



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

MARK NEWTON,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION
v.)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	BPU DKT NO. EC11030133U
Respondent)	OAL DKT NO. PUC08137-11

Parties of Record:

Mark Newton, pro se
David Richter, Esq., Public Service Electric and Gas Company

BY THE BOARD¹:

On March 16, 2011, Mark Newton ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas Company ("Respondent") for utility services rendered by Respondent.

On July 8, 2011, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge ("ALJ") Kimberly A. Moss.

On November 9, 2011, Petitioner filed a motion to consolidate with matters pending before the New Jersey Superior Court. The motion was initially filed with the Board. The Board forwarded the motion to the OAL on December 8, 2011. Following a prehearing conference, Respondent stated it had not received a copy of Petitioner's motion. Following Petitioner's follow-up letter on March 16, 2012, Respondent filed its response to the motion on March 20, 2012. Petitioner filed a reply on April 2, 2012. ALJ Moss denied Petitioner's motion on April 4, 2012.

An evidentiary hearing was scheduled July 16, 2012. Petitioner requested an adjournment because his wife was in the hospital. ALJ Moss granted Petitioner's request for an adjournment. The hearing was rescheduled for September 17, 2012. Petitioner requested a second adjournment because of a religious holiday. ALJ Moss granted the adjournment and rescheduled the matter for September 19, 2012, with no further adjournments.

¹ Commissioner Mary-Anna Holden did not participate.

On September 19, 2012, Petitioner failed to appear. However, an hour and twenty minutes after the hearing was scheduled to begin, Petitioner's son appeared and represented that a shooting had occurred at Petitioner's residence and that Petitioner could not appear for medical reasons. Petitioner's son produced a police report, a copy of a photo of a window with a hole, and a document, dated September 18, 2012, that Petitioner's son represented was from a medical provider and stating Petitioner could not work for two days.²

On September 24, 2012, ALJ Moss also received a letter from Petitioner. The letter represented that Petitioner's neighbors were attempting to kill him and one of his family members. The letter continued to explain that following a shooting at his residence on September 5, 2012, Petitioner was injured.³ Petitioner claims that following the shooting he has been in extreme pain which worsened thirteen days later on September 18, 2012, causing him to seek emergency medical attention. Petitioner also stated that he was taking pain medicine which causes disorientation and fatigue, but that he hoped to be recovered in thirty days.

ALJ Moss found Petitioner's letter not to be credible and unsupported by the materials submitted. For instance, the September 5, 2012 Newark Police Incident Report presented by Petitioner's son states there were no injuries. The Initial Decision also notes that the document claimed to be from a medical provider appears altered. First, the name of the hospital is obscured. Second, the document states, in typeface, "I have examined the above-named patient and certify that he/she should be exempt from Work for:" and continues in handwriting "No Work X2 days." However, ALJ Moss points out that Petitioner's name does not appear above that portion of the document. Instead, a hospital wristband with Petitioner's name appears photocopied onto the bottom half of the document. Moreover, the line where the doctor would sign is blank. Based on these anomalies, ALJ Moss concluded the document does not establish that a physician advised Petitioner that he could not work for two days.⁴

Based on a review of the documents attached to the Initial Decision for reference, the Board **FINDS** ALJ Moss's credibility determinations to be supported by sufficient and credible evidence.

Pursuant to N.J.A.C. 1:1-14.4(a), "[i]f, after appropriate notice, neither a party nor a representative appears at any proceeding scheduled by the clerk or judge, the judge shall hold the matter for one day before taking any action." If the ALJ receives an explanation, the judge may determine if there is good cause for the failure to appear. See N.J.A.C. 1:1-14.4(c). "If the judge concludes that there was no good cause for the failure to appear, the judge may refuse to reschedule the matter and shall issue an Initial Decision explaining the basis for that conclusion" N.J.A.C. 1:1-14.4(c)(2).

