of the facts on the record, and the opportunity to supplement this record through full and fair discovery.

Finally, at this time, I also respectfully request oral argument at your Trenton location without interruption, so that I may have an equitable opportunity as a pro se litigant to present my case.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Judy Thorpe", is written over a horizontal line.

JUDY THORPE PRO SE  
Plaintiff-Appellant

DATED: November 22, 2024



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Honorable Judges of the  
Superior Court of New Jersey  
Appellate Division  
Richard J. Hughes Justice Complex  
Post Office Box 006  
Trenton, New Jersey 08626

Re: State of New Jersey (Plaintiff-Respondent)  
v. Judy M. Thorpe (Defendant-Appellant)  
Appellate Division Docket No. A-0634-22T1  
Municipal Appeal No. MA22-008  
Misc. Case. No. ML-22-06-00091  
Criminal Action: On Appeal From a Final Judgment of Conviction in  
the Superior Court of New Jersey, Law Division  
(Criminal), Monmouth County  
Sat Below: Honorable Michael A. Guadagno, J.A.D. (ret. & t/a)

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Honorable Judges:

Please accept this letter memorandum, pursuant to R. 2:6-2(b), in lieu of  
a more formal brief submitted on behalf of the State of New Jersey.

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## COUNTERSTATEMENT OF PROCEDURAL HISTORY AND FACTS<sup>1</sup>

On November 14, 2021, Officer Sean Foley of the Freehold Township Police Department issued defendant, Judy M. Thorpe, a motor vehicle summons charging failure to change lanes for an emergency vehicle, in violation of N.J.S.A. 39:4-92.2.<sup>2</sup> Pa7-8.

Defendant retained Kevin Wigenton, Esq., to represent her and it is to him that the State provided all relevant discovery. (2T:5-9 to 5-10; 2T:6-5 to 6-9).<sup>3</sup> During Mr. Wigenton's representation, defendant rejected the State's plea offer to an amended charge of obstructing traffic, in violation of N.J.S.A. 39:4-67, and recommendation of a sentence of a \$57 fine and \$33 in court costs. (2T:5-9 to 5-15).

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<sup>1</sup> To be concise, the State has combined its Counterstatement of Procedural History and Counterstatements of Facts.

<sup>2</sup> The "Slow Down or Move Over, It's the Law Act," N.J.S.A. 39:4-92.2 (2024), has had two amendments marking change to the statutory language since its passage in 2009. In 2017, by Chapter 43, a comma was substituted for "or" in b. and b.(1); the words "or a stationary sanitation vehicle display a flashing amber warning light pursuant to section 1 of P.L.2011, c.3 (C.39:3-54.27)" were inserted in b.; in b.(1) a comma was inserted following "service vehicle" and the words "or sanitation vehicle" were inserted. In 2019, by Chapter 370, in the introductory language of a., a comma was inserted following "blinking" and "blue light." See Comments to N.J.S.A. 39:4-92.2.

<sup>3</sup> 1T refers to Transcript of Proceedings, March 8, 2022.

2T refers to Transcript of Proceedings, April 13, 2022.

3T refers to Transcript of Trial De Novo, September 12, 2022.

Prior to a March 8, 2022 court appearance before the Honorable Nicole L. Sonnenblick, J.M.C., defendant dismissed Mr. Wigenton. (1T; 2T:6-2 to 6-3). As such, at the March 8<sup>th</sup> appearance, Judge Sonnenblick adjourned the matter to give defendant time to find a new attorney and receive and review discovery. (1T:2-24 to 3-15).

Even though Mr. Wigenton provided defendant with all the discovery, defendant submitted a pro se discovery request to the municipal prosecutor. (2T:6-5 to 6-9). The State reissued discovery to defendant directly, which contained the ticket, the officer's notes, body worn camera video, MVR video, and "additional body worn camera footage that was not relevant." (2T:6-13 to 6-19).

