

**New Jersey Judiciary
Superior Court - Appellate Division**

Docket No.: A-0002013-23 TEAM 02

STATE OF NEW JERSEY

Plaintiff, Respondent

v.

PARASTU SHARIFI, PRO SE

Defendant, Appellant

**ON APPEAL FROM ORDERS OF:
EAST WINDSOR MUNICIPAL COURT**

AND

MERCER COUNTY CRIMINAL COURTHOUSE

East Windsor Municipal Summon No.: S-2020-127, Judge Herman
Municipal Appeal 2020-22, Judge Wilson J.S.C. Mercer County

DEFENDANT'S BRIEF

for Appellant Parastu Sharifi, Pro Se

PARASTU SHARIFI
5 WINCHESTER DRIVE
EAST WINDSOR, NEW JERSEY 08520
(609) 533-6977
barbadrafteh90@yahoo.com

Dated: July 23, 2025

TABLE OF CONTENTS

TABLE OF CONTENTS- APPELLANT APPENDIX.2-4
TABLE OF AUTHORITIES 5
PRELIMINARY STATEMENT 6

ARGUMENTS 14, 17, 20

POINT I

DEFENDANT’S POINT I ARGUMENT14
THE FOURTEEN AMENDMENTS OF THE UNITED STATES CONSTITUTION
GUARANTEED EQUAL PROTECTION AND DUE PROCESS.

POINT II

DEFENDANT’S POINT II ARGUMENT. 17
THE DEFENSE IS ENTITLED TO THE DISCOVERY REQUESTED, WHICH THE STATE IS
REQUIRED TO DISCLOSE UNDER OUR COURT RULES

POINT III

DEFENDANT’S POINT III ARGUMENT. 20
REFUSAL OF PROSECUTORS TO COMPLY WITH NEW JERSEY ATTORNEY GENERAL
MANDATED DIRECTIVE POLICY TO COMPLY WITH U.S. AND N.J. SUPREME COURT
WITH *BRADY* AND *GIGLIO* CASES.

CONCLUSION 23

TABLE OF AUTHORITIES

Brady v. Maryland
373 U.S. 83, 87 (1963).17,20, 21,22,23

Giglio v. United States
405 U.S. 150 (1972). 20,21,22,23

NEW JERSEY COURT RULES AND STATUTE

N.J. Court Rules, R 7:7-714,17,22
N.J. Court Rules, R 3:13-3.14,17,22
N.J. Court Rules, R 3:13-3(b)(1).17
N.J. Court Rules, R 3:13-3(b)(3). 13, 18
N.J. Court Rules, R 3:13-3(b)(F).18
N.J. Court Rules of Professional Conduct, RPC 3.8.20
N.J. Court Rules of Professional Conduct, RPC 3.4 (a,b,c,d).20

Preliminary Statement

PLEASE NOTE that throughout this case from June 2020 to today's date July of 2025, the Plaintiff (State of New Jersey) in cooperation with New Jersey Judiciary system together have continuously, knowingly, and with malice intent to harm this Pro Se litigant have VIOLATED the Defendant's 14th Amendment Constitutional Rights in which ensure a fair court system with equal opportunities, equal protection, and a Due Process for all.

PLEASE FURTHER NOTE that as of today's date July 23, 2025, Plaintiff still has denied the Defendant's access to a copy of UNCODED video footage and missing bodycam videos by refusing and dodging to serve the defendant with these videos despite multiple Orders granting the defendant's two "motion to compel" dated June 24, 2024, and July 26, 2024, signed by Honorable Judge Susswein. Apparently, unclear to the defendant, the prosecutor from Mercer County office has served the Court with these videos but has refused to serve the defendant with these video footages (perhaps by design), and if this action is a fact, the Appellant Court has never provided the defendant with any copy of these videos nor any access was ever granted to the defendant to review these video footage. These Walmart video footages are still a mystery to the defendant. To be clear, the motion to compel was filed by the defendant, not by the court.

Defendant has continuously voiced the fact that pro se litigant, at-least herself- do not have any access to the Appellant Court system and permission and guidance on

how to access to these materials have not been provided to this Pro Se litigant nor have these videos been shared to her for review by the court despite numerous requests and communications with case manager in this case. Defendant has received a pdf page containing some supposedly blue hyperlinks; however, no action would occur, and none of the links would open by clicking on a pdf page (Exhibit C and Exhibit C-2- pg 36-41).

Evidence marked S1 and S2 missing during first appeal was not an accident nor misplacement, rather it was a calculated move from East Windsor Municipality court system and their record department in cooperation with the municipality prosecutor office. This was in fact a calculated move to cover up lies and perjury statements conducted by the State's witness and manipulation of footage by the prosecutor which were documented during the trial. These manipulations and cover up have been carried on by prosecutors from Mercer County prosecutor office by denying to serve the defendant a copy of the uncoded version of these videos and to serve her with an uncoded copy of evidence marked as S1 and S2 from the original trial to the defendant according to rule of discovery.

East Windsor Municipal Judge Herman was fully aware that the defendant had not received ALL requested discovery materials as well as her inability to play and review the (maliciously coded) video footage of Walmart store. Judge Herman should have known and had a duty to know that the defendant's right to discovery was violated by the municipal prosecutor when he was informed by the defendant on many occasions before and during the trial dated March 29, 2021. In spite of those facts knowingly and with malice intend to cause harm to this pro se litigant, this judge

violated the defendant's 14th amendment constitutional rights and his oath of office, a promise by him to the judiciary system to uphold the Federal and State laws as a judge. He knowingly violated ALL the rights given to defendant by United States Constitution, denies ALL of defendant's motion to compel, motion to dismiss for discovery violation, and abuses his discretion and power.

By his discriminatory actions against this pro se litigant, he knowingly has stolen the defendant's right to defend herself in a fair judiciary system without bias and prejudice. By doing so, he has opposed this Country's Constitutional rights given to the citizens and has violated the Federal and State's laws and rule of discovery and finds her guilty without the proper due process and her access to discoverable materials.

Judge Sherry Wilson from Superior Court during in person court session dated September 11, 2023, indicated that evidence S1 and S2 were not in possession of the court. She questioned the prosecutor whether his office was in possession of those discs (2T¹:3-19 to3-25) & (2T:4-1 to 4-8) & (2T: 6-6) and (2T:6-19 through7-10). A two-week time frame was given to Mercer County Prosecutor Peter Rhineland to provide her office with a copy of S1 and S2 and for herself to make a judgment based on the videos (2T: 5-5 to 5-15).

¹ 2T: Transcript of Hearing in Mercer County Courthouse, Judge Wilson, dated September 11, 2023

Two months later, the defendant filed a motion to dismiss the case for lack of progress (Exhibit F-pg 52-55). Only then, a virtual court meeting was scheduled to review the evidence via zoom by Judge Wilson's courtroom for January 17, 2024 (exhibit B- pg 34).

This zoom meeting was abruptly cancelled by Judge Wilson's office staff via a phone call a few short minutes prior to the start of the meeting, citing technical difficulties. Defendant was ambushed once again, instead of rescheduling court hearing regarding the missing evidence, she received an order from Judge Wilson office dated January 26, 2024, via an email upholding municipal court's decision despite missing evidence and discovery violation and by Judge Wilson making a decision without reviewing the S1 and S2 contradicting her own words (Exhibit G 1-8- pg 56-63) & (2T: 5-5 to 5-15).