Here, following two adjournments, ALJ Moss issued a Notice of Hearing on August 20, 2012 scheduling a hearing for September 19, 2012. Petitioner failed to appear at the scheduled hearing, however, Petitioner's son subsequently appeared with an explanation and Petitioner submitted a letter of explanation on September 24, 2012. Based on inconsistencies and credibility issues concerning the materials submitted by Petitioner, ALJ Moss concluded

² The materials are attached to the Initial Decision for reference.

³ Petitioner does not explain what injury he suffered.

⁴ Petitioner's letter also included a criminal complaint by Petitioner dated April 24, 2012. ALJ Moss also found this document not to be a credible explanation for Petitioner's failure to appear, because it was dated four months prior to the scheduled hearing.

Petitioner's explanation for his failure to appear lacked good cause. Therefore, ALJ Moss concluded Petitioner's petition should be dismissed for lack of prosecution. Accordingly, ALJ Moss ordered Petitioner's application for relief be dismissed pursuant to N.J.A.C. 1:1-14.4.

Based on a review of the applicable law and record, the Board **HEREBY FINDS** the findings of fact and conclusions of law as set out by ALJ Moss are reasonable and fully supported by the record.

The Board **HEREBY ORDERS** the Initial Decision is adopted in its entirety and attached hereto and made a part hereof and **ORDERS** that the petition is **DISMISSED**.


DATED: 10/23/12

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER

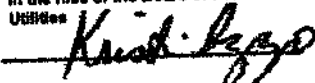

JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
COMMISSIONER

ATTEST:

KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



MARK NEWTON

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC11030133U

OAL DOCKET NO. 08137-11

SERVICE LIST

Mark Newton
80 Saint Paul Ave.
PO Box 6331
Newark, NJ 07106

David K Richter , Esq.
PSEG Services Corp
80 Park Plaza - T5C
Newark, NJ 07102-4194

T. David Wand, DAG
Department of Law & Public Safety
Division of Law
124 Halsey St., PO Box 45029
Newark, NJ 07101

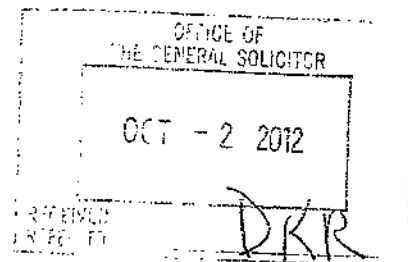
Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, NJ 07102
(973) 648-6008

**A copy of the administrative law
judge's decision is enclosed.**

**This decision was mailed to the parties
on SEP 28 2012**





State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. PUC 08137-11

AGENCY DKT. NO. EC11030133U

MARK NEWTON,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**

Respondent.

Mark Newton, pro se

David Richter, Esq., for respondent, Public Service Electric and Gas Company

Record Closed: September 19, 2012

Decided: September 26, 2012

BEFORE **KIMBERLY A. MOSS, ALJ:**

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Mark Newton (petitioner or Newton), filed a petition with the Board of Public Utilities (BPU) on March 16, 2011, regarding a billing dispute. Petitioner is alleging a diversion of service. The matter was transmitted to the Office of Administrative Law (OAL) and filed on July 8, 2011. Several conferences were held in this matter. Newton

filed a motion with the BPU on November 9, 2011, to consolidate this matter with matters he has pending in Superior Court. The BPU forwarded the motion to me on December 8, 2011. A conference was held on February 2, 2012. PSE&G had not received a copy of Newton's motion. Newton sent a follow-up letter on March 16, 2012. PSE&G responded to the motion on March 20, 2012. Newton replied on April 2, 2012. Newton's motion was denied on April 4, 2012. The matter was scheduled for a hearing on July 16, 2012. Petitioner requested an adjournment because his wife was in the hospital. The adjournment was granted. The matter was then scheduled for a hearing on September 17, 2012. Petitioner requested an adjournment because of a religious holiday. The adjournment was granted. The hearing was scheduled for September 19, 2012 at 9:00 a.m. with no further adjournments. Petitioner did not appear by 9:45 a.m. therefore the case was marked that he failed to appear. Subsequent to that my secretary received a call from petitioner's wife stating that someone was on the way. At approximately 10:20 a.m. petitioner's son appeared. He stated that there was shooting at their house and that his father could not appear for medical reasons. Petitioner's son produced a police report; a copy of a photo with a hole in the window; and a document that petitioner's son stated was from a medical provider stating petitioner could not work for two days dated September 18, 2012. A copy of the police report, photo, and medical correspondence is attached hereto for reference. On September 24, 2012, I received a letter from petitioner.

