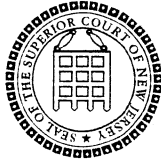


**ANAC 1**

**SUPERIOR COURT OF NEW JERSEY**

CHAMBERS OF  
**LAWRENCE M. LAWSON**  
ASSIGNMENT JUDGE



MONMOUTH COUNTY COURT HOUSE  
71 MONUMENT PARK  
POST OFFICE BOX 1266  
FREEHOLD, NEW JERSEY 07728-1266  
**TELEPHONE (732) 677-4100**

January 20, 2011

Mr. William H. Strouse  
1014 New Dawn Lane  
Odenton, Maryland 21113

Re: Probable Cause Hearings

Dear Mr. Strouse,

Relative to the above captioned matter and following the Probable Cause hearing held on January 11, 2011, enclosed please find the Opinion of this Court.

Very truly yours,

  
LAWRENCE M. LAWSON, A.J.S.C.

LML:nr

Enc

cc: James P. Nolan, Jr., Esquire  
Benjamin D. Leibowitz, Esquire

NOT FOR PUBLICATION WITHOUT APPROVAL  
FROM THE COMMITTEE ON OPINIONS

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State of New Jersey

Plaintiff,

v.

Eric M. Aronowitz,  
Middlesex County  
First Deputy Counsel

Defendant.

---

SUPERIOR COURT OF NEW JERSEY

MONMOUTH COUNTY  
LAW DIVISION

Summons No.:  
1219-S-2010-000310

OPINION

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State of New Jersey

Plaintiff,

v.

Deby Bath

Defendant.

---

SUPERIOR COURT OF NEW JERSEY

MONMOUTH COUNTY  
LAW DIVISION

Summons No.:  
1219-S-2010-000311

OPINION

---

State of New Jersey

Plaintiff,

v.

Frederick DiCarlo, M.D.,  
Assistant Middlesex  
County Medical Examiner

Defendant.

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SUPERIOR COURT OF NEW JERSEY

MONMOUTH COUNTY  
LAW DIVISION

Summons No.:  
1219-S-2010-000312

OPINION

---

State of New Jersey

SUPERIOR COURT OF NEW JERSEY

Plaintiff, : MONMOUTH COUNTY  
 : LAW DIVISION  
 :  
 v. : Summons No.:  
 : 1219-S-2010-000313  
 :  
 Frederick DiCarlo, M.D., :  
 Assistant Middlesex :  
 County Medical Examiner :  
 :  
 : OPINION  
 Defendant. :

State of New Jersey : SUPERIOR COURT OF NEW JERSEY  
:  
Plaintiff, :  
:  
:  
:  
:  
v. : Summons No.:  
:  
1219-S-2010-000314  
:  
Andrew Falzon, M.D., :  
:  
Middlesex County Medical :  
:  
Examiner :  
:  
:  
Defendant. :  
:  
:  
OPINION

State of New Jersey : SUPERIOR COURT OF NEW JERSEY  
:  
Plaintiff, : MONMOUTH COUNTY  
:  
:  
:  
v. : Summons No.:  
:  
1219-S-2010-000315  
Denise Hollingsworth, :  
:  
Esq., Deputy Attorney :  
:  
General, Dept. of Law :  
:  
and Public Safety :  
:  
:  
Defendant. :

State of New Jersey : SUPERIOR COURT OF NEW JERSEY  
 :  
 Plaintiff, : MONMOUTH COUNTY  
 : LAW DIVISION

v. : Summons No.:  
: 1219-S-2010-000322

Bruce Kaplan, Esq., :  
Middlesex County :  
Prosecutor :

Defendant. :  
:

OPINION

State of New Jersey :  
:

Plaintiff, :  
:

SUPERIOR COURT OF NEW JERSEY

MONMOUTH COUNTY  
LAW DIVISION

v. :  
:

Summons No.:  
1219-S-2010-000323

William F. Lamb, Esq., :  
Middlesex County 1<sup>st</sup> :  
Assistant Prosecutor :

Defendant. :  
:

OPINION

State of New Jersey :  
:

Plaintiff, :  
:

SUPERIOR COURT OF NEW JERSEY

MONMOUTH COUNTY  
LAW DIVISION

v. :  
:

Summons No.:  
1219-S-2010-000326

Geetha Ann Natarajan, :  
M.D., Middlesex County :  
Medical Examiner :

Defendant. :  
:

OPINION

State of New Jersey :  
:

Plaintiff, :  
:

SUPERIOR COURT OF NEW JERSEY

MONMOUTH COUNTY  
LAW DIVISION

v. :  
:

Summons No.:  
1219-S-2010-000327

Timothy Brennan, Lt., :  
Sayreville Police :  
Department :

Defendant.	:	OPINION
	:	
State of New Jersey	:	SUPERIOR COURT OF NEW JERSEY
	:	
Plaintiff,	:	MONMOUTH COUNTY
	:	LAW DIVISION
	:	
v.	:	Summons No.:
	:	1219-S-2010-000328
John Garbowski, Capt.,	:	
Sayreville Police	:	
Department	:	
	:	OPINION
Defendant.	:	
	:	
State of New Jersey	:	SUPERIOR COURT OF NEW JERSEY
	:	
Plaintiff,	:	MONMOUTH COUNTY
	:	LAW DIVISION
	:	
v.	:	Summons No.:
	:	1219-S-2010-000329
Anne Milgram, Esq.,	:	
Attorney General, State	:	
of New Jersey	:	
	:	OPINION
Defendant.	:	
	:	
State of New Jersey	:	SUPERIOR COURT OF NEW JERSEY
	:	
Plaintiff,	:	MONMOUTH COUNTY
	:	LAW DIVISION
	:	
v.	:	Summons No.:
	:	1219-S-2010-000353
Jeffrey Sprague, Det.,	:	
Sayreville Police	:	
Department	:	
	:	OPINION
Defendant.	:	
	:	
State of New Jersey	:	SUPERIOR COURT OF NEW JERSEY

