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BONNIE J. MIZDOL  
P.J.F.P.

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Attorneys for Defendant Michael Fugee

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STATE OF NEW JERSEY,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION, BERGEN COUNTY
	:	CRIMINAL DIVISION
v.	:	DOCKET NO. 896-01
	:	INDICTMENT NO. S-2512-02
MICHAEL FUGEE,	:	DOCKET NO. 830-13
	:	W-2013-000348
	:	
Defendant.	:	CONSENT ORDER

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WHEREAS, an application having been brought before the Court pursuant to Rule 1:10-3 (Relief to Litigant) on ~~October~~<sup>November</sup> 1, 2013 on consent of all parties; Demetra A. Maurice, Assistant Bergen County Prosecutor, appearing on behalf of the State of New Jersey, and John C. Whipple, Esq., appearing on behalf of Defendant Michael Fugee; and

WHEREAS, on October 17, 2001, a Bergen County Grand Jury returned Indictment No. S-2512-02, charging Michael Fugee, a Roman Catholic Priest, with second-degree sexual assault (amended to third-degree aggravated criminal sexual contact, pursuant to N.J.S.A. 2C:14-3a) (count one); third-degree aggravated criminal sexual contact, pursuant to N.J.S.A. 2C:14-3a (count two), third-degree endangering the welfare of a child by sexual contact, pursuant to N.J.S.A. 2C:24-4a (count three); and endangering the welfare of a child by sexual conduct,

pursuant to N.J.S.A. 2C:24-4a (count four) (a copy of Indictment No. S-2512-02 is attached hereto); and

**WHEREAS**, a trial was held before a jury beginning on April 7, 2003, on counts two and four, and a jury, on April 11, 2003, acquitting Michael Fugee of count four, but finding him guilty of count two, third-degree aggravated criminal sexual contact; and

**WHEREAS**, on September 5, 2003, Michael Fugee was sentenced to five years probation on the condition that he perform 500 hours of community service, obtain continued psychological counseling, register as a sex offender pursuant to Megan's Law, and be subject to community supervision for life, together with the payment of requisite fines and penalties; and

**WHEREAS**, Michael Fugee filed a notice of appeal on October 20, 2003 that resulted in a written opinion of the Appellate Division dated April 17, 2006 reversing his conviction on the basis that the jury instructions authored by the trial court failed to provide adequate guidance on the issue of Michael Fugee's supervisory authority; and

**WHEREAS**, Michael Fugee ultimately resolved the outstanding criminal charges by entering into the Pre-Trial Intervention Program (PTI), pursuant to N.J.S.A. 2C:43-12, which a condition to entry included the execution of a consent order which among other conditions restricted his future ability to minister to youth; and

**WHEREAS**, on July 16, 2007, Michael Fugee voluntarily entered in a Consent Order signed by the Honorable Donald R. Venezia, J.S.C. (hereinafter "First Consent Order" or "July 16, 2007 Consent Order"), wherein Michael Fugee agreed to be bound by this Court's Order and the terms of a simultaneously executed Memorandum of Understanding By and Between the Archdiocese of Newark, the Bergen County Prosecutor's Office and Michael Fugee, in His Individual and Vocational Capacities (hereinafter "MOU") as part of the resolution of his

criminal charge on Bergen County Indictment No. S-2512-01 (a copy of the July 16, 2007 Consent Order and accompanying MOU is attached hereto); and

**WHEREAS**, the July 16, 2007 Consent Order and the MOU set forth the conditions of Michael Fugee's two (2) year Pre-Trial Intervention program as well as terms with which he agreed to comply even after the period of his PTI, including an express agreement that Michael Fugee would not have any unsupervised contact with children in any aspect of his vocational capacity nor would he have any involvement, supervised or not, in any child-specific ministry such as youth groups, religious education, confessions of children, youth retreats, youth choir and daycare; and

**WHEREAS**, Michael Fugee now admits to violating the terms of his First Consent Order and accompanying MOU, to which he previously agreed to be bound, and subject to, by having attended youth retreats and having heard confessions of minors hereafter defined as children under the age of eighteen (18); and

**WHEREAS**, the State of New Jersey having filed a Criminal Complaint (W-2013-000348) against Michael Fugee alleging seven (7) separate counts of contempt of this Court's previously entered First Consent Order in violation of N.J.S.A. 2C:29-9A (a copy of Criminal Complaint W-2013-000348 is attached hereto); and

**WHEREAS**, Michael Fugee admits and acknowledges that his attendance at youth retreats and his hearing of confessions of children under the age of eighteen on multiple occasions, on or about, during and between April 2010 through December of 2012, constitute acts of civil contempt of the Court's Order entered July 16, 2007; and

**WHEREAS**, Michael Fugee has voluntarily agreed to immediately seek to become laicized from his vocation as a Roman Catholic Priest; and

**WHEREAS**, the parties desire to resolve this matter in the mutual best interest of the State of New Jersey and Michael Fugee;

**THEREFORE, THE COURT HEREBY FINDS ON THIS** 1st day of <sup>Number</sup> ~~October~~, 2013 that Michael Fugee's activities constitute acts of civil contempt of this Court's July 16, 2007 Consent Order; and

**IT IS FURTHER ORDERED** that Michael Fugee admits to the facts as set forth in the Criminal Complaint W-2013-000348; and

**IT IS FURTHER ORDERED** that Michael Fugee will commence, without delay, the appropriate proceedings to become laicized through the Archdiocese of Newark on truthful grounds as set forth herein, and that he will fully participate and take all necessary action to ensure that the Roman Catholic Church completes his laicization; and

**IT IS FURTHER ORDERED** that Michael Fugee, through counsel, will communicate the status of the laicization process in writing every sixty (60) days from the entry of this Consent Order to the Bergen County Prosecutor's Office until such process is complete and together provide copies of all written documents submitted and/or received in furtherance of his laicization proceeding; and

**IT IS FURTHER ORDERED** that Michael Fugee shall, upon receipt, provide the Bergen County Prosecutor's Office with proof of his compliance and the final document conferring his laicization; and

**IT IS FURTHER ORDERED** that Michael Fugee shall not use, seek or accept any recommendations, references or statements for employment, appointment or engagement from

the Archdiocese of Newark and/or the Roman Catholic Church, or anyone currently or formally employed or affiliated with the Archdiocese of Newark and/or the Roman Catholic Church; and

