

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
COUNTY OF CAMDEN  
DOCKET NO. FJ-04-1366-07B  
A.D. # \_\_\_\_\_

STATE OF NEW JERSEY, )

in the interest of )

██████████, )

Juvenile. )

TRANSCRIPT OF  
RECORDED PROCEEDINGS

Place: Camden County Hall of Justice  
101 S. 5th Street  
Camden, New Jersey 08103-4001

Date: December 15, 2006

BEFORE:

HEARING OFFICER RICK ALSTON

TRANSCRIPT ORDERED BY:

RUTH SNOW-DITZEL, (Robinson & Livelli)

APPEARANCES:

JUSTICE ROBERTO RIVERA-SOTO, Complainant

MICHAEL E. HESTON, ESQ., (Capehart &  
Scatchard, P.A.) Attorney for Haddonfield  
High School & Board of Education

JOHN MILLER, ESQ., Attorney for ██████████

Transcriber Carolyn A. Clark  
COMPLEAT TRANSCRIBING SERVICE  
1710 Prospect Ridge Boulevard  
Haddon Heights, NJ 08035  
(856) 547-5870

Sound recorded by E.R.

## I N D E X

Witnesses                      Direct    Cross    Redirect    Recross

FOR THE STATE

FOR THE DEFENSE

EXHIBITS

Ident.

Evid.

ARGUMENT

BY:

BY:

HEARING OFFICER:

Approves Agreement

12

## Colloquy

HEARING OFFICER: Good morning. This matter before the courts and -- and present before Hearing Officer Rick Alston on December the 15th, 2006, is a juvenile delinquency complaint filed under docket number FJ-04-1366-07, captioned as the State of New Jersey in the interest of [REDACTED], the juvenile.

Again, good morning. My name is Rick Alston, I'm a Hearing Officer here at the courts. I've been assigned to hear these matters by our Presiding Judge, Judge Rand. I am not a judge. If you disagree with my decision or you want your case heard by one of our Family Court Judges, let me know at the end of this hearing and he will do it by a de novo hearing which is by tape.

But I am told that the parties has -- has been talking for, oh, just about 45 minutes to an hour now and there is some resolution to this matter. And the complainant Mr. Rivera-Soto want -- wants to put something on the record.

MR. RIVERA-SOTO: Yes. Should I approach Your Honor for the microphone?

HEARING OFFICER: Yes. Good morning, Your Honor.

MR. RIVERA-SOTO: Good morning, Mr. Alston. Robert--

1 HEARING OFFICER: Good morning.  
 2 MR. RIVERA-SOTO: Roberto Rivera-Soto, I  
 3 signed the complaint on behalf of my juvenile son  
 4 [REDACTED]  
 5 We have discussed this matter with Mr. Miller  
 6 on behalf of the juvenile [REDACTED] in the presence  
 7 of Mr. [REDACTED] and his parents. We have also discussed  
 8 this matter with Mr. Heston of Capehart Scatchard who  
 9 is here representing the Haddonfield School District.  
 10 Also present is the Principal, and I'm going to mispro-  
 11 nounce your name.  
 12 MS. VIMISLIK: Priscilla Vimislik.  
 13 MR. RIVERA-SOTO: Vimislik.  
 14 HEARING OFFICER: Okay.  
 15 MR. RIVERA-SOTO: Okay. And the Vice  
 16 Principal -- and now I'm drawing a blank.  
 17 MR. PAUL: Robert Paul.  
 18 MR. RIVERA-SOTO: Robert Paul, that's why,  
 19 it's two first names.  
 20 And what we have come as a matter of resolu-  
 21 tion is a request that the Court adjourn this matter in  
 22 contemplation of a dismissal.  
 23 HEARING OFFICER: Okay.  
 24 MR. RIVERA-SOTO: That is that it be carried  
 25 as a live item on the docket until at least June 18.