Plaintiff,	:	MONMOUTH COUNTY
	:	LAW DIVISION
	:	
v.	:	Summons No.:
	:	1219-S-2010-000354
Amy Noble, Det.,	:	
Sayreville Police	:	
Department	:	
	:	OPINION
Defendant.	:	
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State of New Jersey	:	SUPERIOR COURT OF NEW JERSEY
	:	
Plaintiff,	:	MONMOUTH COUNTY
	:	LAW DIVISION
	:	
v.	:	Summons No.:
	:	1219-S-2010-000356
Candace Marquette	:	
	:	OPINION
Defendant.	:	
<hr/>	:	
State of New Jersey	:	SUPERIOR COURT OF NEW JERSEY
	:	
Plaintiff,	:	MONMOUTH COUNTY
	:	LAW DIVISION
	:	
v.	:	Summons No.:
	:	1219-S-2010-000357
Candace Marquette	:	
	:	OPINION
Defendant.	:	
<hr/>	:	
State of New Jersey	:	SUPERIOR COURT OF NEW JERSEY
	:	
Plaintiff,	:	MONMOUTH COUNTY
	:	LAW DIVISION
	:	
v.	:	Summons No.:
	:	1219-S-2010-000363
Raymond J. Sauter	:	
	:	OPINION
Defendant.	:	

_____	:	
	:	
State of New Jersey	:	SUPERIOR COURT OF NEW JERSEY
	:	
Plaintiff,	:	MONMOUTH COUNTY
	:	LAW DIVISION
	:	
v.	:	Summons No.:
	:	1219-S-2010-000366
Raymond J. Sauter	:	
	:	OPINION
Defendant.	:	
_____	:	

Argued: January 11, 2011  
Decided: January 20, 2011

William H. Strouse and Carolyn Ausley, Pro Se.

**LAWSON, A.J.S.C.**

This matter comes before the Court for a probable cause determination on the citizen Complaints filed by William H. Strouse (hereinafter, "Mr. Strouse) against multiple defendants in connection with the death and suspicious death investigation of Mr. Strouse's sister, Joyce Sauter (hereinafter, "Mrs. Sauter").

The Court has reviewed the trial briefs and heard oral argument. The Court makes the following findings of fact and conclusions of law.

**I. STATEMENT OF FACTS**

The Court will first provide some background information. However, due to the number of Complaints against a myriad of individuals at different periods of time, the Court will then

individually provide the facts underlying the Complaints against each individual.

Mrs. Sauter was diagnosed with cancer in January of 2005. Her husband, Raymond Sauter (hereinafter, "Mr. Sauter"), was her caretaker at all relevant times. On September 29, 2005, Mrs. Sauter's doctor advised her that she had approximately six (6) months to live. Mrs. Sauter began in-home hospice care sometime thereafter. Mrs. Sauter died in her home on October 29, 2005.

**Raymond J. Sauter**

Upon witnessing their sister's weight loss, Mr. Strouse and Ms. Ausley confronted Mr. Sauter about his care of Mrs. Sauter. Specifically, they asked him to develop a nutrition plan and a pain management regiment. However, Mr. Strouse alleges that Mr. Sauter ignored their wishes and continued providing the care as he had been doing.

Mr. Strouse alleges that in June of 2005, Mr. Sauter told him, Deby Bath (Mrs. Sauter's daughter) and Howard Bath that, "the plan is for Joyce to die" and "once this is over with, I'm selling the house and moving out of here." Mr. Strouse also claims that according to Ms. Bath, Mr. Sauter was alone in the house at the time of Joyce's death. Mr. Sauter waited an hour and twenty-two minutes before calling the police and an hour and thirteen minutes before calling a hospice nurse to pronounce Mrs. Sauter's death.

Mr. Strouse contacted the Sayreville Police Department after he was notified of Mrs. Sauter's death in order to report her death as suspicious. Thereafter, a suspicious death investigation was conducted by the police department and the medical examiner's office. Dr. Frederick DiCarlo, the Assistant Medical Examiner for Middlesex County, conducted the investigation and authored the Final Report. After Dr. DiCarlo took samples from Mrs. Sauter's body and conducted an external examination, he returned Mrs. Sauter's body to Mr. Sauter. Soon thereafter, Mr. Sauter had Mrs. Sauter's body cremated in accordance with her wishes.

Since Dr. DiCarlo only order toxicology tests of Mrs. Sauter's blood and liver samples and not her liver and vitreous samples, Ms. Ausley petitioned the Middlesex County Superior Court to release those samples for independent testing. Mr. Sauter was the only person to object to the request for the release of four specimens. However, after the court granted Ms. Ausley's request, independent testing showed that Mrs. Sauter was "dehydrated and was in a prolonged fasting and/or starvation condition at the time of her death."

Based on the facts detailed above, Mr. Strouse filed two Complaints against Mr. Sauter in Sayreville Municipal Court, Summons Nos: 1219-S-2010-000363 and 1219-S-2010-000366. These Complaints allege that Mr. Sauter committed the following

crimes: (1) Conspiracy, contrary to N.J.S.A. 2C:5-2(a)(1); (2) Falsifying or Tampering with Records, contrary to N.J.S.A. 2C:21-4(a); (3) Hindering Apprehension or Prosecution, contrary to N.J.S.A. 2C:29-3(b)(1); (4) Murder, contrary to N.J.S.A. 2C:11-3(a)(1), (2); and (5) Neglect of Elderly or Disabled Persons, contrary to N.J.S.A. 2C:24-8.