**IT IS FURTHER ORDERED** that Criminal Complaint W-2013-000348 is hereby dismissed without prejudice; and

**IT IS FURTHER ORDERED** that regardless of the status of any official decree of laicization, Michael Fugee shall not represent himself as a current or former Roman Catholic Priest, minister or clergy from the date of this Order until the date the laicization process is complete; and

**IT IS FURTHER ORDERED** that Michael Fugee shall annually advise the Bergen County Prosecutor's Office in writing of his current address, telephone numbers, and employer and otherwise provide a direct method of contact and communication to ensure compliance with the terms and conditions of this Consent Order. It is agreed and understood that any future correspondence, inquiry or report by Michael Fugee to the Bergen County Prosecutor's Office shall be directed to the Chief of the Special Victims Unit; and

**IT IS FURTHER ORDERED** that Michael Fugee shall advise the Bergen County Prosecutor's Office of the name and address of any of his employers, whether paid or unpaid, together with the name of his supervisor, their title, and business address and telephone number. Michael Fugee further agrees to disclose to each of his employers or future employers the existence of this Consent Order and shall provide a copy of same to each employer. It is also agreed and understood that Michael Fugee shall advise the Bergen County Prosecutor's Office of the name and address of any charity, religious and/or volunteer organization he seeks to participate, attend, volunteer or serve in, and provide the name of its supervisor and/or leader, their title, address and telephone number. Michael Fugee further agrees to disclose to any such

organization or person the existence of this Consent Order and shall provide a copy of same to each; and

**IT IS FURTHER ORDERED** that if there is any question as to whether this Consent Order allows certain work, employment, participation, contact with or activities by Michael Fugee, then he is obligated to first confer and seek approval from the Bergen County Prosecutor's Office prior to his acceptance or participation in said work, employment, service or activities; and

**IT IS FURTHER ORDERED** that Michel Fugee agrees he may not be in the unsupervised presence of any child under the age of eighteen. Michael Fugee shall not use his experience as a priest to obtain employment or volunteer positions that would or could lead to contact with children under the age of eighteen; and

**IT IS FURTHER ORDERED** that Michael Fugee shall not work or volunteer or participate in any way in any child centered or child focused area. Additionally, Michael Fugee shall not seek or accept employment or seek or participate in any work, volunteer or otherwise, wherein the position calls for any supervisory or management authority over children under the age of eighteen or contact with children under the age of eighteen. These restrictions include, but are not limited to, such areas as teaching, coaching, tutoring, counseling, religious education/parochial schools, youth choir, youth retreats, youth sports clubs or activities, serving in the boy/girl scouts, daycare, and children's charitable organizations. If Michael Fugee seeks or obtains employment or participates in volunteer work wherein he is in the presence of minors under the age of eighteen, he shall always be supervised by an adult over the age of eighteen and immediately disclose the existence of this Consent Order to said adult(s) and provide a copy of this Consent Order to each. If Michael Fugee has any uncertainty regarding whether the terms or

conditions of prospective employment or volunteer work may violate this Consent Order, he shall advise the Bergen County Prosecutor in writing regarding the terms and conditions and, if necessary, shall be entitled to a hearing before this Court if the Bergen County Prosecutor objects to the prospective employment or volunteer work; and

**IT IS FURTHER ORDERED** that Michael Fugee shall not publicly or privately disavow any aspect of the litigation or procedural history associated with Indictment No. S-2512-02 and Criminal Complaint (W-2013-000348) including, but not limited to, all confessions, pretrial motions, trial rulings, verdicts, appeal issues or post appeal issues. It is also agreed and understood that Michael Fugee expressly acknowledges that his original confession was freely and truthfully given and that it was thereafter the subject of a suppression motion by competent counsel which was denied by a competent jurist and that said confession was ultimately accepted as true by a jury of his peers; and

**IT IS FURTHER ORDERED** that Michael Fugee shall not conduct himself in any manner which would indicate that he is/or was a priest of the Roman Catholic religion or any other faith nor shall he seek to become a priest or seek any other clergy, counseling or lay position in the Roman Catholic Church or any Catholic institution of learning and education. It is agreed and understood that Michael Fugee shall not seek to serve on any parish councils or other similar positions or engage in any administrative function whatsoever in a Catholic religious or educational institution; and

**IT IS FURTHER ORDERED** that Michael Fugee shall not hold himself out to the public as a current or former “spiritual advisor,” “counselor,” “therapist” or “Man of God” nor shall he seek to serve or obtain any vocation or spiritual position or ministry in any other religion or religious institution, society or Church, or persons holding themselves out to be a religion,

whatever the tenets of their faith or beliefs, place of worship or group of worshippers. It is agreed and understood that Michael Fugee shall not seek to serve in any administrative or lay function in any religious or educational institution regardless of its denomination or tenets of faith; and

**IT IS FURTHER ORDERED** that Michael Fugee will upon execution of this Consent Order provides full disclosure of any monies, payments, reimbursements, or pensions owed, paid or expected from the Archdiocese of Newark and/or the Roman Catholic Church. It is also agreed and understood that Michael Fugee shall receive no stipend or other remuneration from the Archdiocese of Newark and/or the Roman Catholic Church except he shall be permitted to receive his present salary and benefits from the Archdiocese until his laicization process is complete and shall also be permitted to request any and all pension benefits to which he may be entitled. Michael Fugee has not and shall not seek or accept any funds or things of value from the Archdiocese of Newark and/or the Roman Catholic Church beyond those described herein nor shall any third party receive benefits on his behalf; and

**IT IS FURTHER ORDERED** that Michael Fugee shall not seek a Court order to change his legal name nor shall he use or assume an "alias" or assumed name; and

**IT IS FURTHER ORDERED** that Michael Fugee shall in no way contact the victim or in any matter identify his victim to the public. Michael Fugee further agrees he shall maintain no personal website or use social media in a manner that violates any term of this order. Upon request, Michael Fugee shall grant the Bergen County Prosecutor's Office access to any maintained social media to ensure compliance with the terms and conditions expressed herein. It is also agreed and understood that Michael Fugee shall not avail himself of electronic media,



wherein directly or indirectly, he can or could have contact, communication, or access to children under the age of eighteen; and