Judge Wilson refused to allow the defendant to speak and question her regarding missing evidence on her sentencing day, which was scheduled for in a person session on February 2, 2024, at 9 am. At the sentencing day, Judge Wilson walked away from her podium the moment the defendant questioned her regarding the missing evidence and court officers dictated to the defendant in an entirely separate room that she is not allowed to speak and question the judge anymore regarding anything.

The defendant received a phone call from Judge Wilson's office while speaking to these officers to return to the court so Judge Wilson could replay her role faking the procedure while it was being recorded without the defendant right to speak and

question the missing evidence on the record with an estimated delay about a 45 mins to 1 hour from the original schedule time.

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

STATE OF NEW JERSEY)	DOCKET NO. A-002013-23
)	
V)	
)	Defendant's Brief
PARASTU SHARIFI)	

PLEASE TAKE NOTICE that Defendant, a pro se litigant, based on her prior experiences understands that Justice system will not ever going to allow her have access to a fair trial, even though, this may violate her Fourteen Amendment Due Process clause for the following reasons.

This justice system is the only place in the world where you have the assumption of the right to represent self, but in fact, the rules of law may or may not apply to you equally depending on the judges' discretions and/or integrity. In this case, it does not seem that Justice and judgement are based on laws and its rules equal for everyone, rather it is up to judges' feeling regarding the situation, the litigants, their status, the art of writing capabilities and formatting, ability to manipulate evidence, lies, and the art of cover up of their wrongdoings, not based on the FACTS and the LAWS of this country.

This pro se litigant's Constitutional rights have been continuously violated by previous judgments in this case. It seems that the judgments were based on who is more in a position of power to manipulate the evidence to fit their story, not the facts, laws, or Rules of the judicial system. It is clear to this defendant that she may face injustice once more since it is most likely this Court will rule in a way that protects the other judges' ruling and State's lies since this defendant is a voiceless pro se litigant trapped behind the close door of justice system.

As of now, her CONSTITUTIONAL RIGHTS have ALL been violated behind these closed doors. The justice system is NOT blind and there is a long history of innocent people have been wrongfully incarcerated for decades for more serious crimes that they did not commit based on the same system of abuse of power and violation of individual constitutional rights. The crimes that they were framed for by lies, corruption, and manipulation of evidence. As far as the law provides full immunity from injustice, people like me will suffer and no one would care.

Plaintiff, the State of New Jersey, represented by East Windsor Municipal Court, East Windsor Municipality prosecutor Robert Janzekovich, and Prosecutors Peter Rhineland and Laura Sunyak from Mercer County office and judicial system represented by East Windsor municipal Judge Herman, and Office of Judge Sherry Wilson from Superior Court, altogether, have continuously violated this Pro Se Defendant's Constitutional RIGHTS to Due Process by withholding evidence in this case from her, jeopardizing her rights to defend herself.

The municipal prosecutor first provided the defendant with an **encoded video** footage, which unable her to open and review the video footage in purpose, then repeatedly from 2020 to current date, the prosecutors have hidden evidence from her by refusing to serve

the defendant the **uncoded version** of these video footage. The conversion of these footage from a coded version to uncoded version occurred only due to the Appellant Court Order dated July 26, 2024, yet they still have refused to serve the defendant with these evidence.

Encoding the footage occurs purposefully by someone who only hindered the ability of this pro se litigant to review the footage. No matter who encoded these footage, East Windsor municipal prosecutor was obligated to provide the defendant with a version that would have been publicly available to the defendant to review (N.J. Court Rules, R. 3:13-3(b)(3)).

Even though the State was Ordered to provide these videos in a non-proprietary version to the defendant, the Defendant STILL has not received a copy of these video footage, of course by design, nor a remedy was provided to the defendant to have access to these discoverable materials by the Mercer County prosecutor office and/or appellant court. The defendant was denied defending herself in this case continuously by both municipal court and the Superior court corruptly by refusing her access to all requested discovery materials.

In this judicial system, you are guilty of being voiceless and powerless. Based on my experience, the judicial system works with corruption, prejudice, bullying, and bias behind closed doors for individuals like the defendant in this case and corruption in this case have been continued in a hope that defendants stumble somewhere and fail to make a correct move in this difficult and occluded pathway of justice system that has purposefully made it difficult to maneuver for individuals without a legal representation.

Violations of defendant's 14th amendment constitutional's rights to due process; violation of Federal and State Laws, and Court Rules regarding the defendant's right to

discovery including obtaining exculpatory evidence dictated in N.J Rules (7:7-7) and Rule (3:13-3) are described as below:

POINT I ARGUMENT

THE FOURTEEN AMENDMENTS OF THE UNITED STATES CONSTITUTION GUARANTEED EQUAL PROTECTION AND DUE PROCESS.

Violation of U.S. Constitution, 14th Amendment, Procedural Due Process Clause and Equal Protection under the Federal and State Laws.

- Both Courts, East Windsor Municipal Court and Superior Court have violated Defendant 14th Amendment Constitutional Rights to Due Process by blocking her access to the requested discovery materials has hindered her ability to defend her case and confront the accuser as a pro se litigant. The promise of equal opportunities, equal protection, and a Due Process for all. The U.S. 14th Amendment prohibits States from denying any person within their jurisdiction the equal protection of the laws.
 - In the course of the trial dated March 29, 2021, during cross examination of the State's witness Cruz by the defendant, Judge Herman abruptly intervened and made a prejudicial command against the defendant without any objection from the prosecutor side in regard to line of questions. His comment was: "Ms. Sharifi, he's already said he saw you put it into your purse in the store. That's what he said." (1T²: 53-10 to 53-12) in respond to the defendant's question from witness Cruz which had asked if "Walmart in East Windsor is the only Walmart selling those items, is this what you're stating?" (1T: 53-5 to 53-7).

² 1T: Transcript of East Windsor Trial dated March 29, 2021

The untimely and unprovoked comment of Judge Herman in the middle of cross examination of the witness by the defendant without any objection from the prosecutor is the proof that this judge was biased against the defendant and violated her constitutional rights to a fair trial and impartial judgement.

A defendant has a right to question the witness, lock their answers under oath and based on their answers, impeach the witness if it is applicable (1T: 53-19 through 54-14). Judge Herman's comment against this pro se defendant out of nowhere manifested his mental bias and prejudice against the defendant, and it was uncalled for. The question was simple, and it was called for yes or no answer. There was no objection on behalf of the prosecutor. This comment by the judge shows his state of mind and his unwillingness to discover the truth regarding this case. Defendant was not cross-examining the Judge, and the question was very much relevant in this case.

- o On many occasions, this judge completely ignores codes of judicial conduct and freely expresses his bias against the defendant. The defendant requested from the judge to recuse himself from the case through a motion filed on December 23rd, 2020, for his bias and his multiple prejudicial comments throughout multiple court appearances via zoom against the defendant (1T: 39-10 to 39-23), which was denied by him. Furthermore, this judge blocks the defendant from making her closing arguments (1T: 81-2 to 81-22), denies her right to discovery and examination of the evidence prior to admission of the videos into evidence (1T: 32-15 through 37-21).

