

ACCOUNT OF JULY 1, 2008

On the date of July 1, 2008, I was at my office in Pearl River, New York, preparing to depart for Mt. Sinai Hospital, New York, to see my father, who was scheduled to undergo a serious operation the following day, July 2nd. My father, who had been afflicted with longstanding illness, had been unexpectedly hospitalized June 27th; his condition had been deteriorating steadily and he was now at a crossroads and expecting me to help him reach a final decision that evening as he was compelled to choose between the risk of a perilous surgery or the risk of his quickly failing health. While still at my office, however, I received a telephone call shortly before 6: 00 PM from my son, Marco, 13 years of age, informing me that my wife, Nella, had lost consciousness. Nella has had a history of illness and similar episodes, as described in the attached Medical History. Marco had found Nella on the ground in the doorway leading to the deck of our home, lying mostly on the deck. I instructed Marco in assisting Nella by first checking for injuries, reviving her and lifting her upright and into a chair on the deck. We knew from our lengthy experience the nature of these recurring episodes and from extensive previous medical examinations and consultations that which was immediately required. No outside intervention was sought while I rushed home.

Upon arriving home I found Nella sitting upright on the deck trying to relax and recover from the trauma, with Marco by her side. I sat with Nella and Marco left as I checked to make sure that she hadn't hurt herself in the fall. While Marco had earlier given me his observations negating injury I then sought to determine for myself if she required medical attention. While seated outside Nella received a telephone call on her mobile phone from a Sr. Maureen calling to check on her. Unable to speak at length, Nella spoke only briefly to Sr. Maureen and handed the call to me to explain the frustrating circumstances that had befallen us, with Nella continually ill, in constant danger and unable to be left alone, and my father in his precarious state: by then I had been trying to determine how I, alone, could safely be of aid to both my wife, in her difficult condition at home, and my father, in his failing condition at Mt. Sinai Hospital and still expecting me. I had also received a call from Nella's sister, which I handed to Nella as she asked me to speak to Sr. Maureen. While completing the telephone

conversation with Sr. Maureen I brought Nella into our home intending to have her rest more comfortably indoors, while Marco by now was outside in front of our home looking for someone to play with after the troublesome responsibility he had just had in taking care of his mother. As I was walking Nella toward our living room our family was startled, as Marco rushed back in to tell us that there were two police cars outside the circle in front of our home as we notice the sudden appearance in the view from our living room window of two Ramsey police officers, their vehicles placed oddly at a distance, among them our notorious albatross of Patrolman Fiore, a harbinger of the pattern of maelstrom persecuting our family. As indicated on the attached Ramsey Background we had experienced much vandalism as well as some troubling incidents with the police, as detailed in Ramsey Background, Exhibit 4; consequently, I had no idea what to expect as to the nature of their presence. Indeed, Fiore had just weeks earlier sought to falsely implicate Marco in a serious incident involving two boys and a knife on the morning school bus, though Marco does not even ride the school bus, and despite the numerous and highly corroborative accounts quite to the contrary establishing that Marco had actually intervened to bravely prevent what would have been those boys' third altercation of the day at school. This had been preceded by another incident some weeks earlier in which Fiore sought to give chase to, again, Marco, from the golf course behind our home, for no apparent cause, in reality having chased a boy he mistakenly believed to be our son; neither Fiore nor the accompanying Patrolman Falotico, each in plain clothes, could give us any plausible explanation for that chase that only narrowly escaped tragic ending, while the boy was given refuge and comfort in our home as he shook awaiting his parents. And prior to that it had been, again, Fiore, who along with Rork, perhaps not so coincidentally happened to be on duty responding to my wife's call reporting late night threats against me from the golf course. This history, as more fully described in Ramsey Background, Exhibit 4, gave cause for immediate concern of the several worrisome possibilities for their strange presence, including perhaps newly occurring vandalism against us, another unlawful chase by Fiore, or perhaps some other new ruse. Most puzzling, indeed, was their apparent stride besetting our home stealthily along our perimeter appearing to be walking toward the side or rear of our home.