**IT IS FURTHER ORDERED** that Michael Fugee shall make no comments to the press and shall not engage in any communications, publications, interviews, whether or not for profit, remuneration or things of value nor shall he appear or author any books, journals, movies, television, magazine or newspaper articles, or theater productions, whether or not for profit, remuneration or things of value regarding any of the subject matter of this Consent Order, the First Consent Order and MOU as well as the related Criminal investigations and/or prosecutions. Additionally, he shall not engage in any of the above restricted activities and or endeavors with respect to his time as a Priest, employment with the Archdiocese of Newark and/or the Roman Catholic Church, laicization, medical, sexual and psychological issues, and any subject matter whatsoever related to or geared toward children. If Michael Fugee has any uncertainty regarding whether his future activities may violate any terms or conditions of this provision, he shall advise the Bergen County Prosecutor in writing regarding same and, if necessary, shall be entitled to a hearing before this Court if the Bergen County Prosecutor objects to such activity; and

**IT IS FURTHER ORDERED** that Michael Fugee shall sign and execute HIPPA authorizations and any other releases and/or authorizations necessary for the release of all medical and psychological records or reports, employment and/or personnel files which contain medical and psychological records and identify all treating physicians, hospital, counselors, or similar providers for whom he has sought or received treatment or care up to the date of the execution of this Consent Order within ten (10) days of the execution of this Consent Order. Michael Fugee agrees to offer any other assistance necessary to enable the Bergen County Prosecutor's Office to secure said documents from all treating physicians, hospital, counselors,

and psychological providers and/or from the Archdiocese of Newark or the Roman Catholic Church. Michael Fugee shall also provide copies of all medical and psychological records, reports, evaluations, or other similar documentation from any and all medical and psychological providers where he sought treatment or evaluation within his custody and/or control. It is also agreed and understood that Michael Fugee shall within thirty (30) days of the execution of this Consent Order produce all records, documents and electronic discovery provided to him, his physicians, the Archdiocese of Newark and/or Roman Catholic Church from any and all medical and psychological providers and elsewhere and thereby waives all privileges except the attorney-client and priest-penitent privileges; and

**IT IS FURTHER ORDERED** that each party shall bear its own attorney's fees and costs in connection with the resolution of this matter and the entry of this Consent Order; and

**IT IS FURTHER ORDERED** that the bail posted on Criminal Complaint W-2013-000348 is hereby discharged and the Bergen County Prosecutor shall generate all necessary documents to discharge said bail; and

**IT IS FURTHER ORDERED** that upon the dismissal of Criminal Complaint W-2013-000348 without prejudice, the Bergen County Prosecutor shall return all personal property in their possession belonging to Michael Fugee within thirty (30) days of said dismissal; and

**IT IS FURTHER ORDERED** that Michael Fugee shall not apply or otherwise petition for an expungement to the Superior Court of the offenses for which Michael Fugee was arrested and of which Michael Fugee has pled guilty to by way of this Consent Order as reflected herein and as reflected in the July 16, 2007 Consent Order; and

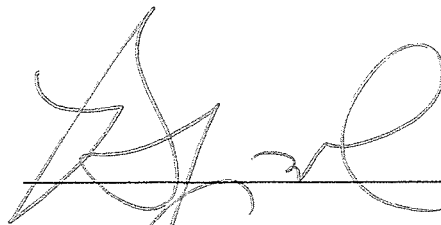
**IT IS FURTHER ORDERED** that each party to this Consent Order recognizes that it is a legally binding judicial order and acknowledges and agrees that they have had the opportunity to consult with legal counsel of their choice; and

**IT IS FURTHER ORDERED** that any violation of this Consent Order shall be subject to the laws of New Jersey and Michael Fugee shall be subject to the jurisdiction and venue of the Superior Court of New Jersey, Bergen County. Michael Fugee further agrees he shall not seek to revise, appeal, challenge or otherwise modify this binding Consent Order which the parties expressly agree and stipulate shall not be amenable to modification based upon any existing or future Court Rule regarding relief or modifications from Orders of the Court. It is also agreed and understood that if Michael Fugee violates any terms and conditions of this Consent Order, he waives extradition and bail to any criminal action emanating from said violation and shall pay all costs and fees associated thereto and the Prosecutor's Office shall reserve all rights to proceed with any action which could have been brought based upon the Complaint (W-2013-000348) attached hereto. It is also agreed and understood that Fugee's admission to violating the terms of the aforementioned MOU and First Consent Order shall remain valid and may be used by the Prosecutor's Office in any subsequent proceeding; and

**IT IS FURTHER ORDERED** that for purposes of interpretation of this Consent Order it shall be deemed to have been drafted by both parties; and

**IT IS FURTHER ORDERED** that Michel Fugee has knowingly and voluntarily waived any procedural defenses to the validity and enforcement of this Consent Order; and

**IT IS FURTHER ORDERED** that the terms of this Consent Order shall survive any dismissal of Criminal Complaint W-2013-000348.

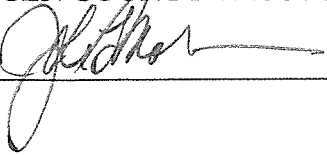
  
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J.S.C.

BONNIE J. MIZDOL, P.J.F.P.


I HEREBY CONSENT TO THE FORM AND ENTRY OF THIS CONSENT ORDER.

JOHN L. MOLINELLI  
BERGEN COUNTY PROSECUTOR

By:   
\_\_\_\_\_

ARSENEAULT, WHIPPLE, FASSETT & AZZARELLO, LLP  
Attorneys for Defendant Michael Fugee

By:  10/30/13  
John C. Whipple, Esq.

 10/30/13  
MICHAEL FUGEE, Defendant

P.O. 896-01  
/ys  
10/17/01  
SUPERIOR COURT OF NEW JERSEY  
BERGEN COUNTY - LAW DIVISION  
JULY TERM A.D. 2001  
FIRST STATED SESSION

THE STATE OF NEW JERSEY :

-vs- :

MICHAEL FUGEE :

Indictment No.

*01-10-02517-7*

DEFENDANTS

The Grand Jurors of the State of New Jersey, for the County of Bergen, upon their oaths present as a

FIRST COUNT  
(Second Degree)

that MICHAEL FUGEE, on or about, during and between the 1<sup>st</sup> day of January, 1997 to the 19<sup>th</sup> day of March, 2001, in the Township of Wyckoff, in the County of Bergen, and within the jurisdiction of this Court, did commit sexual assault upon D.D., date of birth 3/31/86, by committing an act of sexual contact, to wit: intentionally touching the victim's crotch with the purpose to humiliate or degrade the victim or to sexually arouse or sexually gratify the actor, the victim being less than thirteen years of age at the time, and the actor being at least four years older; contrary to the provisions of N.J.S.A. 2C:14-2b, and against the peace of this State, the Government and dignity of the same.