- o It was clear and it was stated multiple times during the original trial that this judge had appeared that he had already made his mind and his unwillingness to hear the defense equally or at least to provide her with an opportunity to document her defense under protection of the U.S. Constitution (1T:41-9 to 41-17)&(1T: 91-6 to 91-16)&(1T:54-3&4)&(1T:75-13 to75-22)&(1T:77-19 to 77-25)

- The Judge's bias and prejudice is all over this trial. Trial Judge Herman was well aware that defendant did not receive all requested discovery materials and within what was provided to her, there was a manipulation by the prosecutor office on the most important portion of the evidence in a way that it had prevented the defendant from review and examining the footage. The Judge Herman acted that it was defendant's duty to figure out ways to decode this carefully coded evidence. ALL these games for accusation over \$35 worth of cat food? If according to the government they had video evidence of the crime and a witness, why was there a need to manipulate, edit, and withhold the evidence by the prosecutor/s office from this pro se litigant?

- It is evident that the East Windsor municipal prosecutor who was the only one in possession of the video footage easily had the power to manipulate the evidence to his advantage wherever the conversation among the parties in that video did not suit his scenario during trial conducted via zoom. He easily had the power to mute the video shown by him (again via zoom) and claim that video contains no audio. Defendant was not given a chance to review and confirm his claims (1T: 33-16 to 33-21).

In Conclusion, Judge Herman's comments and actions are proof that this judge was biased against the defendant. The hostility, unfairness, bigotry, and prejudicial attitude of Judge Herman are all documented during the pre-trial hearing, his response to defendant's motions, and during trial. Judge Herman and East Windsor Municipal Court's actions and comments infringe upon the constitutional guarantee of **due process rights**, affecting this pro se litigant who is seeking remedies and recourse from Appellant Court.

POINT II ARGUMENT

THE DEFENSE IS ENTITLED TO THE DISCOVERY REQUESTED IN WHICH THE STATE IS REQUIRED AND OBLIGATED TO DISCLOSE UNDER THE STATE'S COURT RULES

Violation of N.J. Court Rules, R. 3:13-3 and R. 7:7-7

- The N.J. Court dictate rules regarding "Discovery" in N.J. Rules, R. 3:13-3.

According to N.J. Rule 3:13-3 (b)(1) states:

Except for good cause shown, the prosecutor's discovery for each defendant named in the indictment shall be provided by the prosecutor's office, upon the return or unsealing of the indictment....

According to New Jersey Rule of Court 7:7-7:

All discovery requests by defendant shall be served on the municipal prosecutor, who shall be responsible for making government discovery available to the defendant."

According to Attorney General Law Enforcement Directive NO. 2019-6

- According to Attorney General Law Enforcement Directive NO. 2019-6, then Attorney General Gurbir S. Grewal, sent an email dated December 4, 2019 (Exhibit E-pg 42-51) to all County prosecutors inquiring them to comply with United States Supreme Court Case *Brady v. Maryland*, emphasizing the importance of disclosing exculpatory and impeachment evidence to the defense counsel. In this case, the defendant was her own counsel and entitled to ALL requested evidence (Exhibit A-pg 26).

The East Windsor municipality prosecutor has failed to fulfill his obligation regarding defendant's discovery and had cherry picked what information the defendant could receive and

what she was not entitled to even though the requested information were all relevant to her case (1T: 8-13 to 8-19). Missing police officer bodycams, phone calls, muted footage (withholding audio), and purposefully Coded video footage are not coincident. The defendant had a right to obtain discoverable materials according to N.J. Court Rules, R. 3:13-3 (b)(3), which indicated, "ALL discovery shall be provided in an open, publicly available (non-proprietary) format that is compatible with any standard operating computer". In this case, these video footages were maliciously coded to cause the defendant to stumble throughout this case and prevent the defendant from reviewing and examining these footages.

In addition, East Windsor Prosecutor maliciously withheld the name and information of all witnesses in this case who were called to testify in the trial or they could have relevant evidence or information and could provide helpful insight about this case for the defendant such as other employees of Walmart store mentioned and present during the incident, in violation of N.J. Court Rules, R3:13-3(b)(F) (1T: 45-21 through 46- 15)

Both East Windsor Prosecutor and Mercer County Prosecutor showed no problem with serving the defendant with manipulated/ coded disk to the defendant, however, the Mercer County prosecutor has refused to serve the defendant with this publicly available format footage of the evidence after they were forced to decode the footage. Please refer to the Order of Honorable Judge Susswein granting Defendant's second motion to compel dated July 26, 2024.

As of today's date, July 23, 2025, the defendant still has not received the footage. These videos have not been shared with the defendant by the Appellant Court, nor was any direction given on how to review the footage by this court or the Mercer County prosecutor's office at any point. Defendant has repeatedly requested multiple times to get access to these videos, even

filed a third motion to the Appellant Court dated March 18, 2025, which surprisingly was denied by Honorable Judge Susswein (Exhibit C-pg 36) & (Exhibit C-2- pg 37-41).

In Conclusion, the County prosecutor office had the ability to decode the Walmart footage. This means that the East Windsor prosecutor office and their record department were the only sources who had the ability to code the disk and create a proprietary version which blocked the defendant's access to these videos with malice and by design. The coding was purposeful since the municipality prosecutor made no attempt to fix the issue after his office was notified by the defendant on July 22, 2020 (Exhibit B2-pg 35/ or 27).

The municipality purposefully withheld these video footages and other discoverable materials and did not send the S1 and S2 to the Superior Court during the appeal process. This is not coincident. The overall actions of East Windsor municipal prosecutor for denying a pro se litigant her constitutional rights were malice and intended to cause emotional and financial harm to the defendant. The East Windsor prosecutor had reasons to hide this evidence. His goal was to convict the defendant at any cost. Many individuals lose hope and give up defending themselves due to lack of knowledge regarding the laws and rules governing the court system, high cost of appeal, and complexity of appeal process. He planned on adding another easy win to his resume as a prosecutor, carefully targeting people like this defendant with an accent and different background. Missing S1 and S2 from first appeal court, coded video footage, and missing discovery materials are all proven corruption by him in the system, which is an indication of their malice intent to cause harm in violation of discovery rules governing the State of New Jersey judicial system and Due Process clause guaranteed by 14th amendment of U.S. Constitution. This pro se litigant is seeking remedies and recourse from the Appellant Court.

POINT III ARGUMENT

REFUSAL OF PROSECUTORS TO COMPLY WITH NEW JERSEY ATTORNEY GENERAL MANDATED DIRECTIVE POLICY TO COMPLY WITH U.S. AND N.J. SUPREME COURT WITH *BRADY* AND *GIGLIO* CASES AND MISCONDUCT.

Violation of U.S. Supreme Court Precedents, Brady and Giglio Cases and Prosecutorial Misconduct

- Prosecutors from East Windsor Municipality and Mercer County office representing the Plaintiff, the State of New Jersey, have continuously violated the New Jersey Attorney General Law Enforcement Directive NO. 2019-6, who through an email dated December 4, 2019, required the prosecutors to adhere to Federal and State Laws in regards to comply with the United States Supreme Court cases of *Brady v. Maryland*, 373 U.S. 83, 87 (1963) and *Giglio v. United State*.

At the Direction of, then the New Jersey Attorney General Gurbir S. Grewal, ALL COUNTY PROSECUTORS were obligated to disclose all the evidence including the exculpatory and impeachment evidence and information to the defendant/ defense counsel (Exhibit E- pg 42-51). In this case, the municipal prosecutor Robert Janzekovich did everything in his power to deny the defendant to have access to these evidence by a way of coding the disk, muting, and withholding evidence and the name of all relevant witnesses in this case from the defendant.