As Nella sat down to rest I stepped outside to inquire. These police officers who initially appeared to be walking toward the side or rear of our home now walked toward me outside our front door. Ptl. Rothenburger marched directly in front of me and as I asked "what happened" stormed directly into our home; no knock, no

announcement, without any consent and without regard for the privacy of the persons in our home, while Fiore remained outside the front door and as I was still standing outside my house in disbelief. Rothenburger immediately commenced his confrontational questioning, stating he was investigating a 911 call reporting a "disturbance" at our home and seeking to separate me from Nella and my home as I then stepped back into our home. Within just moments of being at my wife's side at a time requiring family privacy, I had become impeded from aiding Nella and from entering my own home, without having any clue as to the cause, as this intruder with a badge then demanded that I leave my wife to her own distress and leave her alone in the house with him. I did not previously know Rothenburger, although Nella believes he responded to her fall in our home June 11th. As he stood in the entrance landing in our home Nella and Marco both appeared on the stairs. Rothenburger insisted he must investigate the "disturbance" and implied the occurrence of violence in our home. I was extremely resentful of such a suggestion, to which he replied "what am I supposed to think as I drive up and find your son outside the front of the house?" I objected to his intrusion into our family's home, especially at that difficult time, and argued that they had absolutely no right to be in our home without our consent. Nella and Marco both assured him that they were fine and safe and that there was no one else in the home at the time.

Despite these repeated assurances and confirming visual observation of everyone's safety, he demanded that either they come into our home or I go outside with them. In order to protect Nella and Marco from their continued intrusion I opted to go outside with them. I proceeded outside with Rothenburger, leaving the door to my home wide open and Nella and Marco inside. Nella remained indoors to rest, given her episode earlier. Once outside, Fiore demanded that I prove that I had not harmed anyone, and I recall asking him how and why I was to prove such a negative. While Rothenburger had sought to justify his wrongful intrusion into our home by his observation of Marco wandering outside upon his arrival, Fiore now manufactured the contention that I was "agitated," and that they had captured this agitation on their patrol vehicle's video. Meanwhile, they did everything possible to, in fact, "agitate" me.

More police officers continued to stream to our home, a number I believe reaching a total of at least five, perhaps six, as I stood outside approximately 12 to 15 feet from the front door. They argued with me to grant them my consent to search our home. I refused, while the door to our home remained wide open. The police presence grew into

a wall of uniforms in front of me, with an un-uniformed man behind me; the street behind the wall of uniforms had by now become a sea of police vehicles, and shouting of the officers grew into a wall of sound. The police relentlessly continued shouting at me seeking to intimidate me, harass me and assault me into consenting to an unlawful search of our home. While they continued to berate, belittle, intimidate, detain, torment and assault me in front of our home, I continued to refuse any such consent, arguing that they had no right to do so.

Among the several police officers now joined in this attack against us was Patrolman Matthew Rork, the officer I recognized as the same officer I knew as having made appalling advances toward Lauren Ferrone while in his custody on May 25th, as described in the attached Ramsey Background. While standing directly in front of and uncomfortably close to me, Rork shouted that his several responses to our vandalism reports somehow obligated me to him such that I owed him the consent to search our home, insisting that I was obliged to him for the number of times he had responded to our home regarding the vandalism, begging my reply demanding that he perform his job and apprehend those criminals rather than assaulting us, all while he was assaulting me with his hand in my face with index finger extended. I demanded that he cease this assault upon me and take his finger out of my face, asking him also if he would appreciate it if I spoke to him in the same manner. I noted that my hands were properly at my side and that I would not accept this treatment from them.

Throughout this ordeal unfolding in front of our home, they continued to provoke me with infliction of their mental torture and assaults. The shouting grew unintelligible, with no semblance of reason or order. Fiore, standing to my right, made a comment threatening to escalate the matter still further. As I recognized the volatility of the situation I sought to stem further hostility with a conciliatory comment to Fiore, seeking to discuss the matter calmly. Rork arrogantly refused my overture of civility with a snide reply along the line of "Sure, now he wants to talk," implying that their overwhelming presence of power over me now entitled them to the spoils of a well fought victory, the perverse gratification of which they would not allow themselves to be deprived, rather than a reasoned conclusion to our impasse. They continued with relish in their display of power in unlawfully detaining me in front of my home while they continued in their intimidation, harassment, disrespect, assault and infliction of mental torture against me, demanding my consent to an unlawful search, all the while never

exercising the authority they all along claimed to legally have to conduct a search of our home, despite the door remaining wide open and distant from me while I had several police officers around me and an un-uniformed man still behind me.

It became evident that the police would not act on their own authority and conduct their search but remain in the impasse indefinitely detaining and abusing me until I would capitulate to their unlawful demand for consent to a search. I was then called by a sobbing Nella to come back into our foyer as she faintly cried "It's Dad; It's Dad" while holding a telephone in her hand. Throughout the period that I was outside with the police Nella had been mostly in the foyer with the door open and Marco at the top of the stairs behind her; Nella's proper recovery from the episode she had experienced had by now become entirely frustrated by the police invasion of our home and their disturbance to our family's privacy and tranquility, precisely at a time our family's well being most needed it. Nella's demeanor at that moment suggested that something had happened to my father; given my knowledge of the state of his illness I feared Nella was trying to tell me my father had died. As I entered the foyer Nella handed me the telephone, but the police continued to shout and I could not hear except that it was my mother on the line from the hospital. As I remained in our foyer I tried to determine what was happening with my father at the hospital as the police prevented me with their unintelligible shouting as some of them drew closer toward me, as though readying to mount a physical attack against me.