Mr. Strouse claims that Mr. Sauter purposely and knowingly caused Mrs. Sauter's death by over-medicating her and by withholding food and hydration. Mr. Strouse contends it was Mr. Sauter's objective to over-medicate Joyce to the point where she could not communicate, lost her appetite, lost her interest in drinking, and subsequently died. Mr. Strouse also opines that Sauter likely suffocated Mrs. Sauter. Moreover, Mr. Strouse alleges that Mr. Sauter suppressed evidence of his crime by destroying or concealing such evidence. Specifically, Mr. Sauter intimidated his daughters, Candace Marquette and Deby Bath into denying any history of abuse. Also, Mr. Sauter had Mrs. Sauter's body cremated immediately following the body's release by the Medical Examiner's Office and then opposed the release of four (4) specimen samples from Mrs. Sauter's body for independent testing.

**Frederick DiCarlo, M.D.**

Dr. DiCarlo was the Assistant Medical Examiner in Middlesex County at the time of Mrs. Sauter's death on October 29, 2010.

Det. Jeffrey Sprague, of the Sayreville Police Department, contacted Dr. DiCarlo, following Mr. Strouse's report of a suspicious death, and stated that a mandatory suspicious death investigation must be conducted as required by the New Jersey State Medical Examiner Act (hereinafter, "the Act").

Dr. DiCarlo took possession of Mrs. Sauter's body on October 31, 2010. Dr. DiCarlo thereafter conducted an External Examination and took four (4) specimen samples on November 1, 2005. Dr. DiCarlo then released Mrs. Sauter's body to Mr. Sauter for cremation prior to obtaining the toxicology results from the State Toxicology Lab on November 29, 2005. In his submission to the toxicology lab, Dr. DiCarlo requested results only for the blood and urine samples, not liver or vitreous specimens. Only the liver and vitreous specimens could have confirmed starvation, dehydration, or suffocation as the cause of death.

After conducting tests and upon receiving the toxicology results, Dr. DiCarlo changed the manner of death on Mrs. Sauter's Certificate of Death from "pending investigation" to "natural." He also changed the cause of death from "pending toxicology" to "bilateral non-small cell carcinoma of lungs with lymph node involvement and metastases." In making the certification, Dr. DiCarlo stated he relied on the following: (1) autopsy; (2) toxicology; and (3) histology. Subsequent

testing by an independent lab and private forensic pathologist, Michael E. Berkland, DO, showed that Mrs. Sauter was dehydrated and was in a prolonged fasting or starvation when she died.

Based on these facts, Mr. Strouse filed two Complaints against Dr. DiCarlo in Sayreville Municipal Court, Summons Nos: 1219-S-2010-000312 and 1219-S-2010-000313. These Complaints allege that Dr. DiCarlo committed the following crimes: (1) Conspiracy, contrary to N.J.S.A. 2C:5-2(a)(1); (2) Falsifying or Tampering with Records, contrary to N.J.S.A. 2C:21-4(a); (3) False Swearing, contrary to N.J.S.A. 2C:28-2(a); (4) Inconsistent Statements, contrary to N.J.S.A. 2C:28-2(c); (5) Falsely Incriminating Another, contrary to N.J.S.A. 2C:28-4(a); (6) Tampering with Public Records or Information, contrary to N.J.S.A. 2C:28-7(a)(1); (7) Tampering with Public Records or Information, contrary to N.J.S.A. 2C:28-7(a)(2); (8) Hindering Apprehension or Prosecution, contrary to N.J.S.A. 2C:29-3(a)(2); (9) Official Misconduct, contrary to N.J.S.A. 2C:30-2(a); and (10) Pattern of Official Misconduct, contrary to N.J.S.A. 2C:30-7(a).

In the Complaints, Mr. Strouse alleges that Dr. DiCarlo did not conduct an autopsy as required by the Medical Examiners Act, but rather merely an external examination. Mr. Strouse also claims that there is nothing in the NJ State Laboratory Toxicology Report that addresses cancer. Finally, Mr. Strouse

alleges that no histological studies of Joyce were conducted by Dr. DiCarlo because Dr. DiCarlo only sent blood and urine for analysis, not liver or vitreous specimens.

**Geetha Ann Natarajan, M.D.**

Dr. Natarajan was the Middlesex County Medical Examiner at the time of Mrs. Sauter's death. Mr. Strouse filed one Complaint against Dr. Natarajan in Sayreville Municipal Court, Summons No: 1219-S-2010-000326. The Complaint alleges that Dr. Natarajan committed the following crimes: (1) Hindering Apprehension or Prosecution of Another, contrary to N.J.S.A. 2C:29-3(a)(3); and (2) Official Misconduct, contrary to 2C:30-2(a).

Mr. Strouse alleges that Dr. Natarajan failed to perform her official and non-discretionary duties and responsibilities by failing to ensure that Dr. DiCarlo conducted a fair and objective suspicious death investigation. Specifically, Mr. Strouse claims that she failed to ensure that Dr. DiCarlo performed proper forensic practice and satisfied all of the requirements of the codes, acts, and laws applicable in a suspicious death investigation.

**Jeffrey Sprague, Detective**

After reporting Mrs. Sauter's death as suspicious to the Sayreville Police Department, Mr. Strouse was later contacted by Det. Sprague and was asked questions about Mrs. Sauter's death.

Det. Sprague returned to the place of Mrs. Sauter's death, awoke Mr. Sauter, and found out the location of Mrs. Sauter's body. Det. Sprague did not conduct a crime scene investigation. During the course of the suspicious death investigation, Det. Sprague did not interview Ms. Ausley. Moreover, Det. Sprague never Mirandized Sauter, but rather only Mirandized Mrs. Sauter's daughter, Deby Bath.

Based on these facts, Mr. Strouse filed one Complaint against Det. Sprague in Sayreville Municipal Court, Summons No: 1219-S-2010-000353. The Complaint alleges that Det. Sprague committed the following crimes: (1) Conspiracy, contrary to N.J.S.A. 2C:5-2(a)(1); (2) Obstructing Administration of Law or Other Governmental Function, contrary to N.J.S.A. 2C:29-1(a); (3) Hindering Apprehension or Prosecution of Another, contrary to N.J.S.A. 2C:29-3(a)(3); and (4) Official Misconduct, contrary to 2C:30-2(a).