SECOND COUNT  
(Third Degree)

AND the Grand Jurors aforesaid, upon their oaths aforesaid, do further

PRESENT that MICHAEL FUGEE, on or about, during and between the 1<sup>st</sup> day of April, 1999 and the 19<sup>th</sup> day of March, 2001, in the Township of Wyckoff, in the County of Bergen, and within the jurisdiction of this Court, did commit aggravated criminal sexual contact upon D.D., date of birth 3/31/86, by intentionally touching the victim's crotch, for the purpose of degrading or humiliating the victim or to sexually arouse or sexually gratify the actor, the victim being at least thirteen but less than sixteen years of age and the actor having supervisory or disciplinary power over the victim by virtue of the actor's professional status; contrary to the provisions of N.J.S.A. 2C:14-3a, and against the peace of this State, the Government and dignity of the same.

THIRD COUNT  
(Third Degree)

AND the Grand Jurors aforesaid, upon their oaths aforesaid, do further PRESENT that MICHAEL FUGEE, on or about, during and between the 1<sup>st</sup> day of January, 1997 and the 19<sup>th</sup> day of March, 2001, in the Township of Wyckoff, in the County of Bergen, and within the jurisdiction of this Court, did engage in sexual conduct which would impair or debauch the morals of a child under the age of sixteen, to wit: D.D., date of birth 3/31/86; contrary to the provisions of N.J.S.A. 2C:24-4a, and against the peace of this State, the Government and dignity of the same.

FOURTH COUNT  
(Third Degree)

AND the Grand Jurors aforesaid, upon their oaths aforesaid, do further PRESENT that MICHAEL FUGEE, on or about, during and between the 1<sup>st</sup> day of April, 1999 and the 19<sup>th</sup> day of March, 2001, in the Township of Wyckoff, in the County of Bergen, and within the jurisdiction of this Court, did engage in sexual conduct which would impair or debauch the morals of a child under the age of sixteen, to wit: D.D.,

date of birth 3/31/86; contrary to the provisions of N.J.S.A. 2C:24-4a, and against the peace of this State, the Government and dignity of the same.

WILLIAM H. SCHMIDT  
BERGEN COUNTY PROSECUTOR



MARIA ROCKFOL  
By: Assistant Prosecutor

A True Bill



Thomas Gdula, Foreperson

JOHN L. MOLINELLI  
BERGEN COUNTY PROSECUTOR  
BERGEN COUNTY COURTHOUSE  
HACKENSACK, NEW JERSEY 07601

SUPERIOR COURT OF NEW JERSEY  
CRIMINAL CASE  
LAW DIVISION  
DOCKET NO.  
INDICTMENT S-2512-02

STATE OF NEW JERSEY :  
VS. :  
MICHAEL FUGEE :

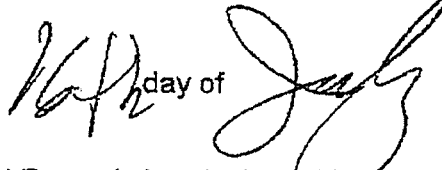

ORDER

**FILED**

JUL 16 2007

DONALD R. VENEZIA,  
J.S.C.

THIS APPLICATION, having been brought before the Court on July 16, 2007 on consent of all parties; Demetra A. Maurice, Assistant Bergen County Prosecutor, appearing on behalf of the State, and Michael D'Alessio, Esq., appearing on behalf of defendant, Michael Fugee, and for the reasons set forth on the record, and for good cause shown;

IT IS on this  day of , 2007;

ORDERED that Michael Fugee is hereby bound by and subject to the Memorandum of Understanding that has been simultaneously executed with this Consent Order and the terms of which are incorporated by reference herein. A copy of the Memorandum is attached hereto; and it is further

ORDERED that a violation by Michael Fugee of any terms of the Memorandum of Understanding shall be a violation of this Consent Order; and it is further

ORDERED that any violation of this Consent Order shall be subject to the laws of New Jersey and Michael Fugee shall be subject to the jurisdiction and venue of the Superior Court of New Jersey, Bergen County; and it is further

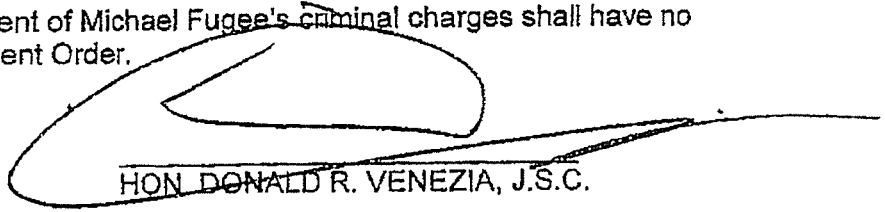
ORDERED that any and all costs associated with litigation relevant to a purported violation of this Consent Order shall be borne by Michael Fugee; and it is further

ORDERED that Michael Fugee has knowingly and voluntarily waived any procedural defenses to the validity and enforcement of this Consent Order; and it is



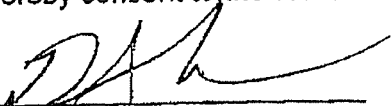
ORDERED that the terms of this Consent Order shall survive any dismissal of Indictment No. S-2512-02; and it is further

ORDERED that any expungement of Michael Fugee's criminal charges shall have no effect on the terms of this Consent Order.

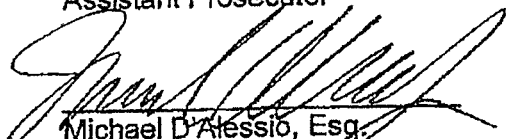


HON. DONALD R. VENEZIA, J.S.C.

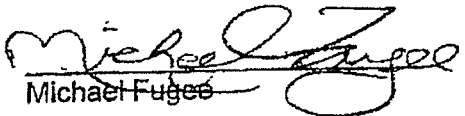
I hereby consent to the form and entry of this order.