Even Mercer County Prosecutor office has withheld these videos and has refused to serve the defendant with these footages up to today's date. All Prosecutors named in this case have knowingly and maliciously violated the New Jersey Attorney General direction, who had demanded ALL COUNTY PROSECUTORS to obey and comply with Federal and State precedent (Exhibit E-pg 42-51) in addition to violation of New Jersey Rule of Professional Conduct (Exhibit H: RPC 3.4 (a,b,c,d) and 3.8 (d) pg 78 & 81).

In Conclusion, the East Windsor municipality prosecutor and Mercer County prosecutor office should have known that they have knowingly and willingly were disobeying

their superior's direction and New Jersey Rules of Professional Conduct, requiring them to comply with Federal and State precedents and Brady and Giglio cases and discovery obligations. At the time, both Municipality, Mercer County prosecutors, and office of Judge Wilson from Mercer County Court have ALL violated the Brady and Giglio precedents. This pro se litigant is seeking remedies and recourse from the Appellant Court.

Summary and overview of this case, (may contain repeated arguments)

- On June 29, 2020, that Defendant requested in writing a whole list of discovery materials from prosecutor Janzekovich of East Windsor Municipality including all video and audios of Walmart materials (Exhibit A-pg 26).

- On July 21, 2020, the municipal prosecutor provided the Defendant with 2 sets of disks and 11 pages of documents.

- On July 22, 2020, the Defendant notified the municipal prosecutor stating that she was not able to get access to Walmart footage, only available to her on that disk was 6 random still images of Walmart Store and other people where Defendant is not on any of those pictures (Exhibit B-2- pg 35) & (Exhibit A 1-6- pg 28-33).

- In addition, the original conversation of the asset protection personnel with Surgeon Olesky and 2 other police officers at the scene captured via their bodycam were mysteriously MISSING from the evidence as well.

- Furthermore, on the original discovery request letter dated June 29, 2020, the Defendant had requested "the name and contact information of the District Manager of the loss prevention" from Walmart to be provided to her. The municipal prosecutor had decided to not include this information as in his opinion it was not relevant (1T, page 8, line 13-17). Defendant was entitled to the information for her defense.

Court Rules 3:13-3, (highlighted in green) and upholding of prior Court rulings of U.S. Supreme Court in case such as *Brady v. Maryland* and *Giglio v. United State* cases were are violated by the Plaintiff in this case.

Defendant appeal Judge Wilson to the Appellant Division. Two motions to compel the State to provide the overall evidence were filed by the defendant. Both motions were granted by Honorable Judge Susswein (Granted on June 24, 2024, and July 26, 2024).

- On March 18, 2025, defendant filed her 3rd motion to compel the plaintiff to serve her with UNCODED version of discovery videos in which never was served to the defendant, nor the opportunity was given to her to pick up the evidence herself.

- On April 08, 2025, Honorable Judge Susswein denied defendant's third motion to Compel the State to serve the defendant with these rare uncoded footage contradicting his own previous Orders without further explanation.

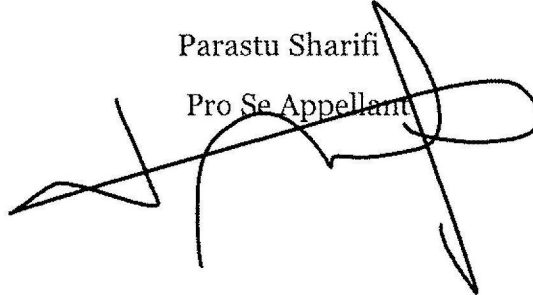
THEREFORE, for the above reasons, on this **FRIDAY MAY 23, 2025**, the undersigned hereby moves before the Superior Court of New Jersey, Appellate Division submitting her request for an **ORDER** dismissing the Plaintiff's Complaint with prejudice pursuant to violation of U.S. Fourteen Amendment Constitution Due Process Clause and Equal Protection under the law, and pursuant to violation of Brady and Giglio, violation of New Jersey Rule of Court R. 7:7-7, and violation of New Jersey Court Rules R. 3:13-3 on behalf of Plaintiff, Judge Herman, and Judge Wilson against this pro se litigant. The Defendant's right to have full access to all requested discovery materials including all missing bodycam recording of all police officers at the scene, audio recording of call/s to the police station and failure to disclose the name of all witnesses and Walmart policies as it was requested had rendered her ability to defend her case and confront the accuser.

CONCLUSION

On December 4, 2019, then Attorney General Grewal Gubir issued an Enforcement Directive to all County prosecutors enforcing Brady and Giglio materials. The Municipality prosecutor and Mercer County Prosecutor should have complied with their superior directions and should have upheld their oath of office to the laws and constitution of this land. Defendant requests that for upholding the integrity of the Court of law in this case as well referring to the landmark decision made by the U.S. Supreme Court in the case *Brady v. Maryland* in 1963 and *Giglio v. United State* 405 U.S. 150 (1972) for the reasons set forth above, this case shall be DISMISSED and not be remanded to the East Windsor municipal Court since the Judge did not erred when he made his finding rather he knowingly abused his discretion and conceded to his bias and prejudice instead of upholding the United States Constitution and Federal and State Laws.

Dated: July 23, 2025

Parastu Sharifi
Pro Se Appellant

A handwritten signature in black ink, appearing to read 'Parastu Sharifi', is written over the typed name and title. The signature is stylized and somewhat illegible due to its cursive nature.



OFFICE OF THE MERCER COUNTY PROSECUTOR

JANETTA D. MARBREY
Prosecutor

209 S. Broad Street, 3rd Floor
P.O. Box 8068
Trenton, New Jersey 08650-0068
Phone: (609) 989-6350
mercercountyprosecutor.com

JENNIFER DOWNING-MATHIS
First Assistant Prosecutor

BRIAN KIELY
Chief of County Detectives

ANTHONY PETRACCA
Deputy Chief of County Detectives

December 8, 2025

PETER RHINELANDER
Assistant Prosecutor
N.J. Attorney ID 410212022
Of Counsel and On the Letter Brief
e-mail: prhinelande@mercercounty.org

The 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. Parastu Sharifi (Defendant-Appellant)

Docket No. A-002013-23

Criminal Action: On Appeal from a Denial of Direct Appeal in the
Superior Court, Law Division (Criminal), Mercer
County

Sat Below: Honorable Sherry L. Wilson, J.S.C.

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.

TABLE OF CONTENTS

FACTS AND PROCEDURAL HISTORY2

LEGAL ARGUMENT4

POINT I5

THE MUNICIPAL COURT PROPERLY EXERCISED
ITS DISCRETION IN DENYING DEFENDANT’S
MOTION TO DISMISS FOR FAILURE TO PROVIDE
DISCOVERY

POINT II8

THERE IS NO EVIDENCE OF DISCRIMINATION
AGAINST THE DEFENDANT AND THE
CONVICTION IS SUPPORTED BY THE EVIDENCE

CONCLUSION9

FACTS AND PROCEDURAL HISTORY

For the purposes of this appeal, the State relies upon the summary of the relevant facts and procedural history as set forth in the order denying defendant's direct appeal.

In defendant's appeal, she alleged that she was denied the right to a fair trial, that she was not provided with all required discovery, and that she was discriminated against by the State and the Courts.