By this time the police had already frustrated Nella's much needed convalescence, unlawfully entered our home, unlawfully detained me outside as they intimidated, abused, assaulted and tormented me, impeded my efforts to ascertain the state of my father's grave condition, and now readied to attack us in our home, knowingly bringing us to a state of siege and extreme alarm and concern for our family's safety. As Nella and I talked of summoning legal counsel for help, police made brut grunts and smirks in a display of their contempt for lawyers; they were not afraid of lawyers, they wanted us to understand. Nella then answered a call from our son Alex on another line. As I stood in the foyer and facing the police outside I got on the line with Alex and instructed him to call the authorities as I told him "We're being invaded by the Ramsey Police." "Call the County Police, call the State Police, and tell them we need for them to respond to protect us from the Ramsey Police. We're being invaded by the Ramsey Police." Alex did, in fact, place calls to 911 asking to be routed to the County Police and the State Police as I had asked, but neither would respond to our pleas for their help.

Meanwhile, the Ramsey Police still would not exercise their claimed authority to search, and the impasse of police abuse threatened to continue in perpetuity, as they continued impeding the aid needed of me by both Nella, who was still weak from her episode a short time earlier, and did my father, whose condition I last knew as gravely ill, expecting my arrival, and whose present condition I still had not ascertained. The crescendo of police hostility grew humanly intolerable. I proceeded to exercise my lawful right to peaceably close the front door to our home for some respite from this ferocious torture and abuse. A certain Detective Huth, who I recall having earlier said that he came in from off duty exclusively for us, but whom we had never seen even while on duty in the many instances we had asked for RPD help, now declared, "That's it. You're going to jail," as he and Rork assaulted me, again: Huth struck the door with his hands as Rork struck the door with his foot and legs. I was then immediately rushed by the entire unsavory lot of police officers and handcuffed. No explanation, no reason or basis for the arrest was given. The criminal charges against me were contrived later, in my presence while at the police station.

Nella had been standing behind me this entire time and in her fear and despair held onto me as they rushed me. Realizing the inevitability of their malicious intentions, I instructed Nella to let go. She did so, as she cried, although Rothenburger and Rork could not resist the temptation to assert their power and abuse of force and grabbed Nella, who was still physically weak from having been unconscious just a short time earlier, one by each arm, causing her bodily harm. Huth searched my person and confiscated my mobile phone, the only object on my person at the time.

The Ramsey Police then proceeded to despoil our home still further, conducting an unauthorized and unlawful search vindicating their authority, never bothering to inquire of Nella's well being but haranguing her, instead, and now turning not only our home, but the entire neighborhood, into a crime scene with Police officers seemingly everywhere, as I observed from the rear seat of the patrol car.

The Police took me to the Ramsey Police station for processing. Nella was concerned for my safety while in their custody, not only because of their lawlessness toward us, but especially given a mysterious death of a neighbor in or about March 2004 while also in their custody at the Ramsey Police station. Nella placed a 911 call asking to be routed to the County Police and reporting to them that I was in the custody of

the Ramsey Police and that she was concerned for my safety. Meanwhile, the napoleonic Fiore remained behind to berate our son, Marco, then just 13 years of age.

At the Ramsey Police station I cooperated with police, in resignation to their albeit unlawful exercise of police authority. Video cameras were visible throughout, although I do not know if they were in operation at that time.

My friend Louis D'Arminio, Esq., arrived just moments later, having been called by Nella, introduced himself as my attorney requesting to see me. He was refused. They declined each of his subsequent requests to see me. Nella, our son, Alex, my mother and other relatives also arrived at the police station. I am told a Sgt. Ridel boasted that they had a 911 call: "you should hear the tape." The same Ridel told Alex that they had received a 911 call alleging a "disturbance" at 275 Canterbury Drive. Alex had earlier called 911 himself inquiring about the alleged call and was told by the dispatcher that they had received a 911 call alleging a "disturbance" but nothing more beyond this allegation of a generic "disturbance."