Demetra A. Maurice  
Assistant Prosecutor



Michael D'Alessio, Esq.  
Attorney for Michael Fugee



Michael Fugee

**Memorandum of Understanding By and Between the Archdiocese of  
Newark, The Bergen County Prosecutor's Office and Michael Fugee, in His  
Individual and Vocational Capacities.**

**Article 1 – Preamble**

The parties to this Memorandum of Understanding pledge their commitment to honor both the letter and the spirit of the provisions contained herein. This Memorandum of Understanding permits a resolution of the criminal matter of State of New Jersey v. Michael Fugee, Bergen County Indictment No. S-2512-01, and will serve to protect the interests of all the signatory parties.

**Article 2 – History**

On March 19, 2001 Michael Fugee, a Roman Catholic Priest, was charged with the crimes of Criminal Sexual Contact and Endangering the Welfare of a Child.

On October 17, 2001 a Bergen County Grand Jury returned Indictment No. S-2512-02, charging defendant with: Count One - second degree Sexual Assault by Sexual Contact (please note that this count was amended to third degree Aggravated Criminal Sexual Contact pursuant to N.J.S.A. 2C:14-3a); Count Two -third degree Aggravated Criminal Sexual Contact; Count Three - third degree Endangering the Welfare of a Child by Sexual Conduct pursuant to N.J.S.A. 2C:24-4a; and Count Four - Endangering the Welfare of a Child by Sexual Conduct.<sup>1</sup>

The matter was tried by a jury beginning April 7, 2003. On April 11, 2003, a jury convicted defendant of aggravated criminal sexual contact, a crime of the third degree and acquitted defendant of endangering the welfare of a child.

On September 5, 2003, defendant was sentenced to five years probation on the condition that he perform 500 hours of community service; obtain continued psychological counseling; register as a sex offender pursuant to Megan's Law; and community supervision for life along with the requisite fines and penalties.

Defendant filed an appeal of his conviction on October 20, 2003.

In a written opinion dated April 17, 2006, the Appellate Division reversed defendant's conviction and remanded the matter for a new trial on the basis that

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<sup>1</sup> Defendant was ultimately tried on Counts 2 and 4 only. The other counts were dismissed on the State's motion.

the jury instructions authored by the trial court failed to provide adequate guidance on the issue of defendant's supervisory authority.

Pursuant to an agreement reached by Michael Fugee and The Bergen County Prosecutor's Office, Michael Fugee has resolved his outstanding criminal charges by entering the Pre-Trial Intervention Program (PTI) pursuant to N.J.S.A. 2C:43-12.

### **Article 3 - Pre-Trial Intervention**

Pursuant to a negotiated resolution with the Bergen County Prosecutor's Office as memorialized in an Order signed by the Honorable Donald R. Venezia, J.S.C., Defendant Michael Fugee will enter into and successfully complete the Pre Trial Intervention (PTI) program for a period of two (2) years. As specific conditions of PTI, Michael Fugee will undergo sex-offender specific counseling/therapy and have no contact with the alleged victim of his crimes, hereinafter referred to as D.D. Additionally, as part of his employment/vocation with the Roman Catholic Church, he shall not have any unsupervised contact with or any duties that call for the supervision/ministry of any child or children under the age of 18. As part of this PTI agreement and a separate Consent Order, Michael Fugee shall abide by this specific condition beyond the period of PTI and for as long as he is a priest and/or employed/assigned within the Roman Catholic Church. Upon successful completion of PTI, Bergen County Indictment No. S-2512-02 will be dismissed. However, should Michael Fugee fail to successfully complete PTI, the charges pursuant to Indictment No. S-2512-02 will become active again.

### **Article 4 – Agreements and Responsibilities**

It is agreed and understood that the Archdiocese shall not assign or otherwise place Michael Fugee in any position within the Archdiocese that allows him to have any unsupervised contact with or to supervise or minister to any minor/child under the age of 18 or work in any position in which children are involved. This includes, but is not limited to, presiding over a parish, involvement with a youth group, religious education/ parochial school, CCD, confessions of children, youth choir, youth retreats and day care.

It is agreed and understood that Michael Fugee shall not accept any position within the Archdiocese of Newark or any Archdiocese under which he is assigned and/or placed that allows him to have any unsupervised contact with or to supervise or minister to any child/minor under the age of 18 or work in any position in which children are involved. This includes, but is not limited to, presiding over a parish, involvement with a youth group, religious education/ parochial school, CCD, confessions of children, youth choir, youth retreats and day care.

It is agreed and understood that this Memorandum of Understanding extends beyond, and will continue after, the period of Michael Fugee's PTI and applies to any transfers of Michael Fugee within the Roman Catholic Archdioceses.

It is agreed and understood that in the event of a transfer of Michael Fugee outside the Newark Archdiocese, the Archdiocese shall notify the Bergen County Prosecutor's Office prior to Michael Fugee's transfer and the Archdiocese shall further supply the diocese, person or office in charge of any location to which Michael Fugee is transferred, a copy of this Memorandum. The Diocese, office and or person in charge of each such transferred position shall be bound by this agreement as if it were authored by them.

It is further agreed and understood that in the event of a transfer of Michael Fugee, by the Archdiocese, Michael Fugee shall notify the Bergen County Prosecutor's Office prior to Michael Fugee's transfer and that he shall further supply the diocese, or office to which he is transferred a copy of this Memorandum.

#### **Article 5 – Consent Order of Michael Fugee**

This Memorandum of Understanding shall be incorporated into a Consent Order entered into by Michael Fugee and the Office of the Bergen County Prosecutor. Any violation of such order shall be subject to the laws of New Jersey and Michael Fugee shall be subject to the jurisdiction and venue of the Superior Court of New Jersey, Bergen County. Any and all costs associated with litigation relevant to a purported violation of this Memorandum of Understanding and accompanying Consent Order shall be borne by Michael Fugee.

Michael Fugee knowingly and voluntarily waives any procedural defenses to the validity and enforcement of the Memorandum of Understanding and accompanying Consent Order

#### **Article 6 – Scope of Memorandum of Understanding**


The terms of this Memorandum of Understanding and accompanying Consent Order shall survive any dismissal of Indictment No. S-2512-02.


Any expungement of Michael Fugee's criminal charges shall have no effect on the terms of this Memorandum of Understanding and accompanying Consent Order.

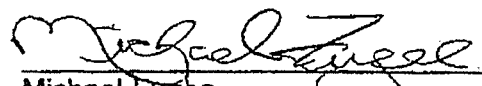
For the purposes of interpretation of this agreement it shall be deemed to have been drafted by Michael Fugee and the Archdiocese of Newark.