FACTUAL DISCUSSION

I **FIND** the following **FACTS** in this case.

Petitioner requested an adjournment of the hearing date on two prior occasions. The police report that was submitted by petitioner's son shows that the shooting occurred on September 5, 2012. It also states that there were no injuries.

The document that petitioner's son submitted regarding petitioner's medical condition was altered. A portion of the name of the hospital is obscured. The document states "I have examined the above-named patient and certify that he/she should be exempt from Work for: No Work X2 days." Petitioner's name is not above that portion

of the document. The line where the doctor would sign is blank. The line above where a nurse would sign has a signature. Photocopied onto the document appears to be a hospital wristband with petitioner's name. This document does not establish that a doctor determined that petitioner could not work for two days or that petitioner is the individual who could not work for two days.

Petitioner's letter, which I received on September 24, 2012, states that he was injured as a result of the shooting of September 5, 2012. He stated that he went to the hospital on September 18, 2012 as a result of that injury.

I do not **FIND** this letter to be credible because it contradicts the information in the September 5, 2012 police report submitted by petitioner which states that there were no injuries. In addition the complaint that he attached to the letter is regarding an incident that occurred on April 24, 2012, more than four months prior to the hearing date.

LEGAL ANALYSIS AND CONCLUSIONS

Pursuant to N.J.A.C. 1:1-14.4(a),

If, after appropriate notice, neither a party nor a representative appears at any proceeding scheduled by the Clerk or judge, the judge shall hold the matter for one day before taking any action. If the judge does not receive an explanation for the nonappearance within one day, the judge shall, unless proceeding pursuant to (d) below, direct the Clerk to return the matter to the transmitting agency for appropriate disposition pursuant to N.J.A.C. 1:1-3.3(b) and (c).

Therefore, in accord with N.J.A.C. 1:1-3.3(b) and (c) as mentioned above,

(b) If the non-appearing party submits an explanation in writing, a copy must be served on all other parties and the other parties shall be given an opportunity to respond.

(c) If the judge receives an explanation:

1. If the judge concludes that there was good cause for the failure to appear, the judge shall reschedule the matter for hearing; or
2. If the judge concludes that there was no good cause for the failure to appear, the judge may refuse to reschedule the matter and shall issue an initial decision explaining the basis for that conclusion, or may reschedule the matter and, at his or her discretion, order any of the following

I **CONCLUDE** that there was no good cause for petitioner's failure to appear. Police report states that the shooting at his home occurred two weeks prior to the hearing date and there were no injuries. In addition petitioner submitted an altered document regarding his medical condition.

For the above reasons, I **CONCLUDE** that petitioner failed to appear at the hearing and that this matter should be dismissed for lack of prosecution.

ORDER

It is **ORDERED** that Newton's application for relief be **DISMISSED** pursuant to N.J.A.C. 1:1-14.4, and I **DIRECT** the Clerk to return the matter to the Board of Public Utilities for appropriate disposition.

