

IRREPARABLE HARM

Irreparable harm was caused to the siblings (Carolyn Ausley and William H. Strouse) of the decedent, Joyce B. (Strouse) Sauter. Because Mr. Kaplan failed to properly carry out the sworn duties and responsibilities of his office, and in particular when he returned the primary physical evidence (the body of the decedent) to the alleged murderer for immediate cremation, he forever precluded the siblings from forever knowing the cause of death of Joyce (there are three separate certificates of death for Joyce). There is no closure for any family members, including the daughters, [REDACTED] and the alleged murderer [REDACTED].

Additionally, because Mr. Kaplan failed to timely carry out his sworn duties and responsibilities, Carolyn Ausley and William H. Strouse had to initiate litigation in the Superior Court of New Jersey, Appellate Division, for almost two years and at a personal cost of almost \$15,000. This litigation was necessary to obtain the four specimens taken from the body of the decedent during an external examination, for additional testing at their own expense. This litigation was necessary because the alleged murderer [REDACTED] (the former [REDACTED] police officer), who was shielded by Mr. Kaplan, did not want Carolyn Ausley and William H. Strouse to obtain custody of the specimens. Motions for attorney fees were denied by the Superior Court.

MATERIALITY

Mr. Kaplan's knowing and purposeful failure to conduct the mandatory investigation into the suspicious death of Joyce B. (Strouse) Sauter was material to the case in terms of helping to establish the cause of death of the decedent beyond a reasonable doubt. His failure to protect the only physical evidence--the decedent's body--in the case goes directly to his shielding the alleged murderer, [REDACTED] as part of the blue wall.

Mr. Kaplan's knowing and purposeful failure to prevent the alleged murderer from obtaining custody of the decedent jeopardized a possible murder investigation sometime down the road. His failure to initiate the investigation permitted the alleged murderer to receive her body and cremate the decedent prior to all evidence being collected that could have lead to the clear and unequivocal establishment of her death. Mr. Kaplan's failure to be involved contributed to the failure of the county to conduct the mandatory autopsy in this suspicious death.

The Prosecutor's knowing and purposeful failure to initiate the mandatory investigation was noted by Judge Travis Francis in his opinion in the docketed case. In his opinion, Judge Francis wondered for the record "... and it's also interesting that the -- that law enforcement has consistently failed to take any action, notwithstanding the allegations of -- of the -- plaintiff in this matter."⁵

The Hon Bruce Kaplan had numerous opportunities to begin his investigation even after his first blunder of releasing the body of the decedent to the alleged