In the Complaint, Mr. Strouse claims that Det. Sprague told him that Mr. Sauter was not considered a suspect or target in the case. Moreover, Mr. Strouse alleges that the Supplemental Investigation Reports shows that nothing was done on the case between October 30, 2005, and December 22, 2005.

Mr. Strouse also alleges that Det. Sprague never ensured that Mrs. Sauter's body was held as evidence or that the mandatory autopsy was performed by Dr. DiCarlo. Mr. Strouse

also claims that Det. Sprague purposely and knowingly covered up the lack of investigation by the Prosecutor's Office as well as Dr. DiCarlo's failure to interview Mr. Strouse or Ms. Ausley in the Medical Examiner's Office. Finally, Mr. Strouse alleges that Det. Sprague purposely and knowingly ignored false statements made by Ms. Bath and Ms. Marquette regarding Ms. Marquette's email, dated August 2, 2005, wherein she alleges abuse by Mr. Sauter.

**Amy Noble, Detective**

Det. Noble is a member of the Sayreville Police Department and assisted Det. Sprague in conducting the suspicious death investigation of Mrs. Sauter. Mr. Strouse filed one Complaint against Det. Noble in Sayreville Municipal Court, Summons No: 1219-S-2010-000354. The Complaint alleges that Det. Noble committed the following crimes: (1) Conspiracy, contrary to N.J.S.A. 2C:5-2(a)(1); (2) Obstructing Administration of Law or Other Governmental Function, contrary to N.J.S.A. 2C:29-1(a); (3) Hindering Apprehension or Prosecution of Another, contrary to N.J.S.A. 2C:29-3(a)(3); and (4) Official Misconduct, contrary to 2C:30-2(a).

In the Complaint, Mr. Strouse alleges that Det. Noble followed Det. Sprague's lead in the investigation. In addition, Mr. Strouse claims that Det. Noble was told by Det. Sprague to speak to Ms. Ausley and him. Det. Noble left a phone message

for Ms. Ausley but never called Mr. Strouse. Det. Noble conducted interviews with Ms. Bath and Ms. Marquette, and never addressed their contradictions to the email sent by Marquette on August 2, 2005.

**Timothy Brennan, Lieutenant**

Mr. Strouse reported the suspicious death of Mrs. Sauter to Lt. Brennan of the Sayreville Police Department. Lt. Brennan then initiated a suspicious death investigation. Mr. Strouse filed one Complaint against Lt. Brennan in Sayreville Municipal Court, Summons No: 1219-S-2010-000327. The Complaint alleges that Lt. Brennan committed Official Misconduct, contrary to N.J.S.A. 2C:30-2(a)

Mr. Strouse alleges that Lt. Brennan had a duty to perform certain supervisory functions regarding the case, and that he purposely and knowingly failed to ensure that Dets. Sprague and Noble investigated Mr. Sauter regarding Mrs. Sauter's suspicious death.

**John Garbowski, Captain**

Capt. Garbowski was the captain of the Sayreville Police Department at the time of Mrs. Sauter's death. Mr. Strouse filed one Complaint against Lt. Brennan in Sayreville Municipal Court, Summons No: 1219-S-2010-000328. The Complaint alleges that Capt. Garbowski committed Official Misconduct, contrary to N.J.S.A. 2C:30-2(a)

Mr. Strouse alleges that after he reported the suspicious death of Mrs. Sauter to Lt. Brennan of the Sayreville Police Department, Capt. Garbowski had a duty to perform certain supervisory functions regarding the case, and that he purposely and knowingly failed to ensure that Lt. Brennan and Dets. Sprague and Noble investigated Mr. Sauter regarding Mrs. Sauter's suspicious death.

#### **Candace Marquette**

Ms. Marquette is Mrs. Sauter's daughter and Mr. Sauter's step-daughter. On August 2, 2005, Ms. Marquette sent an email to Ms. Ausley, her aunt, complaining about the abuse of her and her mother by Mr. Sauter. Ms. Marquette also wrote that her sister, Ms. Bath, was aware of the abuse. As a result of the abuse, Ms. Marquette wrote she had spent years in therapy.

Following Mrs. Sauter's death, Det. Noble of the Sayreville Police contacted Ms. Marquette by phone on December 22, 2005. After asking whether the phone call was being recorded, to which Det. Noble responded that it was not, Ms. Marquette denied being abused by Mr. Sauter. On December 27, 2005, Det. Sprague called Ms. Marquette to question her about the August 2, 2005 email she had sent. Ms. Marquette again denied the allegations of abuse she had made in the email.

Based on these facts, Mr. Strouse filed two Complaints against Ms. Marquette in Sayreville Municipal Court, Summons Nos: 1219-S-2010-000356 and 1219-S-2010-000357. These Complaints allege that Ms. Marquette committed the following crimes: (1) Perjury, contrary to N.J.S.A. 2C:28-1(a); (2) False Swearing, contrary to N.J.S.A. 2C:28-2(a); (3) Obstructing Administration of Law or Other Governmental Function, contrary to N.J.S.A. 2C:29-1(a); (4) Inconsistent Statements, contrary to N.J.S.A. 2C:28-2(c); and (5) Hindering Apprehension or Prosecution, contrary to N.J.S.A. 2C:29-3(a)(2).

#### **Deby Bath**

Ms. Bath is the daughter of Mr. and Mrs. Sauter. She and Mr. Sauter were the primary caretakers of Mrs. Sauter. Ms. Bath was Mirandized on December 27, 2005, by Det. Sprague and Det. Noble regarding the suspicious death of her mother, Joyce Sauter. Ms. Bath was asked about allegation of abuse made by her half-sister, Ms. Marquette, against Mr. Sauter. Ms. Bath denied knowledge of any abuse.