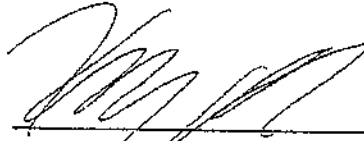
I hereby **FILE** my Initial Decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE BOARD OF PUBLIC UTILITIES, 44 South Clinton Avenue, P.O. Box 350, Trenton, NJ 08625-0350**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

9-26-12

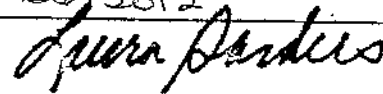
DATE



KIMBERLY A. MOSS, ALJ

Date Received at Agency:

9/26/2012



Date Mailed to Parties: **SEP 28 2012**

ljb

DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

NEWARK POLICE

INCIDENT REPORT

C12058303

Event#:

P12283431

WERE LODGED INTO THE LOWER FACADE OF THE HOUSE,

OFFICERS SPOKE TO TWO WITNESSES WHO WANTED TO REMAIN ANONYMOUS OUT OF FEAR FOR THEIR SAFETY. THEY BOTH STATED THEY SAW A RED VEHICLE SLOWLY DRIVE PAST 80 ST. PAUL AVENUE AND THEN BEGAN SHOOTING TOWARDS THE HOUSE. ONE OF THE WITNESSES DESCRIBED THE RED VEHICLE AS A FOUR DOOR BUT COULD NOT DETERMINE THE MAKE OR MODEL. THE WITNESS ALSO DESCRIBED THE DRIVER AS A LIGHT SKIN BLACK MALE OR HISPANIC HAVING A TATTOO ON THE RIGHT SIDE OF EITHER HIS NECK OR POSSIBLY RIGHT ARM. NO OTHER OCCUPANTS IN THE VEHICLE OTHER THAN THE DRIVER.

CRIME SCENE UNIT#646, OFFICER S. COLEMAN ID#6567 RESPONDED AND PROCESSED THE SCENE ALONG WITH MAJOR CRIMES DETECTIVES G. TREAMONT AND PADILLA. DETECTIVES ALSO REVIEWED VIDEO SURVALENCE TAKEN FROM CAMERAS MOUNTED OUTSIDE MR. NEWTON'S HOUSE. NO NOTES WERE TAKEN AS IT PERTAINS TO THIS REPORT. NO INJURIES WERE REPORTED.