In denying the direct appeal, the superior court found that the municipal court properly dealt with the alleged discovery issue and that defendant had not provided any evidence of discrimination.

Defendant then filed a motion to compel "The Plaintiff to Provide the Defendant with All Requested Discovery Materials as well as Missing Evidence Marked as S-1 and S-2" dated June 24, 2024. That motion was granted by this court on July 26, 2024. A further motion to compel "Plaintiff to Provide the Defendant With All Discoverable Evidence and S1 and S2" was filed on October 4, 2024. In response to these, the State filed a letter, dated October 31, 2024, with this Court with the following information about what was done to comply with any discovery orders/obligations:

"Defendant previously filed a motion to compel discovery for S1 and S2, CDs that were used as evidence in the municipal trial. In responding to

that, the State made copies of both discs and had them delivered to defendant at her address. Those are the only exhibits that were used during the trial.

After numerous inquiries to the municipal court and East Windsor Township Police Department regarding any other materials that might be possessed that could be responsive to what defendant is seeking in this second motion to compel, I was provided two reports written by the East Windsor Township Police Department, one by Officer Tyler Clark and one by Sergeant Philip Melhorn. Both reports have been produced to defendant.

The State, being the Mercer County Prosecutor's Office, is not in possession of anything related to this case which has not already been turned over to defendant."

The defendant filed a motion to dismiss which was received by the Court August 30, 2024 and filed on September 11, 2024. That motion was denied by this Court on September 23, 2024. On November 21, 2024, this court ordered that "[t]he prosecutor shall ensure, and provide confirmation to this court within 15 days, that the discs that were provided are in an open, publicly available (non-proprietary) format that is compatible with any standard operating computer." In response, the State requested assistance from its digital media team and they made additional copies of both S1 and S2 which ensured they would be playable by any standard operating computer. They included a PDF report that documents how they

were merely converted into a more easily accessible format and were not edited in any other way.

LEGAL ARGUMENT

The court below recited the proper legal standard which governs this appellate review. R. 3:23-8(a)(2) is the rule which governs appeal from a court of limited criminal jurisdiction. It reads in relevant part, “[t]he court to which the appeal has been taken may reverse and remand for a new trial or may conduct a trial de novo on the record below.” Thus, the function of the Court on appeal from a municipal court conviction is to determine the issue anew but give due deference, although not necessarily controlling to credibility assessments to the court below. State v. Johnson, 42 N.J. 146, 156-57 (1964). Deference is due to the trial court’s credibility findings since they are often influenced by matters such as observation of the character and demeanor of witnesses and common human experience, which are not transmitted by the record. State v. Locurto, 157 N.J. 463, 474 (1999). Once the reviewing court is satisfied that the decision below was based upon credible evidence in the record, it should review the decision de novo but realize that the court below viewed the credibility of the

witnesses. *Id.* State v. Loce, 267 N.J. Super. 102, 104 (Law Div. 1991), *aff'd o.b.* N.J. Super. 10 (App. Div.) *certif. den* 134 N.J. 563 (1993).

POINT I

THE MUNICIPAL COURT PROPERLY EXERCISED ITS DISCRETION IN DENYING DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO PROVIDE DISCOVERY

Discovery obligations are set out in R. 7:7-7. This section reads in part (a):

“If the government is represented by the municipal prosecutor... discovery shall be available to the parties only as provided by this rule, unless the court otherwise orders. All discovery requests by defendant shall be served on the municipal prosecutor, who shall be responsible for making government discovery available to the defendant.”

The specifics of what is to be provided are then listed in part (b) and that includes (among other items) (6) “video and sound recordings” and (7) names, addresses and birthdates of any persons whom the prosecuting attorney knows to have relevant evidence or information, including a designation by the prosecuting attorney as to which of those persons the prosecuting attorney may call as witnesses.”

The factual background leading to the municipal court trial was recited in the decision by the court below. Defendant was provided with the video

discovery on July 21, 2020. The next day, she alleged that the video was not properly taped. On August 3, 2020 the court was notified that segments of the video were missing audio. The issue was eventually addressed at the trial where the State advised that none of the Walmart videos contained audio. The trial court judge stated that “the State does not have an obligation to make up what they do not have.” The court below rightly determined that such a ruling is consistent with the discovery rule. The State received video from Walmart that did not contain audio, and it provided the same to the defendant. It was not obligated to, and in fact it could not, provide video with audio which it did not have.

Municipal court judges have broad discretion in deciding which sanctions, if any, are appropriate for a failure to provide discovery. State v. Wolfe, 431 N.J. Super. 356, 363 (App. Div. 2013). A trial court’s resolution of a discovery matter is entitled to substantial deference and cannot be overruled unless it is determined to have abused its discretion. State v. Stein, 225 N.J. 582, 593 (2016).

The municipal judge’s conduct showed he made every accommodation of the defendant’s alleged discovery need. Multiple adjournments were given in order to afford an opportunity for the defendant to be able to review the discovery. At trial, the municipal prosecutor confirmed that instructions had

been provided to the defendant on how to download a plugin that would allow her to play the videos (1T 9:14-18). After more than seven months, when the trial was conducted, defendant continued to claim that she could not open the videos and so she filed a motion to dismiss for the alleged discovery failure. The judge denied the motion and cited the defendant's failure to take advantage of the avenues that were provided for her to be able to fully review everything. The municipal judge ensured that the videos were played during the trial and that the defendant had the opportunity to cross examine the witnesses. The witnesses were Mr. Cruz and Officer Clark – a store employee who took part in reporting the shoplifting and the complainant officer. They were the most readily anticipated witnesses, and the court below properly found that the municipal court did not abuse its discretion in denying the defendant's motion to dismiss.

Since the court below reached its decision, there have been multiple motions to compel discovery that were granted by this court. As referenced above, the State has provided all evidence it has including both exhibits used during the trial. This Court ordered that the State ensure that copies of S1 and S2 were made available such that any standard operating computer could play them, and the State complied. The State has done everything possible to comply with the discovery requests and orders of the court.

POINT II

THERE IS NO EVIDENCE OF DISCRIMINATION
AGAINST THE DEFENDANT AND THE
CONVICTION IS SUPPORTED BY THE EVIDENCE

The defendant accused the municipal judge of discriminating against her. She has also continuously made accusations of discrimination against all courts, court staff, and prosecutors who have been involved with the case. There is no evidence for any of these claims. The court below cited Rule 7:8-2b and Rule 1:12-3a which would govern the potential disqualification of a judge. It further cited the proper recusal standard of “Would a reasonable, fully informed person have doubts about the judge’s impartiality?” DeNike v. Cupo, 196 N.J. 502, 517 (2008).

The record provides no support whatsoever for a finding that the judge or any other relevant party was discriminatory. The municipal judge provided multiple adjournments before trial to allow the defendant to have time to ensure she was prepared. The record shows that she was treated respectfully and fairly by the judge throughout the trial.

The judge found the defendant was guilty of shoplifting due to the strength of the evidence presented. As recited by the court below, the store employee who testified, Mr. Cruz, personally observed the defendant put items into her pocketbook before proceeding past all points of sale without paying. Those unpaid for items were discovered in the defendant's pocketbook once she brought back to the Walmart back office. She then offered to pay for them retroactively but was informed that she would not be allowed to do so, and the police would be responding. The court below found that such verdict was just and supported by the record and upheld the conviction. Both the finding of no evidence of discrimination and that the defendant is guilty of shoplifting should be affirmed by this Court.