On April 13, 2022, defendant appeared in Freehold Township Municipal Court pro se.<sup>4</sup> (2T). Before appearing on the record, the State met with

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<sup>4</sup> Defendant's pro se status was found to be appropriate before both the municipal court and Law Division. Defendant's conviction would have resulted in two points on her license and "a fine not less than \$100 and not more than \$500." N.J.S.A. 39:4-92.2; (2T:12-1 to 12-3; 2T:13-5 to 13-7). Judge Sonnenblick noted "for the record, the defendant already had an attorney, she discharged him for a consequence that is not of magnitude" and therefore, the court was "going forward without counsel to trial on [defendant's] behalf as [defendant] does not want to plead guilty." (2T:12-13 to 12-18). See Rodriguez v. Rosenblatt, 58 N.J. 281, 295 (1971); State v. Mierzwa, 420 N.J. Super. 207, 2014 (App. Div. 2011); Guidelines for Determination of Consequences of Magnitude, Pressler & Verniero, Current N.J. Court Rules, Appendix to Part VII to R. 7:3-2 (2025). Judge Guadagno

defendant and offered to assist her in viewing video discovery. (2T:6-17 to 6-22). Defendant refused the offer of assistance and again rejected the State's plea offer. (2T:6-13 to 6-19). The State informed the court it was ready to proceed to trial. (2T:6-20 to 6-23). Defendant was not; she requested additional body camera video because she believed that the previously-provided video was "not the correct footage." (2T:8-16 to 8-17). According to defendant, the video provided was "inconsistent with [her] experience and perception of the events." Db1-2.

This request was denied. (2T:5-20 to 6-23; 2T:7-16 to 7-22). The court explained defendant's options to her: 1.) have a trial where she would represent herself pro se, or, 2.) plead guilty pursuant to the agreement offered by the State. (2T:8-6 to 9-5).

Defendant elected to plead guilty to the amended charge of obstructing traffic, admitting that at approximately 2:28 pm on November 14, 2021 she obstructed traffic on Route 9. (2T:12-13 to 15-7). Judge Sonnenblick sentenced defendant to a fine of \$57 and \$33 in court costs. (2T:15-9 to 15-10).

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noted defendant's submission of the pro se request for discovery "indicat[ed] she intended to proceed pro se." Sa2.

On April 22, 2022, defendant appealed her conviction to the Superior Court, Law Division. Pa3-5. On September 12, 2022, a trial de novo took place before the Honorable Michael A. Guadagno, J.A.D. (ret. & t/a). (3T). On September 13, 2022, Judge Guadagno issued a written opinion that focused on defendant's discovery claim, "the only issue raised" at the Law Division. Sa1-4.<sup>5</sup> Judge Guadagno noted that even though complete discovery had been provided to defense counsel, the State was "extraordinarily accommodating" in redistributing "extensive" discovery directly to defendant after counsel's discharge. Id. at 3. Judge Guadagno concluded defendant's failure to challenge the State's representations regarding the completeness of the discovery provided was "dispositive" to her discovery claim. Ibid. Judge Guadagno then re-found defendant guilty of obstructing traffic and re-imposed the same fine and court costs that had been imposed by the municipal court. Id. at 4.

Defendant thereafter filed an appeal with this Court. The State opposes defendant's appeal and submits the following in support of its opposition.

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<sup>5</sup> As defendant's appendix is designated "Pa," the State's appendix has been designated "Sa" to prevent confusion.

## LEGAL ARGUMENT

### POINT I

THE LOWER COURT PROPERLY  
DENIED DEFENDANT'S CLAIM SHE  
WAS ENTITLED TO ADDITIONAL  
DISCOVERY.

Defendant argues both the municipal court's and the Law Division's denial of her request for additional discovery amounted to "manifest error" and a "wrongful conviction," such that this Court should reverse both. Db6. Defendant concedes the discovery she sought was evidence "[consistent] with [her] experience and perception of the facts of the incident;" defendant never claimed the State did not provide her with discovery. Db1. Nonetheless, she argues the State intentionally violated R. 7:7-7(b) by withholding exculpatory evidence. Db9.

Because the record did not support defendant's claim, both the municipal court and the Law Division correctly rejected them. Both courts found the State had met its discovery obligation under R. 7:7-7(b). Therefore, the State respectfully requests this Court deny defendant's appeal and affirm Judge Guadagno's denial of defendant's discovery request.