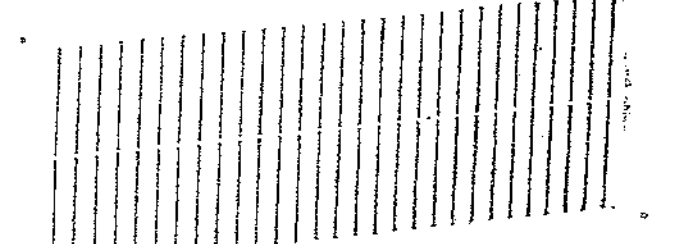
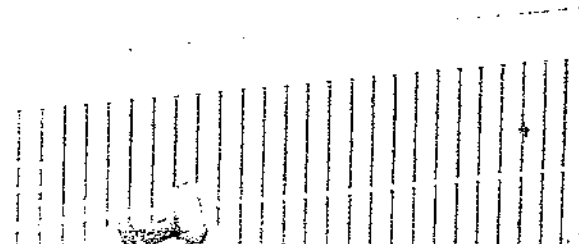
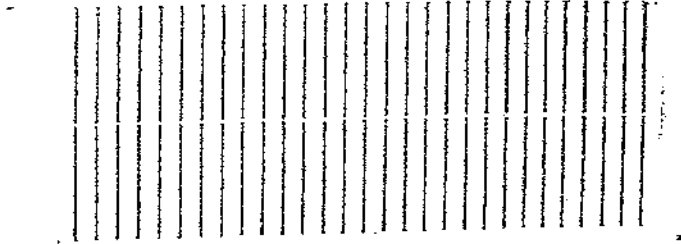
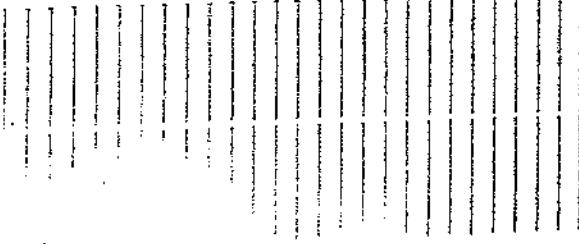
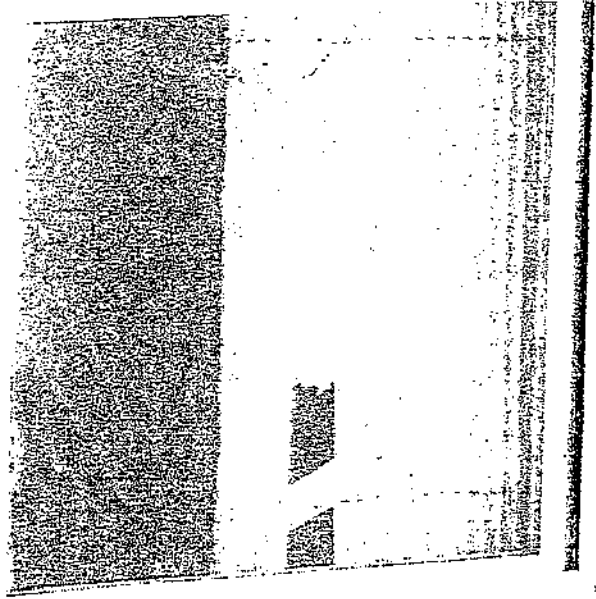
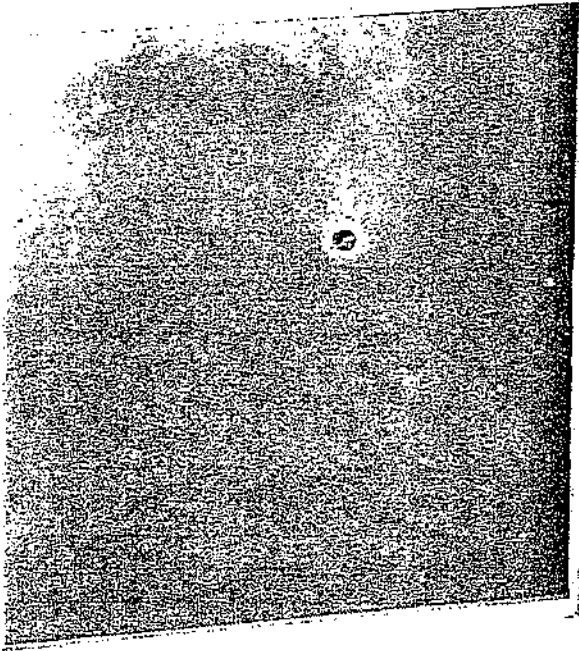
P. A. 242

NEWARK POLICE

INCIDENT REPORT

FILL OUT COMPLETE REPORT WHEN LISTED IN CLASSIFICATION LIST AND REPORT GUIDE AS 802 (NO ASTERISK).
DO NOT FILL OUT SHADED PORTION WHEN LISTED 802* (WITH ASTERISK).