Based on these facts, Mr. Strouse filed one Complaint against Ms. Bath in Sayreville Municipal Court, Summons No: 1219-S-2010-000311. The Complaint alleges that Ms. Bath committed the following crimes: (1) Perjury, contrary to N.J.S.A. 2C:28-1(a); (2) False Swearing, contrary to N.J.S.A. 2C:28-2(a); (3) False Reports to Law Enforcement, contrary to

N.J.S.A. 2C:28-4(a); (4) Obstructing Administration of Law or Other Governmental Function, contrary to N.J.S.A. 2C:29-1(a); and (5) Hindering Apprehension or Prosecution, contrary to N.J.S.A. 2C:29-3(a)(2).

In the Complaint, Mr. Strouse alleges that an email sent by Ms. Marquette on August 2, 2005, indicates that Ms. Bath had knowledge of the abuse when it occurred and failed to do anything about it. Moreover, Mr. Strouse alleges that Ms. Bath lied when asked whether anything was being done to Mrs. Sauter that concerned her. He also claims that Ms. Bath lied when she said that Mr. Sauter had quit his job to care for Joyce and when she implied that she was present at the time of Mrs. Sauter's death even though Mr. Sauter had sent her to the pharmacy, according to Mr. Sauter's statement to police. Finally, Mr. Strouse alleges that Ms. Bath lied when she told police she was not afraid of Mr. Sauter even though Ms. Bath allegedly told Ms. Ausley in the summer of 2005 that Mrs. Sauter had given her a key in case Mr. Sauter would not let her see her mother.

**William F. Lamb, Esq.**

Mr. Lamb was the 1<sup>st</sup> Assistant Prosecutor for Middlesex County at the time of Mrs. Sauter's death. According to his letter of May 16, 2006, Mr. Lamb stated that he decided not to conduct an investigation at the time of the autopsy. According to the letter of Deputy Attorney General Denise Hollingsworth,

the investigation began on January 19, 2006, the date on which Dr. DiCarlo completed his final report.

Mr. Strouse filed one Complaint against Mr. Lamb in Sayreville Municipal Court, Summons No: 1219-S-2010-000323. The Complaint alleges that Mr. Lamb committed Official Misconduct, contrary to N.J.S.A. 2C:30-2(a).

Mr. Strouse alleges that Mr. Lamb had an obligation to conduct a suspicious death investigation following his report to the Sayreville Police Department. The investigation should have been coordinated between the Police Department, the Prosecutor's Office, and the County Medical Examiner. Mr. Strouse claims that Mr. Lamb knowingly and purposely chose not to conduct the mandatory suspicious death investigation. Mr. Strouse also alleges that Mr. Lamb ignored the improper forensic practices conducted by Dr. DiCarlo.

**Bruce Kaplan, Esq.**

Mr. Kaplan was the Middlesex County Prosecutor at the time of Mrs. Sauter's death. According to his letter of May 16, 2006, Mr. Kaplan stated that he decided not to conduct an investigation at the time of the autopsy. According to the letter of Deputy Attorney General Denise Hollingsworth, the investigation began on January 19, 2006, the date on which Dr. DiCarlo completed his final report.

Mr. Strouse filed one Complaint against Mr. Kaplan in Sayreville Municipal Court, Summons No: 1219-S-2010-000322. The Complaint alleges that Mr. Kaplan committed Official Misconduct, contrary to N.J.S.A. 2C:30-2(a).

Mr. Strouse alleges that as Middlesex County Prosecutor, Mr. Kaplan had an obligation to conduct a suspicious death investigation following Mr. Strouse's report to the Sayreville Police Department. The investigation should have been coordinated between the Police Department, the Prosecutor's Office, and the County Medical Examiner. Mr. Strouse contends that Mr. Kaplan knowingly and purposely chose not to conduct the mandatory suspicious death investigation. Mr. Strouse also alleges that Mr. Kaplan ignored the improper forensic practices conducted by Dr. DiCarlo.

**Eric M. Aronowitz, Esq.**

Mr. Aronowitz was the First Deputy Counsel for Middlesex County in Mr. Strouses lawsuit against Middlesex County. In his Answer to the Complaint, Mr. Aronowitz stated that Mrs. Sauter's death was not reported as suspicious by the Sayreville Police Department. Also, on September 29, 2006, Mr. Aronowitz stated before Judge Francis that "complete available toxicology testing was performed by Dr. DiCarlo."

Based on these facts, Mr. Strouse filed one Complaint against Mr. Aronowitz in Sayreville Municipal Court, Summons No:

1219-S-2010-000310. The Complaint alleges that Mr. Aronowitz committed the following crimes: (1) Perjury, contrary to N.J.S.A. 2C:28-1(a); (2) False Swearing, contrary to N.J.S.A. 2C:28-2(a); (3) Obstructing Administration of Law or Other Governmental Function, contrary to N.J.S.A. 2C:29-1(a); (4) Inconsistent Statements, contrary to N.J.S.A. 2C:28-2(c); (5) Hindering Apprehension or Prosecution, contrary to N.J.S.A. 2C:29-3(a)(2); (6) Official Misconduct, contrary to N.J.S.A. 2C:30-2(a); and (7) Pattern of Official Misconduct, contrary to N.J.S.A. 2C:30-7(a).

Mr. Strouse alleges that Mr. Aronowitz's Answer was a lie because Aronowitz replied that Mrs. Sauter's death was not reported as suspicious by the Sayreville Police Department. However, Mr. Strouse claims that the Police and Medical Examiner's Reports indicate that Strouse reported a suspicious death to police, who reported a suspicious death to the Medical Examiner, who then directed the Sayreville Police and Middlesex County Prosecutor to conduct a suspicious death investigation. Mr. Strouse also alleges that Mr. Aronowitz's statement that "complete available toxicology testing was performed by Dr. DiCarlo" was a lie because the State Toxicology Lab conducted the tests, not Dr. DiCarlo, and Dr. DiCarlo did not request all tests. Finally, Mr. Strouse contends that Aronowitz lied

multiple times to the Court in stating that Dr. DiCarlo conducted an autopsy on Joyce's body.