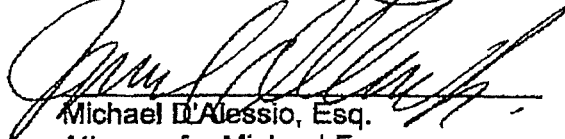
The terms of this Memorandum of Understanding cannot be altered, modified, amended or otherwise changed without the express written consent of each of the parties hereto.

On this 18 day of July, in the year 2007.

  
\_\_\_\_\_  
Rev. Msgr. John E. Doran, Vicar General

  
\_\_\_\_\_  
John L. Molinelli  
Bergen County Prosecutor

  
\_\_\_\_\_  
Michael Fugee

  
\_\_\_\_\_  
Michael D'Alessio, Esq.  
Attorney for Michael Fugee

# COMPLAINT - WARRANT

<b>COMPLAINT NUMBER</b>				<i>THE STATE OF NEW JERSEY</i> <b>VS.</b> <b>MICHAEL FUGEE</b>	
<b>0290</b>	<b>W</b>	<b>2013</b>	<b>000348</b>		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
<b>CENTRAL MUN CT BERGEN COUNTY</b> 71 HUDSON STREET HACKENSACK NJ 07601 (201) 336-6222 COUNTY OF: <b>BERGEN</b>				ADDRESS: ST. ANTONINUS CHURC 337 SOUTH ORANGE AVENUE NEWARK NJ 07103	
# of CHARGES	CO-DEFTS	POLICE CASE #:		DEFENDANT INFORMATION	
7		BCPI300379		SEX: M EYE COLOR:	DOB: 02-01-1961
COMPLAINANT <b>ALAN LUSTMANN</b>				DRIVER'S LIC. #:	DL STATE:
NAME: 10 MAIN STREET ROOM 215 HACKENSACK NJ 07601				SOCIAL SECURITY #: 150-58-9288	SBI #:
				TELEPHONE #:	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 05-17-2013 in **CENTRAL MUN CT BERGEN COUNTY**, **BERGEN County, NJ** did: WITHIN THE JURISDICTION OF THE COURT, AND WITHIN THE STATE OF NEW JERSEY, IN APRIL 2010, PURPOSELY AND KNOWINGLY DISOBEY A JUDICIAL ORDER, SPECIFICALLY, A JULY 16, 2007 ORDER SIGNED BY THE HONORABLE DONALD R. VENEZIA, J.S.C. AND ACCOMPANYING MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE ARCHDIOCESE OF NEWARK, THE BERGEN COUNTY PROSECUTOR S OFFICE AND MICHAEL FUGEE, IN HIS INDIVIDUAL AND VOCATIONAL CAPACITIES, BY ATTENDING A YOUTH RETREAT WITHIN THE STATE OF NEW JERSEY AT THE CLAREMONT RETREAT CENTER, MT. ARLINGTON, N.J. AND HAVING HEARD CONFESSIONS FROM MINOR CHILDREN, IN VIOLATION OF N.J.S.A. 2C:29-9A, A 4TH DEGREE CRIME.

WITHIN THE JURISDICTION OF THE COURT, AND WITHIN THE STATE OF NEW JERSEY, IN OCTOBER 2011, PURPOSELY AND KNOWINGLY DISOBEY A JUDICIAL ORDER, SPECIFICALLY, A JULY 16, 2007 ORDER SIGNED BY THE HONORABLE DONALD R. VENEZIA, J.S.C. AND ACCOMPANYING MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE ARCHDIOCESE OF

**in violation of:**

Original Charge	1) 2C:29-9A	2) 2C:29-9A	3) 2C:29-9A
Amended Charge			

**CERTIFICATION:**

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

Signed: *Sgt. Alan Lustmann* Date: 5-17-13

DATE OF FIRST APPEARANCE 05-21-2013 TIME 9:00am DATE OF ARREST 00-00-0000 5-20-13

**PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT**

Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator \_\_\_\_\_ Date \_\_\_\_\_ Signature of Judge \_\_\_\_\_ Date \_\_\_\_\_

Probable cause IS found for the issuance of this complaint. HON. PATRICK J. ROMA, J.S.C. 5-17-13

Signature and Title of Judicial Officer Issuing Warrant \_\_\_\_\_ Date \_\_\_\_\_

**TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.**

Bail Amount Set: 25,000.00 /10% by: \_\_\_\_\_  
(if different from judicial officer that issued warrant)

Domestic Violence - Confidentialal       Related Traffic Tickets or Other Complaints       Serious Personal Injury/ Death Involved

**Special conditions of release:**

No phone, mail or other personal contact w/victim

No possession firearms/weapons

Other (specify): SURRENDER PASSPORT

ORIGINAL

# COMPLAINT - WARRANT

<b>COMPLAINT NUMBER</b>				<i>THE STATE OF NEW JERSEY</i>	
<b>0290</b>	<b>W</b>	<b>2013</b>	<b>000348</b>	<i>VS.</i>	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	<b>MICHAEL FUGEE</b>	
CENTRAL MUN CT BERGEN COUNTY 71 HUDSON STREET HACKENSACK NJ 07601 (201) 336-6222 COUNTY OF: BERGEN				ADDRESS: ST. ANTONINUS CHURC 337 SOUTH ORANGE AVENUE NEWARK NJ 07103	
# of CHARGES 7	CO-DEFTS	POLICE CASE #: BCP1300379		DEFENDANT INFORMATION SEX: M EYE COLOR: DOB: 02-01-1961	
COMPLAINANT ALAN LUSTMANN NAME: 10 MAIN STREET ROOM 215 HACKENSACK NJ 07601				DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: 150-58-9288 SBI #: TELEPHONE #:	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 05-17-2013 in CENTRAL MUN CT BERGEN COUNTY, BERGEN County, NJ did: NEWARK, THE BERGEN COUNTY PROSECUTOR S OFFICE AND MICHAEL FUGEE, IN HIS INDIVIDUAL AND VOCATIONAL CAPACITIES, BY ATTENDING A YOUTH RETREAT WITHIN THE STATE OF NEW JERSEY, AT THE KATERI ENVIRONMENTAL CENTER, 160 CONOVER ROAD, WICKATUNK, N.J. AND HAVING HEARD CONFESSIONS FROM MINOR CHILDREN, IN VIOLATION OF N.J.S.A. 2C:29-9A, A 4TH DEGREE CRIME.