1. VICTIMS OR COMPLAINANTS NAME NEWTON, MARK		2. TELEPHONE 973-368-5317		17. STATUTE OF ORDINANCE 2C:17-3		18. SECTOR 418	19. COMMAND WEST	20. CENT COMPLT NO C12058303		
3. RESIDENT NUMBER (STREET) (FLOOR OR APT) 80 ST PAUL AVE, NEWARK NJ				21. REPORTING OFFICER (NAME) ID NO (COMMD) PO VILASOA, FRANCISCO 9447 4TH/VTF						
4. SEX M	5. RACE/ETHNICITY B N	6. AGE 54	7. OCCUPATION UNEMPLOYED	8. INJURY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		22. INCIDENT CRIMINAL MISCHIEF			22A. OCC ON PUB. HOUS. PROP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
9. SOBRIETY OF VICTIM <input checked="" type="checkbox"/> SOBER <input type="checkbox"/> HAD BEEN DRINKING <input type="checkbox"/> INTOX ICATED			10. CAN VICT IDENT OFFENDER NO		23. LOCATION 80 SAINT PAUL AVE/CLIFF ST, NEWARK NJ					GANG RELATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
11. PERSON REPORTING CRIME NEWTON, MARK		12. TELEPHONE NO 973-368-5317		24. TIME OF OCCURRENCE (ON OR BET)			25. WAS FORCE USED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> NOT KNOWN			
13. RESIDENCE OF PERSON REPORTING CRIME 80 ST PAUL AVE, NEWARK NJ				19:00	Wed	09	05	2012	26. WAS A WEAPON USED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT KNOWN	
14. MONTH 09	DAY 05	YEAR 2012	15. TIME REPT 19:08	16. OCCURRED ON VIEW <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		27. TYPE OF PREMISES OR PROPERTY ATTACKED Dwelling				
28. HOW ATTACKED Shooting				29. MEANS OF ATTACK Firearm						
30. OBJECT OF ATTACK (IF VEHICLE ANTI-THEFT DEVICE INSTALLED.) Unknown <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				31. MODUS OPERANDI						
32. VEHICLE INVOLVED IN CRIME <input type="checkbox"/> STOLEN <input checked="" type="checkbox"/> USED BY OFFENDER	YEAR	MAKE UNKNOWN	MODEL	LIC NUMBER		STATE	COLOR RED	BODY TYPE 4 DOOR	VEHICLE VIN NUMBERS	
33. NAME OF SUSPECT (ALIAS) UNKNOWN						33. (RESIDENCE)				
SEX	RACE / ETHNICITY	AGE	HEIGHT	WEIGHT	COLOR OF HAIR	COLOR OF EYES	DESCRIBE CLOTHING WORN AND PECULIARITIES			
EVENT # P12283431								CAMERA VISIBLE? <input type="checkbox"/> YES <input type="checkbox"/> NO		
34. ADDITIONAL INFORMATION (DO NOT REPEAT INFORMATION LISTED IN NUMBERED BLOCKS) UNIT #437, OFFICERS F. VILASOA AND E. DAVILA, RESPONDED TO THE ABOVE LOCATION ON A REPORT OF SHOTS FIRED. UPON ARRIVING ON THE SCENE OFFICERS WERE APPROACHED BY MR. MARK NEWTON, THE ABOVE VICTIM. MR. NEWTON STATED AN UNKNOWN VEHICLE DROVE PAST HIS HOUSE LOCATED AT 80 ST. PAUL AVENUE AND SHOT UP HIS HOUSE. OFFICERS CONDUCTED A CANVASS AND FOUND FIVE 380 CALIBER CASINGS LOCATED ON THE STREET JUST PAST HIS HOUSE. OFFICERS ALSO OBSERVED FIVE BULLET HOLES TO THE HOUSE, TWO HIT A 2ND FLOOR WINDOW AND THREE...										
34A. STRANGER TO STRANGER CRIME UNKNOWN		34B. DOMESTIC VIOLENCE RELATED N		34C. REPORT SOURCE <input checked="" type="checkbox"/> DISPATCH <input type="checkbox"/> PHONE <input type="checkbox"/> WALK-IN		34D. VEHICLE INSURANCE COMPANY & POLICY NUMBER				
35. ESTIMATED VALUE BY TYPE OF PROPERTY	A. CURRENCY	B. JEWELRY	C. FURS		D. CLOTHING	E. LOCAL AUTOS	F. MISCELLANEOUS	G. TOTAL		
36. OTHER OFFICERS AT SCENE (NAME) RANK CONLEY, WILLIAM			7064		VEH NO 402	COMMAND WEST	(I D NO) 7064	37. OTHER REPORTS SUBMITTED <input type="checkbox"/> DP 1 152 PROPERTY <input type="checkbox"/> DP 1 152-1 AUTO <input type="checkbox"/> DP 1 225A STATEMENT <input type="checkbox"/> DP 1 800 ARREST <input type="checkbox"/> DP 1 705 CONT		
38. PERSONS ARRESTED (NAME)		CENT ARR. NO.		39. WITNESSES (NAME AND RESIDENCE)				(TELEPHONE NO)		
P. A. 241										
40. TELETYPE ALARM NUMBER		41. NAME OR DETECTIVE NOTIFIED PO TREAMONT, GARY			42. SIGNATURE OF REPORTING OFFICER PO VILASOA, FRANCISCO 9447					
43. STATUS OF OFFENSE <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> NOT CLEARED <input type="checkbox"/> EXCEPTIONAL CLEARANCE				44. CLEARED BY ARREST OF (CHECK APPROPRIATE BOX OR BOXES) <input type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE <input type="checkbox"/> ADULT AND JUVENILE <input type="checkbox"/> NARCOTIC OFFENDER						
45. STATUS OF CASE <input type="checkbox"/> PENDING ACTIVE <input type="checkbox"/> PENDING INACTIVE <input type="checkbox"/> CLOSED			46. CLASS	47. RE CLASS		48. KEY PUNCHED BY	49. VERIFIED BY			
50. SUPERVISOR APPROVING & CLASSIFYING 9376 SGT CARDONA, EMIL				(DATE) 9/5/2012		51. TIME APPROVED 22:28	52. INDEXED BY	53. NUMBER OF PAGES		