CONCLUSION

Based on the aforementioned reasons, the State respectfully requests that this Court deny the defendant's appeal and affirm the conviction for shoplifting.

Respectfully submitted,

JANETTA D. MARBREY
Mercer County Prosecutor

/s/ Peter Rhineland

BY: Peter Rhineland
Assistant Prosecutor
NJ Attorney ID: 410212022

cc: Parastu Sharifi, Pro Se (by mail)

New Jersey Judiciary
Superior Court - Appellate Division

Docket No.: A-0002013-23 TEAM 02

STATE OF NEW JERSEY

Plaintiff, Respondent

V.

PARASTU SHARIFI, PRO SE

Defendant, Appellant

ON APPEAL FROM ORDERS OF:

EAST WINDSOR MUNICIPAL COURT

AND

MERCER COUNTY CRIMINAL COURTHOUSE

East Windsor Municipal Summon No.: S-2020-127, Judge Herman
Municipal Appeal 2020-22, Judge Wilson J.S.C. Mercer County

DEFENDANT'S BRIEF-REPLY BRIEF

for Appellant Parastu Sharifi, Pro Se

PARASTU SHARIFI
5 WINCHESTER DRIVE
EAST WINDSOR, NEW JERSEY 08520
(609) 533-6977
barbadrafteh90@yahoo.com

Dated: December 21, 2025

Preliminary Statements

1. Appellant filed her Brief with Court on May 12, 2025.
2. The court finally processed Appellant's Brief on August 7, 2025.
3. On September 9, 2025, State filed their first Motion to Extend the time to file Respondent's Brief. Motion was granted on October 08, 2025.
4. On October 6, 2025, the Appellant filed a request for Oral Argument on Appeal.
5. On October 14, 2025, the second Motion to Extend the time to file Respondent's Brief was filed. Motion was granted on October 30, 2025.
6. On November 7, 2025, the State filed their third Motion to Extend the time to file Respondent's Brief. Motion was granted on December 10, 2025.
7. On November 11, 2025, Appellant filed a Motion for Disqualification of Mercer County Prosecutors. Motion was Denied on December 10, 2025.
8. On December 8, 2025, Mercer County Assistant Prosecutors Peter Rhinelandt filed "Respondent's Reply". Appellant Court did not approve nor filed the Respondent's Reply until an Order granting the State's third motion to extend the time to file Respondent's Brief was issued after 33 days on December 10, 2025.

STATEMENT OF THE FACT

9. On or around December 5, 2024, Mercer County Assistant Prosecutor Peter Rhinelanders filed two documents with Appellant Courts in response to Honorable Judge Susswein's Order. This Order granted the Appellant's motion to compel discovery, and it was issued on November 21, 2024.

10. To put the Court on notice, except in the beginning of this case (stopped by October 2024) and the Respondent's Brief dated December 8, 2025, the State has stopped serving the Appellant with the documents they were filing with the Court. The Appellant has attempted to notify this Court multiple times that even though the Pro se litigants get an email notification that opposing counsel has filed a document, unless these documents get shared to them by case manager or being served to them according to court rules by opposing counsel, they do not have access to these filings.

11. In one of these filing labeled as "Letter of Communication", (dated December 5, 2024), Mr. Rhinelanders claimed that "*S1 and S2 have been converted such that they should be compatible with any standard operating computer.*" In addition, in this letter he falsely claimed that "*those disks have now been sent to the appellant.*" (first page, first paragraph- Exhibit BRB 1-2).

FACT I:

This letter, submitted by Mercer County Assistant Prosecutor Peter Rhineland, contains misleading statements.

“S1 and S2 have been converted such that they should be compatible with any standard operating computer.”

12. Disk S1 contains Walmart Footage (encoded), and S2 contains some of Police Body Cam Footage except the most important one, such as Sergeant Olesky's body cam, selectively and by design, has never been provided to the defendant at any point (S2 with no issue to review).

13. Disk S1 provided to the Defendant in this case, NEVER been converted such that they should be compatible with any standard operating computer. The fact is that this disc was maliciously encoded via MNM4 format by either municipal prosecutor or someone from the East Windsor police record department. The person in charge of copying the disk knew or should have known, that a standard media player available for public would not be able to display these type of formats, and a Pro se litigant do not have proper software to review such an encoded copies other than the ones can be played via a standard media players (Exhibit BRB 3) in violation of N.J. Court Rules, R. 3:13-3(b)(3).

14. The Code MNM4 format was searched via the internet, and below is information found from the Bing web search engine.

The MNM4 format is a copy-protected codec used primarily for March Networks media clips. It is designed for specific use cases, such as in law enforcement and legal proceedings, where video evidence must be authenticated and tamper-evidenced. Files in this format are typically .avi files that may not play on standard media players like VLC or Windows Media Player without the appropriate software or codec.

March Networks media clips are secure, tamper-evident video/audio files from March Networks' Surveillance system, designed for easy, authorized review by third parties like police or courts using.

FACT II:

15. This letter, submitted by Mercer County Assistant Prosecutor Peter Rhineland, contains misleading statements.

Those disks have now been sent to the appellant.

This Statement is deceiving and it is designed to mislead the Court and hide the fact that Prosecutors have been disobedient toward the court's Order once again.

16. The fact is that the Mercer County Assistant Prosecutor never served the defendant with that copy of the disk that is *compatible with any standard operating computer (avi format)*, as they have claimed in this filing, and they still have not provided this disk to the defendant even after filing "3rd motion to compel", "motion for sanction", and the defendant final attempt, which was her submitted Brief filed on August 7, 2025. The

Defendant screamed all over that Brief, that prosecutors have intentionally failed to follow through with Honorable Judge Susswein's Order dated November 21, 2014, and never served her with a disc copied via avi format.

FACT III:

17. This letter, submitted by Mercer County Assistant Prosecutor Peter Rhineland, is deceiving and contains misleading statements.

“Included with this letter is a PDF that documents that the exhibits were merely converted into a more easily accessible format and were not edited in any other way.”

- a. First, the PDF report contained in his filing labeled as “Miscellaneous Submissions”, which claims that the disk exhibits were converted into a more easily accessible format and were not edited in any other way is another misleading statement. The document has failed to correctly and accurately identify which disk was examined; the one in possession of the Appellant or the one in possession of the State? The only S1 disk, which was served to the Defendant by the Mercer County Prosecutor office via Two Mercer County Sheriff deputies, clearly displays the type of codec, which is MNM4 format (exhibit BRB-3).

- b. Second, the defendant had a right to cross-exam the process and the processor. Therefore, the Appellant moves to reserve the right to file a motion to strike this made-up report and requests that the Court consider the factual evidence such as the display code on the disk shown via Exhibit BRB 3, and not simply a claim submitted as a report to the Court, which was filed improperly without the counterparty's chance to authenticate accuracy of the information provided to the court by one party in the case.
- c. Third, the Honorable Judge Susswein on his Order dated November 21, 2024, clearly provided supplemental direction to the Prosecutor by stating that, "*the Prosecutor shall provide to defendant a self-extracting computer program that will enable defendant to access and view the files stored on the discs that have been provided.*" Prosecutors have purposely and maliciously avoided fulfilling this portion of the Court's command and filed a PDF report with misleading information on it. These fraudulent claims filed by Mercer County Prosecutor are designed to protect the municipal prosecutor and Judge's misconducts, and a cover up attempt against ALL lies. The Prosecutors have been disobedient toward the court's Order once again.