**Andrew Falzon, M.D.**

Dr. Falzon is the Middlesex County Medical Examiner. Mr. Strouse filed one Complaint against Dr. Falzon in Sayreville Municipal Court, Summons No: 1219-S-2010-000314. The Complaint alleges that Dr. Falzon committed the following crimes: (1) False Swearing, contrary to N.J.S.A. 2C:28-2(a); (2) Hindering Apprehension or Prosecution of Another, contrary to N.J.S.A. 2C:29-3(a)(3); and (3) Official Misconduct, contrary to N.J.S.A. 2C:30-2(a).

Mr. Strouse alleges that on January 30, 2009, Ms. Ausley sent a request to amend Mrs. Sauter's Certificate of Death based on a false certification by Dr. DiCarlo. In response, Dr. Falzon wrote a letter to Ms. Ausley on February 5, 2009, stating that the case had been investigated and reviewed and that there was no basis to make any changes to the Certificate of Death.

**Denise Hollingsworth, Esq.**

Ms. Hollingsworth is a Deputy Attorney General with the Department of Law and Public Safety. Mr. Strouse filed one Complaint against DAG Hollingsworth in Sayreville Municipal Court, Summons No: 1219-S-2010-000315. The Complaint alleges that DAG Hollingsworth committed the following crimes: (1) Conspiracy, contrary to N.J.S.A. 2C:5-2(a)(1); (2) Obstructing

Administration of Law or Other Governmental Function, contrary to N.J.S.A. 2C:29-1(a); (3) Hindering Apprehension or Prosecution of Another, contrary to N.J.S.A. 2C:29-3(a)(3); (4) Official Misconduct, contrary to 2C:30-2(a); and (5) Pattern of Official Misconduct, contrary to N.J.S.A. 2C:30-7(a).

Mr. Strouse alleges that DAG Hollingsworth did not fulfill her duty to objectively and truthfully deal with evidence. Specifically, Mr. Strouse claims that by refusing to prosecute public officials that he claims committed crimes, Ms. Hollingsworth ignored significant relevant evidence submitted by Mr. Strouse. Specifically, DAG Hollingsworth refused to prosecute, all of the public servants that Mr. Strouse has filed claims against in the related Complaints herein.

**Anne Milgram, Attorney General, State of New Jersey**

Anne Milgram was the Attorney General for the State of New Jersey when Mr. Strouse asked DAG Hollingsworth to prosecute certain public officials. Mr. Strouse filed one Complaint against AG Milgram in Sayreville Municipal Court, Summons No: 1219-S-2010-000329. The Complaint alleges that AG Milgram committed the following crimes: (1) Hindering Apprehension or Prosecution of Another, contrary to N.J.S.A. 2C:29-3(a)(3); and (2) Official Misconduct, contrary to 2C:30-2(a).

Mr. Strouse alleges that AG Milgram permitted one of her Deputy Attorneys General to whitewash the investigation into

Mrs. Sauter's death and to ignore relevant evidence regarding serious criminal complains against a number of public officers in Middlesex County. He claims that AG Milgram's refusal to take actions required of her and her office after being provided with information regarding the alleged cover-up of the criminal allegations amounted to refusal to properly supervise her employee and refusal to ensure that the conclusions reached by her employee were based on facts and evidence. Mr. Strouse also alleges that AG Milgram refused to act or to meet with him because if she had exercised her authority, the public servants that Mr. Strouse has charged with criminal complaints would have been apprehended.

## II. APPLICABLE LAW

### A. Probable Cause Determination

Rule 3:2-1(a) provides in pertinent part: "The complaint shall be a written statement of the essential facts constituting the offense charged . . . . The clerk or deputy clerk, municipal court administrator or deputy court administrator shall accept for filing any complaint made by any person."

Rule 3:3-1(d) states:

If a judicial officer finds that there is no probable cause to believe that an offense was committed or that the defendant committed it, the officer shall not issue a warrant or summons on the complaint. If the finding is made by an officer other than a judge, the finding shall be reviewed by a

judge. If the judge finds no probable cause, the judge shall dismiss the complaint.

An arrest warrant or summonses shall only be issued "if the official issuing process is satisfied from the complaint that there is probable cause to believe that defendant has committed an offense." State v. Ross, 189 N.J.Super. 67, 73 (App. Div. 1983) (citing R. 3:3-1(a), 3:3-2).

#### **B. Complaints Against Public Officials**

Almost all of the Complaints against the public officials listed above stem from the allegedly illegal suspicious death investigation conducted by Dr. DiCarlo and alleged cover up that followed. Therefore, the Court will address those Complaints together.

The State Medical Examiner Act (hereinafter, "the Act"), N.J.S.A. 52:17B-78 et seq., states that a mandatory investigation must be conducted by the medical examiner if an individual's death was "not caused by readily recognizable disease, disability or infirmity," N.J.S.A. 52:17B-86(b), or if the death was caused "under suspicious or unusual circumstances." N.J.S.A. 52:17B-86(c). Immediately after the medical examiner is notified of a suspicious death, "the said medical examiner or his deputy or assistant shall go to the dead body and take charge of the same." N.J.S.A. 52:17B-87. While at the scene of the death, the medical examiner must document

all the "essential facts concerning the medical causes of death and take the names and addresses of as many witnesses thereto as may be practicable to obtain." Ibid.