As I was being processed Det. Huth sought to bait me, asserting that the alleged 911 call had actually come from our home, despite the absence of any landline at our home. When I asked him if they thought that their arrest of me and search of our home were proper, he replied, "We are not going to lay our hands on you and not charge you." Huth also sought to provoke me, speaking within my earshot that they would also charge "the wife," as they conspired with one another to fabricate the charges against Nella, a change in their position which occurred in retaliation for Nella's calls to the County Police and attempted calls to the State Police expressing her distrust of Ramsey Police, notice of which they must have by then received. Knowing the futility of any thing I might have said, I did not respond. I was later informed by Alex that outside, Ridel was by now also boasting of having a videotape depicting Nella assaulting "his police officers" allegedly "jumping onto a police officer's back." The Police have since contradicted this statement, claiming that no such videos exist.

Huth made certain I heard him speak the name of Brad Smith as they spoke to one another, though Smith, by now the juvenile officer, ostensibly ought to have had nothing to do with the incident, now casting light in understanding the otherwise inexplicable incident.

As I was being photographed Huth again sought to provoke me by speaking of their intent now to also charge my wife. This time I responded that they had no basis for charging Nella for merely holding on to me as they attacked us; Huth, with his characteristic sarcasm, grunted "Yeah, right." They did, in fact, proceed, with fabricating charges against Nella, too, including the absurd notion that in her frail and weakened state, having been lying unconscious just a short time earlier, she had somehow sought to overcome the siege of police arresting me, and that she had somehow also managed an assault upon not only one, but two, of their police officers.

I asked to speak with Nella, who told me Lou D'Arminio had been there the whole time. I asked her and the rest of the family to return home, while Lou and Alex remained. I was then placed into another cell prior to being released. Lou D'Arminio had been informed that Nella was being charged also and acted on her behalf to make necessary arrangements. I was released later that evening.

Alex tells me he sought to speak to Ridell, who protested his questions. Alex also tells me that RPD spoke of removing some knife or other cutting tool from inside our home, seeking to contrive some pretext for their criminal behavior. While I am not aware of any such object, my sons tell me they had been using such an implement earlier that day to cut wire off an unseasonably lingering Christmas wreath in our backyard to dispose as refuse, which they had left carelessly behind on a shelf inside the entrance foyer.

It is noteworthy that their many scrambles to manufacture pretext for their attack, first the anonymous 911 call of a "disturbance," then Rothenburger's ludicrous contention that our young Marco's presence outside our home somehow gave cause for an unlawful search, "What am I supposed to think," he said, then Fiore's false assertion of arriving to an alleged state of agitation gave cause, an allegation contradicted by their own recording of the incident, had now shifted to rest on an object normally present in any home.

EVENTS ENSUING JULY 1₁ 2008

In the late evening of July 1st, I protested the police departments' criminal actions by telephoning both the Mayor, Chris Botta, Esq., at his home, and then also Peter Scandariato, Esq., the Municipal Attorney, at his home. Each promised to look into the matter. Neither has responded.

The morning of July 2nd, we saw a RPD patrol vehicle stationed in our neighborhood outside the Abbey Restaurant, a sight I had never seen before. On that July 2nd, we walked into the Office of the Bergen County Prosecutor, first seeing Assistant Prosecutor Ms. Denyse Gaida, who had been one of Nella's Italian students at the Ramsey Adult School, and then Lt. Amendola, to whom Nella, Alex, Marco and I all explained the incident and requested their conduct of an investigation of the Ramsey Police. Meanwhile, Lou D'Arminio remained in contact with the police and received confirmation that Nella was, in fact, also being charged.

Also on July 2nd, a colleague, Josephine Marchitto, Esq., informed me that she telephoned Mr. Scandariato, whom she had known for many years, concerning this matter, who struck her as too well informed of the matter occurring only the night before, and complained that we had become "high maintenance," that local authorities had been "angry with me." The accompanying materials detail all involvement with RPD as either the medical emergencies necessitated by Nella's medical condition, or reports of vandalism and threats of violence against us, none of which one might reasonably expect to be justifiable basis of resentment by one's local authorities absent ulterior motive. Ms. Marchitto also warned of their intent to disparage me, attempting to falsely depict me in a campaign of character assassination.

We now consistently observe RPD patrol vehicles regularly stalking our home and regularly in the vicinity of our home, circling slowly and sometimes erratically, though prior to this incident RPD was seldom visible in our area and rebuffed even my several requests to persuade them to patrol our area in response to the vandalism and threats against us. The vandalism against our home has resumed and the highly visible RPD stalking of our home has threatened our family's security, rising to the point of alarm requiring that we now live under our own videotape surveillance and sometimes under private guard to protect ourselves from the RPD.

The threat to our family security has compelled us to have to home school our children, until sufficient precautionary measures were devised to protect our children against further harassment and abuse. Nella has discontinued teaching. Moreover, the traumatic impact of this matter and the ensuing abusive prosecution threatens untold long term consequences to our children and has exacerbated the medical condition of my wife, as described in Domenica Lanuto Medical History.