18. During a hearing conducted by Judge Sherry Wilson on September

11, 2023 (2T:3-19 through 7-10), Judge Wilson directed the Mercer County Assistant Prosecutor Peter William Rhineland to provide her with a copy of the missing video evidence marked as S-1 and S-2, which were shown during the original trial conducted by East Windsor Municipal Judge Herman, dated March 29, 2021, within a two-week time frame.

Judge Wilson stated that Mr. Rhineland was responsible for providing the court with an update within a one-week time frame. If there was such an update, the Defendant was excluded from whatever communication this prosecutor had with that court because the mystery of the missing evidence remained and Judge Wilson abruptly canceled the zoom meeting dated January 17, 2024 (claiming technical difficulties) (Exhibit B), and suddenly issued her Order ranting out that the Defendant's Constitutional Rights were not violated when the evidence were withheld from her, and on and on and on.

Her Order could be transcribed that this specific Defendant does not have a RIGHT to a fair trial in contrast to prior case Laws and the Constitution of this Country where she is legally residing as a citizen.

19. Prosecutors in this case have been disobedient toward the court's Orders and their own superior who issued a directive (2019-6) to all County's Prosecutors, on December 4, 2019, (Exhibit E). According to this directive, which is publicly available on NJ ecourt website, then NJ Attorney General Gurbir S. Grewal, required ALL COUNTY PROSECUTORS to comply with

Brady and Giglio cases in regard to discovery process and disclosure of exculpatory and impeachment evidence to defense.

In addition, in the case of [State v. Stein](#), the New Jersey Supreme Court clarified that individuals charged with offenses (traffic/criminal) in municipal courts are entitled to a broad scope of discovery.

20. Appellant has consistently notified the Courts, from the municipal court to Appellate court, that her CIVIL RIGHTS have been violated, and municipal court and Judge Wilson's have decided to openly DEFY the Constitutional RIGHTS of this defendant to a FAIR TRIAL, a RIGHT TO DISCOVERABLE DOCUMENTS and MATERIALS, the RIGHT TO FACE THE ACCUSER, and the RIGHT TO DEFEND herself in this case.

APPELLANT 'S RESPONSE TO RESPONDANT'S LEGAL ARGUMENT

21. State argues that appellate may reverse and remand for a new trial or may conduct a trial de novo on the record. Further, state refers to trial court's credibility findings, which claims they are often influenced by matters such as observation of the character and demeanor of witnesses and common human experience, which are not transmitted by the record.

Response: Does the State's position demand conviction of innocent people based on the character and demeanor of witnesses and common

human experience, where they are not transmitted by the record, rather than the evidence?

POINT I: THE MUNICIPAL COURT PROPERLY EXERCISED ITS DISCRETION IN DENYING DEFENDANT’S MOTION TO DISMISS FOR FAILURE TO PROVIDE DISCOVERY

22. State correctly refers to R. 7:7-7, and acknowledges that municipal prosecutor shall be responsible for making government discovery available to the defendant, yet they claimed when the municipal prosecutor failed to uphold these obligation, the municipal Judge can rightfully exercise their discretion and deny the defendants their rights to defend themselves, and deny the defendant’s rights which are rooted in the Constitution and Bill of Rights of this Country.

Response: Pardon me? Is this argument even legal?

23. State claims that municipal Judge gave multiple adjournments to provide the defendant with an opportunity to review the discovery. In addition, they claim that during the TRIAL (pg 6 last paragraph), the municipal prosecutor confirmed that instructions had been provided to the defendant on how to download a plugin that would allow her to play the videos and refer to section (1T 9:14-18) of transcript from the original trial.

Response: It is miraculous how Mr. Rhineland, a Mercer County Assistant Prosecutor, is misguiding the Court once again by selectively

referring to a portion of a transcript that suits his purpose. A deeper look at a few lines above the selected portion of transcript (1T 9: 8-18) reads that Mr. Janzekovich, the municipality prosecutor, talks to the Judge that *he believesand his memory might not be correct*, and again *he believes there was conversation* that there is a video plugin to view the footage and he had to do it himself. These, so called “believe” statements, made by the municipal prosecutor during the trial, is just another habit of this prosecutor's attempt to misguide, mislead, and deceive the court.

Mr. Janzekovich lied about providing the requested discovery evidence to the defendant, as he lied about no audio (1T 33: 18-21), and he lied about providing the evidence to appeal court. Mr. Janzekovich has lied throughout about upholding his oath of office.

POINT II: THERE IS NO EVIDENCE OF DISCRIMINATION AGAINST THE DEFENDANT AND THE CONVICTION IS SUPPORTED BY THE EVIDENCE

24. Assistant Prosecutor Peter William Rhineland claims that there is no evidence of discrimination against the defendant and his reasoning is that the municipal Judge provided multiple adjournments before trial to allow the defendant to have time to ensure she was prepared, or he claims she was treated respectfully and fairly by the judge throughout the trial. Mr. Rhineland claims that the judge found her guilty of shoplifting due to the strength of the evidence presented.

25. Then Mr. Rhinelanders states that Mr. Cruz, personally observed the defendant putting items into her pocketbook before processing past all points of sale without paying.

Response: Adjournments do not decode a carefully encoded disk provided to the defendant. That specific disk was actually not displaying MNM4 formatting on it. It was only showing as an “error message occurred” when trying to review the footage. The East Windsor Police record department actually had cleaned up after their tampering with the evidence to make sure the type of formatting does not display.

Furthermore, the municipal Judge did not treat the defendant respectfully. He was more like a bully and a mob boss rather than a judge. His own words show that his state of mind was in a fighting mood with the defendant (1T 54: 3-4). A judge in this type of state of mind knowingly or unknowingly is biased and his decisions are tinted by prejudice. This judge clearly cannot be fair to the party.

26. This judge prevented the defendant from defending her case (1T 81: 2-6). The fact is this municipality has targeted and has financially exploited this defendant for more than two decades with their phony tickets, criminal charges, and phony trials. Yet, this is the first time that this defendant has fought back against their corruption.

- Assistant Prosecutor Peter William Rhinelanders has dodged to provide the Superior Court, Judge Wilson, with these missing evidence (It is on the record).
- Assistant Prosecutor Peter William Rhinelanders has dodged to provide uncoded footage to the defendant despite multiple Orders compelling him to do so, instead he filed a deceiving report indicating that A disc, that was on the possession of the prosecutor, was not encoded (of course, since the prosecutor used it during the trial) and never served the defendant with that report or a disc copied via avi format.

27. Further, the prosecutor has failed to provide the defendant with a self-extracting computer program to review encoded disc, nor the defendant was served with the disk containing missing Walmart footage that could be compatible with any standard operating computer.
(Defendant reserve her right to file motion for sanction)

28. Assistant Prosecutor Peter William Rhinelanders claims that the defendant was found guilty of shoplifting due to the strength of the evidence presented, yet he fails to name one such evidence to back his theory.

29. Defendant demand that Assistant Prosecutor Peter William

Rhinelanders brings with himself “those claimed strength of evidence” presented in the original trial with himself to the court for the day of Oral Argument on Appeal, which has been requested by the Defendant.