The medical examiner must conduct an autopsy of the decedent's body in cases of suspicious death; "however, the autopsy should be the least intrusive procedure consistent with proper forensic practice." N.J.A.C. 13:49-1.1. "Proper forensic practice" is defined as "those procedures which are required ... to determine the cause and manner of death within a reasonable degree of medical probability." N.J.A.C. 13:49-1.8. Once a conclusive determination is made as to the cause of death, "the county medical examiner shall reduce his findings to writing and promptly make a full report thereof to the State Medical Examiner and to the county prosecutor." N.J.S.A. 52:17B-88.

**i. Frederick J. DiCarlo, M.D., Assistant Middlesex County Medical Examiner**

In accordance with the Medical Examiner's Act, Dr. DiCarlo was notified of the alleged suspicious death of Mrs. Sauter by the Sayreville Police Department on October 29, 2005, the day that she died. By the time the suspicious death was reported by Mr. Strouse, Mrs. Sauter's body had already been taken to a funeral home, so Dr. DiCarlo did not obtain possession of the body until October 31, 2005. Dr. DiCarlo conducted an external

examination of Mrs. Sauter's body and took blood, urine, liver and vitreous samples, which he sent to the State Toxicology Lab. After obtaining the results from the toxicology lab, interviewing individuals associated with Mrs. Sauter and reviewing her medical history, Dr. DiCarlo issued his Final Report on January 19, 2006, and determined the cause of death to be "bilateral non-small cell carcinoma of lungs with lymph node involvement and metastases" in the Certificate of Death, dated January 27, 2006.

Given Mrs. Sauter's medical history and diagnosis on September 29, 2005 that she had six (6) months or less to live, Dr. DiCarlo performed the "least intrusive procedure," consistent with the Act, necessary to determine that Mrs. Sauter died of cancer. Thus, despite Mr. Strouse's contention, Dr. DiCarlo did in fact conduct an autopsy consistent with the Act. Furthermore, Dr. DiCarlo issued a Final Report with a determination as to the cause of death, also consistent with the Act. The only possible action or omission by Dr. DiCarlo that rendered his investigation non-compliant with the Act was the delay in obtaining possession of the body. However, by the time the police were notified of the alleged suspicious death of Mrs. Sauter, the body had already been removed from her home and brought to a funeral parlor. At most, Mr. Strouse may be able to make a civil claim against Dr. DiCarlo for the delay in

securing the body; however, taking one (1) day to retrieve Mrs. Sauter's body from a funeral home does not give rise to any of the criminal charges alleged by Mr. Strouse.

ii. Geetha Ann Natarajan, M.D., and Andrew Falzon,  
M.D., Middlesex County Medical Examiners

Mr. Stouse's Complaints against Dr. Natarajan and Dr. Falzon arise from his initial allegation that Dr. DiCarlo intentionally disregarded the Act in order to protect Mr. Sauter. As discussed above, Dr. DiCarlo's investigation was conducted in compliance with the Act. Therefore, the charges against Dr. Natarajan and Dr. Falzon arising from their complicity in Dr. DiCarlo's misconduct must also fail.

iii. Jeffrey Sprague, Detective, Amy Noble, Detective,  
Timothy Brennan, Lieutenant, and John Garbowski,  
Captain, Sayreville Police Department

Much of Mr. Strouse's charges against the Sayreville Police Officers, namely Det. Sprague, Det. Noble, Lt. Brennan and Capt. Garbowski allege complicity in covering up Dr. DiCarlo's illegal suspicious death investigation in order to protect Mr. Sauter. Again, as detailed above, Dr. DiCarlo's investigation was conducted in compliance with the Act, so the charges against the officers relating to their complicity in the actions of Dr. DiCarlo must fail.

Mr. Strouse also alleges deficiencies in the investigation conducted by Det. Sprague and Det. Noble. Specifically, he

alleges that the Detectives failed to secure the crime scene and evidence, including Mrs. Sauter's body, and that they failed to interview the appropriate witnesses and to challenge said witnesses with their prior inconsistent statements. The Court first notes that Det. Sprague and Det. Noble interviewed Ms. Bath and Mr. Sauter, conducted two (2) phone interviews with Ms. Marquette, and attempted to contact Ms. Ausley. Following Dr. DiCarlo's Final Report, which declared the cause of death to be cancer, the death was no longer suspicious.

The Court is unaware of the steps taken by the detectives upon their initial arrival at the Sauter house to secure the scene; however, even if they failed to adequately preserve the scene and evidence, such an omission certainly does not rise to a crime. In fact, such oversight may not even be the basis for tort liability. "While it is true that police officers have a duty to investigate information from citizens concerning unlawful or criminal activity ... the failure of the police to make an arrest as a consequence does not subject the municipality to tort liability." Wuethrich v. Delia, 155 N.J. Super. 324, 326 (App. Div. 1978) (citing N.J.S.A. 59:5-5).

iv. Bruce Kaplan, Middlesex County Prosecutor, and William F. Lamb, 1<sup>st</sup> Asst. Prosecutor, Middlesex County

The charges of Official Misconduct against the Middlesex County Prosecutors stem from allegations that they ignored Dr.

DiCarlo's improper forensic practices and independently failed to conduct a suspicious death investigation. As discussed above, Dr. DiCarlo's forensic practices were not improper so no charge against the prosecutors can rest on such a claim.