Print Date: 09/18/2012

Barnabas Medical Center

Print Time: 23:38

100 Short Hills Road

Page: 1/1

Linden, NJ 07039

(973)322-8180

For:

I have examined the above named patient and certify that he / she should be exempt from Work

for *No work XZ days*

RESTRICTIONS:

Mark Newton

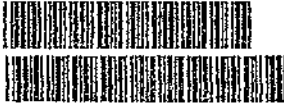
ED Phy:

ED Nurse:

09/18/2012

SEP 19 2012
MARIC NEWTON

NEWTON, MARK M
PA#:14012985 09/18/12
EMA PHYSICIANS EMR



MARK NEWTON

80 ST. PAUL AVE. P. O. BOX 6331 NEWARK, NEW JERSEY 07106
973.368.5317

September, 2012

VIA REGULAR U.S. MAIL

Honorable Kimberly Moss, ALJ
Office of Administrative Law
33 Washington Street, 7th Fl.
Newark, New Jersey 07102

RE: Mark Newton V. P. S. E. & G.
Agency Reference No. EC11030133U
OAL Docket No. PUC 08137-2011 N

Dear Judge Moss:

Mark Newton, the Petitioner in the above-captioned matter has authored this correspondence to advise that pursuant to exceptional and unavoidable occurrences he was unable to appear before the Office of Administrative Law pursuant to the hearing scheduled to proceed on September 19, 2012.

Further, Mr. Newton would like to take this opportunity to apologize to the Court, and counsel for any inconvenience caused, as it was not anticipated, and otherwise unavoidable. As your honor should be aware by now, that Mr. Newton has been experiencing a host of militating, and devastating occurrences regarding his next door neighbors, Andy Henry and Kiewanda Henry, where these persons have attempted to murder, and otherwise harm Mr. Newton and his family on multiple occasions. Thus, on April 24, 2012, Kiewanda Henry took a loaded Nine Millimeter (9 MM) handgun, and attempted to murder Petitioner Mark Newton and one of his sons [Refer to Exhibit A Annexed Hereto]. Hence in the interim period, shortly thereafter the attempted murder of Mr. Newton he began receiving Death Threats that were personally delivered to his residence, as well as forwarded through the United States Postal Service [Refer to Exhibit B Annexed Hereto].