WITHIN THE JURISDICTION OF THE COURT, AND WITHIN THE STATE OF NEW JERSEY, IN SEPTEMBER 2010, PURPOSELY AND KNOWINGLY DISOBEY A JUDICIAL ORDER, SPECIFICALLY, A JULY 16, 2007 ORDER SIGNED BY THE HONORABLE DONALD R. VENEZIA, J.S.C. AND ACCOMPANYING MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE ARCHDIOCESE OF NEWARK, THE BERGEN COUNTY PROSECUTOR S OFFICE AND MICHAEL FUGEE, IN HIS INDIVIDUAL AND VOCATIONAL CAPACITIES, DID GO TO A PARISHIONER S HOME IN BAYVILLE, NEW JERSEY AND HEARD CONFESSIONS FROM MINOR CHILDREN, IN VIOLATION OF N.J.S.A. 2C:29-9A, A 4TH DEGREE CRIME.

**in violation of:**

Original Charge	1) 2C:29-9A	2) 2C:29-9A	3) 2C:29-9A
Amended Charge			

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

Signed: *[Signature]* Date: 5-17-13

DATE OF FIRST APPEARANCE 05-21-2013 TIME 9:00am DATE OF ARREST 00-00-0000 5-20-13

**PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT**

Probable cause IS NOT found for the issuance of this complaint.

\_\_\_\_\_  
Signature of Court Administrator or Deputy Court Administrator      Date      Signature of Judge      Date

Probable cause IS found for the issuance of this complaint. HON. PATRICK J ROMA, J.S.C. 5-17-13

Signature and Title of Judicial Officer Issuing Warrant      Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: 25,000.00 /10% by: \_\_\_\_\_  
(if different from judicial officer that issued warrant)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Domestic Violence – Confidential | <input type="checkbox"/> Related Traffic Tickets or Other Complaints | <input type="checkbox"/> Serious Personal Injury/ Death Involved |
|---|--|--|

**Special conditions of release:**

No phone, mail or other personal contact w/victim

No possession firearms/weapons

Other (specify): SURRENDER PASSPORT

ORIGINAL

# COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. MICHAEL FUGEE	
0290	W	2013	000348		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	ADDRESS:	
CENTRAL MUN CT BERGEN COUNTY 71 HUDSON STREET HACKENSACK NJ 07601 (201) 336-6222 COUNTY OF: BERGEN				ST. ANTONINUS CHURCH 337 SOUTH ORANGE AVENUE NEWARK NJ 07103	
# of CHARGES	CO-DEFTS	POLICE CASE #:		DEFENDANT INFORMATION	
7		BCP1300379		SEX: M	EYE COLOR: DOB: 02-01-1961
COMPLAINANT ALAN LUSTMANN NAME: 10 MAIN STREET ROOM 215 HACKENSACK NJ 07601				DRIVER'S LIC. #:	DL STATE:
				SOCIAL SECURITY #: 150-58-9288	SBI #:
				TELEPHONE #:	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 05-17-2013 in **CENTRAL MUN CT BERGEN COUNTY**, **BERGEN County, NJ** did: WITHIN THE JURISDICTION OF THE COURT, AND WITHIN THE STATE OF NEW JERSEY, IN OCTOBER 2011, PURPOSELY AND KNOWINGLY DISOBEY A JUDICIAL ORDER, SPECIFICALLY, A JULY 16, 2007 ORDER SIGNED BY THE HONORABLE DONALD R. VENEZIA, J.S.C. AND ACCOMPANYING MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE ARCHDIOCESE OF NEWARK, THE BERGEN COUNTY PROSECUTOR S OFFICE AND MICHAEL FUGEE, IN HIS INDIVIDUAL AND VOCATIONAL CAPACITIES, BY ATTENDING A YOUTH RETREAT WITHIN THE STATE OF NEW JERSEY AT THE KATERI ENVIRONMENTAL CENTER, 160 CONOVER ROAD, WICKATUNK, N.J. AND HAVING HEARD CONFESSIONS FROM MINOR CHILDREN, IN VIOLATION OF N.J.S.A. 2C:29-9A, A 4TH DEGREE CRIME.


WITHIN THE JURISDICTION OF THE COURT, AND WITHIN THE STATE OF NEW JERSEY, SEPTEMBER 2012, PURPOSELY AND KNOWINGLY DISOBEY A JUDICIAL ORDER, SPECIFICALLY, A

**in violation of:**

Original Charge	1) 2C:29-9A	2)	3)
Amended Charge			

**CERTIFICATION:**

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

Signed:  Date: 5-17-13

DATE OF FIRST APPEARANCE 05-21-2013 TIME 9:00am DATE OF ARREST 00-00-0000 5-2-13

**PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT**

Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator \_\_\_\_\_ Date \_\_\_\_\_ Signature of Judge \_\_\_\_\_ Date \_\_\_\_\_

Probable cause IS found for the issuance of this complaint. HON. PATRICK J. ROMA J.S.C. 5-17-13  
Signature and Title of Judicial Officer Issuing Warrant \_\_\_\_\_ Date \_\_\_\_\_

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: 25,000.00 /10% by: \_\_\_\_\_  
(if different from judicial officer that issued warrant)

- Domestic Violence - Confidential       Related Traffic Tickets or Other Complaints       Serious Personal Injury/ Death Involved

Special conditions of release:  
 No phone, mail or other personal contact w/victim  
 No possession firearms/weapons  
 Other (specify): SURRENDER PASSPORT

**ORIGINAL**



# COMPLAINT - WARRANT

<b>COMPLAINT NUMBER</b>				<i>THE STATE OF NEW JERSEY</i>	
<b>0290</b>	<b>W</b>	<b>2013</b>	<b>000348</b>	<i>VS.</i>	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	<b>MICHAEL FUGEE</b>	
CENTRAL MUN CT BERGEN COUNTY 71 HUDSON STREET HACKENSACK NJ 07601 (201) 336-6222 COUNTY OF: BERGEN				ADDRESS: ST. ANTONINUS CHURC 337 SOUTH ORANGE AVENUE NEWARK NJ 07103	
# of CHARGES 7	CO-DEFTS	POLICE CASE #: BCP1300379		DEFENDANT INFORMATION SEX: M EYE COLOR: DOB: 02-01-1961	
COMPLAINANT ALAN LUSTMANN NAME: 10 MAIN STREET ROOM 215 HACKENSACK NJ 07601				DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #. 150-58-9288 SBI #: TELEPHONE #.	