Following a conviction in the Law Division, a defendant "lose[s] the cloak of innocence," and bears the burden of showing the lower court erred.



State v. Robertson, 228 N.J. 138, 148 (2017). Accordingly, this Court reviews the Law Division’s decision and “determin[es] whether those findings made could reasonably have been reached on sufficient credible evidence present in the record.” State v. Castagna, 387 N.J. Super. 598, 604 (App. Div. 2006) (quoting State v. Johnson, 42 N.J. Super. 146, 161-62 (App. Div. 1964)). Without an “obvious and exceptional showing of error,” this Court accepts the concurring factual findings of the municipal court and Law Division. State v. Mellody, 479 N.J. Super. 90, 108 (App. Div. 2024) (citing State v. Locurto, 157 N.J. 463, 474 (1999)).

As to legal determinations, this Court “owe[s] no deference.” Ibid. (citing State v. Handy, 206 N.J. 39, 45 (2011)). However, this Court “generally defer[s] to a trial court's disposition of discovery matters unless the court has abused its discretion or its determination is based on a mistaken understanding of the applicable law.” State v. Ramirez, 252 N.J. 277, 298, (2022) (quoting State v. Brown, 236 N.J. 497, 521 (2019)).

Pursuant to R. 7:7-7(b), the State must provide municipal court defendants with all relevant discovery “if such evidence is in the State’s custody or control.” State v. Stein, 225 N.J. 582, 596 (2016). The Rule’s mandate includes the disclosure of “video and sound recordings,” such as BWC and MVR footage. Ibid.

While the Rule encompasses a large array of evidence, the right to discovery is not unlimited. State v. Hernandez, 225 N.J. 451, 463 (2016). The Rule does not allow for the expansion of discovery to allow “an unfocused, haphazard search for evidence” or a “foraging through files of other cases in search of relevant evidence.” Ibid. (citing State v. D.R.H., 127 N.J. 249, 256 (1992)); see also State v. R.W., 104 N.J. 14, 28 (1986).

Judge Guadagno found defendant’s discovery-related claim “lack[ed] merit” for two reasons: 1.) defendant “never challenged the prosecutor’s statement on the record detailing all of the discovery provided to her on two occasions;” and 2.) defendant “failed to state with any specificity what discovery she was denied or how it would have affected the outcome.” Sa3-4. Judge Guadagno found defendant’s allegation of allegedly missing discovery was in direct conflict with the State’s repeated assertions that all existing discovery had been provided. Id. at 3. In fact, the record made clear that the State had gone so far as to provide defendant with “irrelevant” MVR recordings depicting Officer Foley’s response to another case, thus going beyond that which was required of it by law. Ibid. Judge Guadagno’s findings as to the sufficiency of the State’s provision of discovery are supported by the record, which amply reflects that on two separate occasions the State provided defendant with all videos documenting defendant’s offense. Ibid.

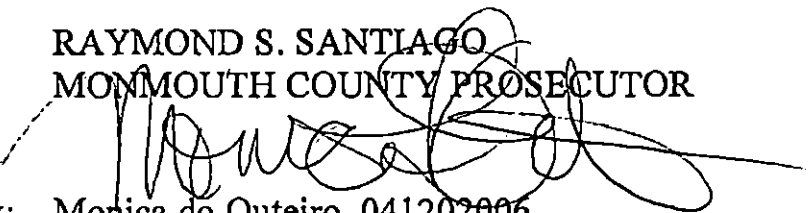
Defendant's current claim to the contrary is as baseless now as it was before the lower courts. Defendant made no showing that evidence consistent with "her perception" of events ever existed, much less was improperly withheld by the State. There was and still is nothing in the record to disprove the reality that defendant was provided all discovery. As such, Judge Guadagno properly rejected defendant's discovery claim. This Court should affirm.

CONCLUSION

For the above-mentioned reasons and authorities cited in support thereof, the State respectfully requests this Court deny defendant's appeal and affirm the order entered by the lower court.

Respectfully submitted,

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