As for conducting a suspicious death investigation, Mr. Strouse's own Complaints allege that an investigation was conducted starting on January 19, 2006. At that time, Dr. DiCarlo had issued his Final Report declaring Mrs. Sauter's cause of death to be cancer. Therefore, the prosecutors chose not to bring charges against anyone. Prosecutorial "discretion includes both the decision to prosecute an individual whom he has probable cause to believe has violated the law, and the converse decision to refrain from prosecuting any such offender." State v. Hermann, 80 N.J. 122, 127-128 (N.J. 1979) (internal citations omitted). Although "this discretion is neither unbridled nor absolute ... judicial nullification of prosecutorial determinations is limited to cases of 'arbitrariness or abuse.'" Ibid. (internal citations omitted). Accordingly, the Middlesex County Prosecutors were within their discretion not to file any charges relating to the death of Mrs. Sauter, and based on the record before this Court and the finding of a lack of probable cause against all of the defendants, this is clearly not a case of "arbitrariness or abuse."

v. Eric M. Aronowitz, First Deputy Counsel,  
Middlesex County

The charges of Perjury and False Swearing can be easily dismissed because Mr. Aronowitz was never under oath. Mr. Strouse's claim that Mr. Aronowitz lied when he stated that "complete available toxicology testing was performed by Dr. DiCarlo" because the State Toxicology Lab conducted the tests, not Dr. DiCarlo, and Dr. DiCarlo did not request all tests is tenuous at best. The fact that the State Toxicology Lab actually conducted the test as opposed to Dr. DiCarlo is too literal a reading of Mr. Aronowitz's statement. Mr. Aronowitz may have been trying to state that such testing was conducted, not directly state which individual or lab performed the testing. Furthermore, whether or not complete available toxicology testing was conducted hinges on whether he was referring to such testing on only the samples submitted for testing or on all samples taken. The Court will not stretch to find a purposeful misrepresentation to the Court where none is readily obvious.

The same is true as to Mr. Aronowitz representation that Mrs. Sauter's death was not reported as suspicious by the Sayreville Police Department. It is impossible to know whether Mr. Aronowitz is stating that the report concluding the investigation declared the death to not be suspicious or whether

he's stating that nowhere along the line did the Sayreville Police Department report Ms. Sauter's death as suspicious to anyone. Again, the Court will not parse words to find a misrepresentation.

As to the claim that Mr. Aronowitz lied when stating that Dr. DiCarlo conducted an autopsy, as discussed above, Dr. DiCarlo did conduct an autopsy as defined in the Act. Accordingly, the Court finds no instance of lies or misrepresentations made by Mr. Aronowitz, and even if there were such instances, the complaint would only be properly before the Ethics Board and the Bar Association rather than a criminal complaint.

vi. Anne Milgram, Attorney General, State of New Jersey, and Denise Hollingsworth, Deputy Attorney General, Dept. of Law and Public Safety

The charges against AG Milgram and DAG Hollingsworth stem from their refusal to prosecute all of the public officials named above. These charges can be quickly dismissed because this Court finds a lack of probable cause to issue an arrest warrant or summons against any of the above-named public official defendants. Moreover, as discussed above, prosecutorial "discretion includes both the decision to prosecute an individual whom he has probable cause to believe has violated the law, and the converse decision to refrain from prosecuting any such offender." Hermann, supra, 80 N.J. at 127-

128. Accordingly, the Court finds no probable cause in regards to the charges against AG Milgram and DAG Hollingsworth.

**B. Complaints Against Members of Mrs. Sauter's Family**

**i. Deby Bath and Candace Marquette**

All of the charges against Ms. Bath and Ms. Marquette stem from alleged lies they told to police regarding a history of abuse by Mr. Sauter and their opinion as to the level of care provided by Mr. Sauter for his sick wife. The Perjury, False Swearing and Inconsistent Statements charges are easy to dispose of because neither Ms. Bath nor Ms. Marquette was ever under oath. The charge against Ms. Bath for False Reports to Law Enforcement Authorities is also completely unsubstantiated as Ms. Bath never falsely incriminated another. Rather, Ms. Bath's statements to police only served to help exonerate Mr. Sauter of wrongdoing.

Moreover, the charges against both Ms. Bath and Ms. Marquette for Obstructing Administration of Law or Other Governmental Function and Hindering Apprehension or Prosecution are also unsupported by any facts. Obstruction requires physical resistance or some other illegal act. All that is alleged is that Ms. Bath and Ms. Marquette lied to the police about Mr. Sauter's history of abuse. These alleged lies, even if true, do not rise to the level of Obstruction.

On the Hindering charge, there is no evidence that Mr. Sauter abused either Ms. Bath or Ms. Marquette except for the allegation by Mr. Strouse of an email by Ms. Marquette months before her mother's death. Accordingly, there is no probable cause that Ms. Bath or Ms. Marquette ever made false statements to police.

**ii. Raymond J. Sauter**

Mr. Strouse has only presented sufficient evidence to allow the Court to find that Mr. Sauter did not follow Mr. Strouse's or Ms. Ausley's care recommendations for Mrs. Sauter. Even though Mr. Strouse alleges that Mrs. Sauter had a health directive written years before her cancer diagnosis that stated that she wanted to use all means to maintain her life, Mr. Strouse has not offered any evidence to show that Mr. Sauter violated the directive by taking steps to end her life. Over a month before her death, Mrs. Sauter's doctors gave her six (6) months or less to live and she began hospice care. Weight loss is common among cancer patients, especially those nearing the end of their lives. Based upon the lack of evidence of any wrongdoing on the part of Mr. Sauter, other than his refusal to effectuate the care recommendations made by Mr. Strouse and Ms. Ausley, the Court finds no probable cause to support the charges of Murder or Neglect of Elderly or Disabled Persons.

The Charges of Hindering Apprehension or Prosecution, Conspiracy and Falsifying or Tampering with Records must also fail. There is no evidence that Mr. Sauter ever made false statements to police or to Dr. DiCarlo. Moreover, there is no evidence that Mr. Sauter intimidated Ms. Bath or Ms. Marquette into lying about a history of abuse. Mr. Strouse has provided nothing more than conjecture. As for the destruction of evidence, Dr. DiCarlo legally turned Ms. Sauter's body over to Mr. Sauter, who followed Mrs. Sauter's wishes in having her body cremated. As for refusing to consent to the release of the four (4) specimens from Mrs. Sauter for independent testing, Mr. Sauter was within his legal right to do so.

### III. CONCLUSION

Accordingly, based on the aforementioned reasons, the Court finds no probable cause to issue summonses or arrest warrants pursuant to R. 3:3-2 against any of the defendants named herein.