By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 05-17-2013 in **CENTRAL MUN CT BERGEN COUNTY**, **BERGEN County, NJ** did: JULY 16, 2007 ORDER SIGNED BY THE HONORABLE DONALD R. VENEZIA, J.S.C. AND ACCOMPANYING MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE ARCHDIOCESE OF NEWARK, THE BERGEN COUNTY PROSECUTOR S OFFICE AND MICHAEL FUGEE, IN HIS INDIVIDUAL AND VOCATIONAL CAPACITIES, BY HAVING HEARD CONFESSIONS FROM MINOR CHILDREN AT SACRED HEART CHURCH, ROCHELLE PARK, N.J., IN VIOLATION OF N.J.S.A. 2C:29-9A, A CRIME OF THE 4TH DEGREE.

WITHIN THE JURISDICTION OF THE COURT, AND WITHIN THE STATE OF NEW JERSEY, IN FEBRUARY 2012, PURPOSELY AND KNOWINGLY DISOBEY A JUDICIAL ORDER, SPECIFICALLY, A JULY 16, 2007 ORDER SIGNED BY THE HONORABLE DONALD R. VENEZIA, J.S.C. AND ACCOMPANYING THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE ARCHDIOCESE OF NEWARK, THE BERGEN COUNTY PROSECUTOR S OFFICE AND MICHAEL FUGEE, IN HIS INDIVIDUAL AND VOCATIONAL CAPACITIES, BY HAVING HEARD CONFESSIONS FROM MINOR CHILDREN AT SACRED HEART CHURCH, ROCHELLE PARK, N.J. IN VIOLATION OF N.J.S.A.

**in violation of:**

Original Charge	1)	2)	3)
Amended Charge			

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

Signed:  Date: 5-17-13

DATE OF FIRST APPEARANCE 05-21-2013 TIME 9:00am DATE OF ARREST 00-00-0000 5-20-13

**PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT**

Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator \_\_\_\_\_ Date \_\_\_\_\_ Signature of Judge \_\_\_\_\_ Date \_\_\_\_\_

Probable cause IS found for the issuance of this complaint. HON. PATRICK J. ROMA J.S.C. 5-17-13  
Signature and Title of Judicial Officer Issuing Warrant \_\_\_\_\_ Date \_\_\_\_\_

**TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.**

Bail Amount Set: 25,000.00 /10% by: \_\_\_\_\_  
(If different from judicial officer that issued warrant)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Domestic Violence – Confidential | <input type="checkbox"/> Related Traffic Tickets or Other Complaints | <input type="checkbox"/> Serious Personal Injury/ Death Involved |
|---|--|--|

**Special conditions of release:**  
 No phone, mail or other personal contact w/victim  
 No possession firearms/weapons  
 Other (specify): SURRENDER PASSPORT

**ORIGINAL**

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# COMPLAINT - WARRANT

<b>COMPLAINT NUMBER</b>				<i>THE STATE OF NEW JERSEY</i>	
<b>0290</b>	<b>W</b>	<b>2013</b>	<b>000348</b>	<i>VS.</i>	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	<b>MICHAEL FUGEE</b>	
<b>CENTRAL MUN CT BERGEN COUNTY</b> 71 HUDSON STREET HACKENSACK NJ 07601 (201) 336-6222 COUNTY OF: BERGEN				ADDRESS: ST. ANTONINUS CHURC 337 SOUTH ORANGE AVENUE NEWARK NJ 07103	
# of CHARGES	CO-DEFTS	POLICE CASE #:		DEFENDANT INFORMATION	
7		BCP1300379		SEX: M	EYE COLOR:      DOB: 02-01-1961
COMPLAINANT <b>ALAN LUSTMANN</b>				DRIVER'S LIC. #:	DL STATE:
NAME: 10 MAIN STREET				SOCIAL SECURITY #: 150-58-9288	SBI #:
ROOM 215				TELEPHONE #:	
HACKENSACK NJ 07601					

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 05-17-2013 in **CENTRAL MUN CT BERGEN COUNTY** , **BERGEN County, NJ** did: 2C:29-9A, A 4TH DEGREE CRIME.

WITHIN THE JURISDICTION OF THE COURT, AND WITHIN THE STATE OF NEW JERSEY, IN MARCH 2012, PURPOSELY AND KNOWINGLY DISOBEY A JUDICIAL ORDER, SPECIFICALLY, A JULY 16, 2007 ORDER SIGNED BY THE HONORABLE DONALD R. VENEZIA, J.S.C. AND ACCOMPANYING THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE ARCHDIOCESE OF NEWARK, THE BERGEN COUNTY PROSECUTOR S OFFICE AND MICHAEL FUGEE, IN HIS INDIVIDUAL AND VOCATIONAL CAPACITIES, AND HAVING HEARD CONFESSIONS FROM MINOR CHILDREN AT OUR LADY OF VISITATION PARISH, PARAMUS, N.J., IN VIOLATION OF N.J.S.A. 2C:29-9A, A 4TH DEGREE CRIME.

**In violation of:**

Original Charge	1)	2)	3)
Amended Charge			

**CERTIFICATION:**

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

Signed: *Alan Lustmann* Date: 5-17-13

DATE OF FIRST APPEARANCE 05-21-2013 TIME 9:00am DATE OF ARREST 00-00-0000 5-20-13

**PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT**

Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator \_\_\_\_\_ Date \_\_\_\_\_ Signature of Judge \_\_\_\_\_ Date \_\_\_\_\_

Probable cause IS found for the issuance of this complaint. HON. PATRICIA J. ROMA J.S.C. 5-17-13  
Signature and Title of Judicial Officer Issuing Warrant Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: 25,000.00 /10% by: \_\_\_\_\_  
(if different from judicial officer that issued warrant)

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Domestic Violence – Confidential | <input type="checkbox"/> Related Traffic Tickets or Other Complaints | <input type="checkbox"/> Serious Personal Injury/ Death Involved |
|---|--|--|

**Special conditions of release:**  
 No phone, mail or other personal contact w/victim  
 No possession firearms/weapons  
 Other (specify): SURRENDER PASSPORT

**ORIGINAL**

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