Thus, the aforesated occurrences have taken a devastated toll on Mr. Newton's wife, as the Court is aware in mid July 2012, she became severely ill and was confined to the intensive care unit at an area hospital for a period in excess of fifteen (15) days. In furtherance, most recently, on the dates of September 2, 2012, and September 5, 2012, individuals appeared at Mr. Newton's residence and shot up the house (i.e.) on two separate occasions individuals appeared in motor vehicles, and fired bullets into the residence, where as a result of the September 5, 2012, shooting, pursuant to dodging the bullets, Mr. Newton was injured [Refer to Exhibit C Annexed Hereto]. Since that time, as a result of the aforesated, Mr. Newton has been in extreme pain, which condition worsened, and on September 18, 2012, he was compelled to seek emergency medical attention at an area hospital. He is presently taking very potent pain medication which causes him to be disoriented and otherwise fatigued, and he is presently scheduled to undergo further medical evaluations within the next week.

2012 SEP 24 P 4: 07

Honorable Kimberly Moss, ALJ
Office of Administrative Law
September 20, 2012
Page 2 of 2

Mark Newton, Pro Se

Accordingly, at present, Mr. Newton is not able to litigate this matter, and does not desire a dismissal of the Petition, or any other adverse occurrence, and has authored this correspondence to advise your honor of the present occurrences, and respectfully request that the matter be re-scheduled to proceed in thirty days, where it is anticipated that Mr. Newton will have recovered.

Thank you for your consideration in this matter.

Respectfully Submitted,

Mark Newton, Pro Se

MN/qn
File No. MAN-00031109
Copy To Public Service Electric & Gas Co.
Mr. David Richter, Esq.

Via Regular U.S. Mail

COMPLAINT - WARRANT			
THE STATE OF NEW JERSEY			
VS.			
KIRWANDA SHABAZZ-HENRY			
ADDRESS: 82 ST PAUL AVE			
NEWARK NJ 07106			
COMPLAINT NUMBER		0714 W 2012 009384	
NEWARK MUNICIPAL COURT			
31 GREEN STREET			
NEWARK NJ 07102			
(973) 733-6520 COUNTY OF: ESSEX			
# of CHARGES	CS-SEPT'S	POLICE CASE #	
1		012029376	
COMPLAINANT NAME		NEWARK NJ 07106	
MARK NEWTON			
NAME:		80 ST PAUL AVE	
NEWARK		NJ 07106	
DEPENDANT INFORMATION			
SEX: M EYE COLOR: BROWN DOB: 10-13-1972			
DRIVER'S LIC. #:			
SOCIAL SECURITY # 133-64-1448 SEX: M DL STATE:			
TELEPHONE #:			
By certification or on oath, the complainant says that to the best of higher knowledge, information and belief the named defendant on or about 04-24-2012 in NEWARK CITY ESSEX County, NJ did WITHIN THE JURISDICTION OF THIS COURT, FOR FIRING A 9MM TÁURUS P11 AT MARK NEWTON.			
In violation of:			
Original Charge	1) 2C:12-1B(2)	2)	3)
Amended Charge			
OATH:			
Subscribed and sworn to me this <u>24th</u> day of <u>April</u> in <u>2012</u> .			
Signed: <u>[Signature]</u> (Signature of Complainant/Witness)			
Signed: <u>[Signature]</u> (Signature of Person Administering Oath and [109])			
DATE OF FIRST APPEARANCE <u>05-02-2012</u>		TIME <u>9:00am</u>	DATE OF ARREST <u>04-24-2012</u>
PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT			
<input type="checkbox"/> Probable cause is NOT found for the issuance of this complaint.			
Signature of Court Administrator or Deputy Court Administrator		Date	Signature of Judge
			<u>[Signature]</u> <u>05/25/12</u>
<input checked="" type="checkbox"/> Probable cause is found for the issuance of this complaint.			
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 FORTH WITH BEFORE THE COURT TO ANSWER THE COMPLAINT.			
Bell Amount Set: <u>DEF. ROR'ed</u> by: <u>DEF. SHALL NOT RETURN TO 82 ST. PAUL AVE, NEWARK, NJ</u>			
<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:		ORIGINAL	
<input type="checkbox"/> No phone, mail or other personal contact w/victim			
<input type="checkbox"/> No possession firearms/weapons			
<input type="checkbox"/> Other (specify):			
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