30. The defendant believes that there are clear and simple explanations of why the evidence in this case has gone missing, and the State has done everything in their power to steer clear from producing the footage to the Defendant. Even though Judge Herman purposely and willfully interrupted the defendant multiple times during the cross examination, the defendant believes that during the trial, the defendant has asked enough correct questions that having access to those video footage could provide a reckoning image of State’s witness, Jonathan Cruz and provide proof of municipal Prosecutor misconduct during the trial. During the trial, the municipality was in full control of the video which was carefully edited and selected some bits that suit their purpose (1T 33: 1-15).

31. The defendant had requested all audios and videos of Walmart for a reason. The audio and video footage and other witnesses could clarify everything (1T 46: 16-26) & (1T 47: 1-12). Please note (1T 49: 22-25 and 1T 50: 1-6). Witness indicated that the defendant exited the store (1T 50: 13-18), and also, he is the only one apparently telling the court what the defendant has said while in the office. Mysteriously, those footage contained no audio according to the municipal prosecutor (1T 33: 18-21).

32. Judge Herman continuously interrupted the defendant during the

cross-examination of the State's witness, Mr. Cruz without any objection from the prosecutor in order to muddy the water, in defendant's opinion (1T 52: 1-15), (.1T 53: 1-12), (1T 54: 10-21), and (1T 75:13-25).

33. This is the main reason the video footage of Walmart never was served in the correct format, and it was missing during the first appeal with New Jersey Superior Court. Ever since, the Mercer County Assistant Prosecutor, Mr. Rhineland, had a difficult job of protecting the State reputation for going after a female with a false accusation of shoplifting worth \$35.02 (Exhibit BRB 4).

34. Exhibit BRB 5, contains two Walmart receipts, the Defendant's shopping on the same day. Every item inside the shopping bags was scanned and paid for by the Defendant using her own credit cards for the total \$128.55. All these items and an expensive leather jacket belonging to the defendant were stolen by the State's witness Johnathan Cruz.

Conclusion

Defendant's Constitutional right to a fair trial and her right to have access to all the discoverable materials which could paint a clear picture of what happened that day was hijacked from her by deception, dishonestly, fraud, hostilities, unfairness, bigotry, prejudicial attitude, and abuse of power (1T 35: 16-23)&(1T 37: 4-24)&(1T 39: 16-24).

Judge Herman found her guilty, not based on the evidence (1T 89: 13-16) rather based on credibility of the witnesses and by observing their demeanor (1T 83: 5-11).

In the Decision section of the transcript, Judge Herman refuses to allow the Defendant to make her Closing Argument (1T 81: 2-11), and admitted the evidence despite the defendant's objection for not having the opportunity to exam the footage prior to the trial date (1T 32: 15-26)&(1T 33: 1-23).

Defendant all around has raised the issue of discovery violation (1T 34: 5-25) and tempering with the evidence. In addition to the withholding evidence, the municipal prosecutor did not provide the defendant with the list of names of witnesses who were directly involved in this case or presented at the time of trial or could have information in favor of the defendant. All the prior courts have violated the defendant's civil rights; a simple right to a fair trial according to the Rule of Courts and precedented Case Laws.

During the original trial, Judge Herman claims that he is obligated to weigh the credibility of the witnesses, to observe the demeanor of the witnesses and arrive at a decision (1T 83: 5-7). This Court should note that

the Defendant was the only female during the trial. This judge made a decision based on the witness's demeanor, according to himself. What would be his next decision based on? The level of his desire or sexual attraction to the parties involved?

During the Trial, Judge Herman, promotes this loss prevention employee as a manager, and he claims since he worked for 10 years with Walmart, then he considers him credible (1T 85: 7-14).

The most important part of the trial is when Judge Herman expresses his findings during the trial and refers to the video footage of Walmart shown at the trial. He states: “*While I could not see on that video her putting anything into her pocketbook ...*”(1T 89: 13-16), yet he makes his decision based on finding the Walmart loss prevention employee credible not the evidence presented to him. He simply took the loss prevention employee’s words without any audio or video footage to corroborate his testimony. So, if the person is a better liar, they are more credible, in Judge Herman’s opinion.

The question remains to which strength of evidence presented during the trial was Assistant Prosecutor Peter William Rhineland referring to in his reply brief?

During the original trial, Judge Herman and the municipal prosecutor both violated their Oath of Office, which is to uphold and support the Constitution and State laws, to administer justice fairly without bias, to be impartial, ensure fairness, and seek the truth. In this case, the Defendant's Constitutional RIGHTS was intentionally violated. When a municipal Court violated a defendant's right, it takes time, effort, and money to fight back against injustice for citizens and residents like the defendant, so many people simply give up the fight, unfortunately, the system provides complete immunity to these types of corruptions, which encourage their continuous misconduct and abuse of power.

These violations of the Defendant's civil rights described above, committed by municipal court officials, were willful. The Judge acted with reckless disregard for the truth, ignored discovery rules, and used and abused his discretion to exert his power to the defendant as a tool to punish the defendant to fulfill his personal agenda and ego.

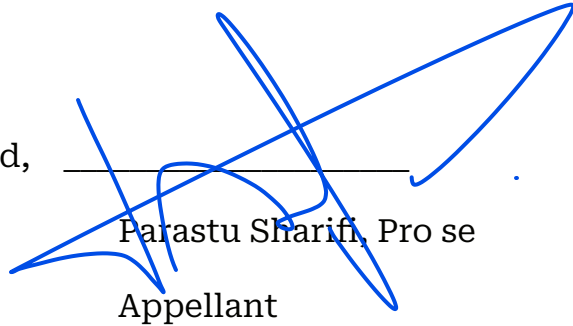
During the appeal to the Superior court, Judge Wilson's action indicated that she mostly feared losing her newly promoted position rather than to find the truth in this case. The fact that Judge Wilson switched from wanting to review the missing evidence to not addressing the issue at all indicated a possible ex parte communication with County's prosecutors.

The zoom meetings scheduled for January 17, 2025, (Exhibit B), which was scheduled to review the missing evidence was cancelled, and instead of rescheduling, Judge Wilson abruptly issued an Order upholding the corruptions of municipal court. Once again, the defendant was convicted based on the assumption that the municipal Judge was correct over his feelings that the State witness was credible based on his demeanor.

THEREFORE, the Defendant APPEAL to this Court and prays upon for EQUAL TREATMENT by this Court. The Defendant prays that this Court uphold her right to Due Process guaranteed by the U.S. Constitution. Her conviction was in violation of these rights and it was not an error. The Municipal Prosecutor violated the Discovery Rules, tempered with the evidence, where those tempered evidence got missing during the first appeal to superior court. The defendant was entitled to face the accuser and examine the evidence. The municipal Prosecutor was obligated to provide the defendant with all requested materials including exculpatory and impeachment evidence. The prosecutor decided that providing the defendant with Walmart loss prevention District Manager's contact information and their policies is not needed for the defense on behalf of the defendant. He was obligated to provide requested materials, and case laws have provided the defendants with a pathway and the right to have access to these discoverable materials. Both municipal and superior court judges have ignored the defendant's constitutional rights to a fair trial and equal

treatment, THEREFORE, Defendant respectfully requests that this case be dismissed with prejudice for the above reasoning.

Respectfully submitted,



Parastu Sharifi, Pro se
Appellant

Dated: December 21, 2025

cc: Peter William Rhineland, Assistant Prosecutor

Email: prhineland@mercercounty.org