1 MALE VOICE: June 19.  
 2 MR. RIVERA-SOTO: June 19 of 2007, which is  
 3 the graduation date at Haddonfield High School. That  
 4 if no --  
 5 HEARING OFFICER: Of Mr. [REDACTED]?  
 6 MR. RIVERA-SOTO: Of Mr. [REDACTED].  
 7 HEARING OFFICER: Okay.  
 8 MR. RIVERA-SOTO: That if no further inter-  
 9 actions occur between Mr. [REDACTED] and Mr. [REDACTED], that  
 10 at that time, upon ten days notice by Mr. Miller to the  
 11 Court and to me, that the Court can then dismiss the  
 12 complaint with prejudice. If, however, there are any  
 13 intervening interactions that would cause any conflict  
 14 between these two young men, then this matter would be  
 15 then revived and --  
 16 HEARING OFFICER: And all new --  
 17 MR. RIVERA-SOTO: -- this matter would  
 18 proceed as if no interruption had happened.  
 19 HEARING OFFICER: And all new matters will  
 20 be combined with this matter.  
 21 MR. RIVERA-SOTO: Well, they will either be  
 22 combi--  
 23 HEARING OFFICER: If there are any new --  
 24 MR. RIVERA-SOTO: If there --  
 25 HEARING OFFICER: If there are any new

1 matters filed.  
2 MR. RIVERA-SOTO: And if they are still  
3 within the jurisdiction of this Court.  
4 HEARING OFFICER: Okay.  
5 MR. RIVERA-SOTO: Because Mr. [REDACTED] will be  
6 turning 18.  
7 HEARING OFFICER: Okay.  
8 MR. RIVERA-SOTO: So that -- that is the  
9 core understanding. In addition to that, because there  
10 was an issue in respect of the school district, the  
11 school district has agreed that they will take all  
12 reasonable steps to ensure that there are no physical  
13 or verbal interactions between Mr. [REDACTED] and Mr.  
14 [REDACTED] between now and the end of the school year. If  
15 that requires the juggling of locker location or the  
16 like, they will do so, again within a standard of  
17 reasonableness. In addition to that, Mr. [REDACTED]  
18 commits himself that there will be no physical or  
19 verbal interactions either directly or indirectly  
20 between he and Mr. [REDACTED] during the time period.  
21 HEARING OFFICER: Okay. How does this  
22 affect mutual school activities --  
23 MR. RIVERA-SOTO: They're in --  
24 HEARING OFFICER: -- like a basketball game?  
25 MR. RIVERA-SOTO: They are -- well --

1 HEARING OFFICER: Maybe a basketball game on  
2 Saturday or one at nighttime, maybe a school dance,  
3 school activities, (indiscernible) school activities  
4 where, you know, they both could be there, be a part of  
5 the school activities, how would it affect that -- that  
6 situation?  
7 MR. RIVERA-SOTO: They -- they will give  
8 each other wide berth and they commit to do that. Is  
9 that correct?  
10 MR. MILLER: Yes, Your Honor, for Mr.  
11 [REDACTED], I think that both Mr. [REDACTED] and Mr. [REDACTED]  
12 will make a commitment to avoid, to whatever extent  
13 possible any --  
14 HEARING OFFICER: Also put your name on the  
15 record please.  
16 MR. MILLER: I'm sorry, Mr. -- Mr. Alston.  
17 John Miller for [REDACTED].  
18 HEARING OFFICER: Okay.  
19 MR. MILLER: I think that the -- the way  
20 that this works is that both Mr. [REDACTED] and Mr. [REDACTED]  
21 make any reasonable -- any and all reasonable efforts  
22 to avoid physical and verbal confrontation, with the  
23 understanding that in a school environment that there  
24 are going to be occasions when they may physically be  
25 in somewhat close proximity to each other, but that

1 there will be reasonable efforts made to avoid physical  
2 and verbal confrontation.

3 HEARING OFFICER: And did this agreement  
4 does it extend to maybe at night to mutual parties and  
5 stuff like skatin' rinks, movies.

6 MR. RIVERA-SOTO: They don't socialize in  
7 the same circles, Your Honor.

8 HEARING OFFICER: Okay, but --

9 MR. RIVERA-SOTO: I'm sorry, Mr. Alston.

10 HEARING OFFICER: -- sometimes things  
11 happen. They could be at the same movie together, his  
12 friends --

13 MR. HESTON: Mr. Hearing Officer, Michael E.  
14 Heston of the firm Capehart Scatchard on behalf of  
15 Haddonfield High School.

16 Your observation is an accurate one. I think  
17 to the extent that it involves school activity, activi-  
18 ties on school property, certainly the -- the school  
19 will commit to make every reasonable effort to prevent  
20 intentional interaction, be it verbal or physical,  
21 between the students.

22 HEARING OFFICER: Okay.

23 MR. HESTON: But recognizing that there's  
24 two individuals involved here that free -- have free  
25 will. And the school can do what it can do as far as

1 scheduling and assignment of locations and perhaps even  
2 scheduling on transit through various hallways and  
3 stairwells, but certainly there's going to be times  
4 possibly when these two individuals interact in school  
5 on an unintentional basis, an unscheduled basis, or  
6 even as -- as you appropriately point out in more  
7 social environments such as like movies or other common  
8 events. There obviously the school district would have  
9 no involvement and no opportunity --

10 HEARING OFFICER: You're right.

11 MR. HESTON: -- or no responsibility to --  
12 to regulate the interaction of the two individuals.

13 HEARING OFFICER: I just want to make sure  
14 the two individuals are aware that, you know, Haddon-  
15 field, every -- all the kids go to mutual surroundings,  
16 mutual skatin' rinks, mutual movies, they -- they go --  
17 they go to meet, they -- they just go to -- it's --  
18 it's impossible for them not to meet some time outside.

19 MR. HESTON: Well --

20 HEARING OFFICER: I just want to make sure  
21 that they know that even if they do meet at movies,  
22 skating rinks, mutual things outside of school, there  
23 is to be no interaction, no involvement between the two  
24 individuals and their group of friends.

25 MR. RIVERA-SOTO: They just need to stay

1 away from each other, it's that simple.

2 HEARING OFFICER: Right, and -- and the  
3 friends.

4 MR. RIVERA-SOTO: And the friends. They  
5 need to stay away from each other. I think that point  
6 has been clearly made, I hope on both sides and I'm  
7 sure on both sides, and people under-- I mean there  
8 will be a transcript of these proceedings --

9 HEARING OFFICER: Yes.

10 MR. RIVERA-SOTO: -- that's going to be  
11 ordered by Mr. Heston, and that people understand that  
12 those are the rules of the game, and if they violate  
13 the rules then we will be back here.

14 HEARING OFFICER: Mr. Miller this is your  
15 understanding of everything?

16 MR. MILLER: Yes, Mr. Alston. However, I  
17 would like to add the following.

18 HEARING OFFICER: Okay.

19 MR. MILLER: This agreement on the behalf of  
20 Mr. [REDACTED] is made with the clear understanding that  
21 there is no admission of fault, no admission of guilt,  
22 no admission of the occurrence of the events recited in  
23 the complaint filed by Justice Rivera.

24 Secondly, if indeed there is some necessity  
25 of the reinstatement of this matter in the future, that

1 Mr. [REDACTED] does not waive any defenses --

2 HEARING OFFICER: Okay.

3 MR. MILLER: -- that he has to the charges  
4 made already or to any of the future charges that might  
5 be asserted.

6 HEARING OFFICER: So agreed.

7 MR. RIVERA-SOTO: Save for any speedy trial  
8 defense.

9 HEARING OFFICER: Right. So agreed. Mr.  
10 and Mrs. Larkin anything you want to say in regards to  
11 this?

12 MR. LARKIN: No, sir.

13 HEARING OFFICER: Okay.

14 MR. HESTON: Mr. Hearing Officer --

15 HEARING OFFICER: [REDACTED], anything you want  
16 to say?

17 [REDACTED]: No, sir.

18 HEARING OFFICER: Okay. Yes, Mr. Heston,  
19 I'm comin' -- I'm gettin' back to you.

20 MR. HESTON: Thank you. I would like to  
21 make it clear by entering into this arrangement to  
22 hopefully expedite the resolution of this matter the  
23 school board and the high school is not admitting any  
24 liability or any negligence on its part with respect to  
25 any prior actions, and certainly is entering into this

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for the purpose of resolving this matter expeditiously.  
HEARING OFFICER: So noted. The two school officials, anything you want to say on the record in regard to this?

MS. VIMISLIK: No.

HEARING OFFICER: Okay, then. The Court's had the opportunity to hear every -- everybody in agreement with this order, that everybody is in agreement with this. And we will keep this case open for six months or until June 19 when Mr. [REDACTED] graduates, and understand -- with the understanding that there is no contact between either party and their friends. If there are then -- if there's any negative contact I should say, not positive, any negative contact then file -- these charges may be reinstated, plus other new charges if -- if there are any against Mr. [REDACTED]. With that agreement we'll close these hearings.

Thank you.

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I, Carolyn A. Clark, assigned transcriber, do hereby certify the foregoing transcript of proceedings on December 15, 2006, Tape No. 19-07 Index No. 0011 to 0561, is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings as recorded.

Date 7/9/07

  
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