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MONMOUTH COUNTY SHERIFF'S OFFICE RECEIVES UNANIMOUS OPINION FROM N.J. SUPREME COURT

Monmouth County: Sheriff Shaun Golden is pleased to announce that the New Jersey Supreme Court unanimously reversed and dismissed a civil action suit, regarding an alleged civil rights violation relating to an incident dating back to 2010, against two sheriff's officers and a sergeant from the Monmouth County Sheriff's Office.

“This unanimous decision supports and reinforces that the actions taken by our officers, proves they acted accordingly, and, in the most professional manner,” said Sheriff Shaun Golden.

The matter began in December, 2010 when Sheriff's Officers Alexander Torres and Thomas Ruocco executed a child support warrant on Eric Morillo, while he was sitting in a vehicle in his mother's driveway. Morillo advised the sheriff's officers that he had a loaded weapon, which he surrendered and claimed he had the paperwork on. While Morillo was being processed, the supervisor on duty, Sgt. Steven Cooper, was made aware of Morillo's statements and contacted the Monmouth County Prosecutor's Office, who advised him to charge Morillo with a weapons offense. Upon receiving subsequent confirmation from the N.J. State Police that the gun was properly registered, the weapons charge was dismissed.

Morillo filed a complaint against Sheriff's Officers Torres, Ruocco and Sgt. Cooper claiming civil rights violations. Monmouth County asserted the qualified immunity defense

(con't)

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(which provides immunity against liability for civil damages sought against an officer performing a discretionary function when the function does not violate constitutional or statutory rights) and sought dismissal of the complaint. The trial court and Appellate Division both ruled in Morillo's favor. On July 13, 2015, the Supreme Court reversed the lower courts finding that qualified immunity applied and dismissed Morillo's complaint in its entirety ruling that:

"these officers acted with restraint and prudence in the face of a confusing situation. They stated that they tried to act cautiously and could not dismiss the possibility that a chargeable weapons offense should be added to plaintiff's arrest on the child-support warrant. The sheriff's officers on the scene sought guidance from their supervisor, and the supervisor sought advice from the prosecutor's office".

"I commend Monmouth County Counsel for the victory on this case. Their outstanding work is a direct result of the unanimous ruling by the N.J. Supreme Court which provides guidance for the future," said Sheriff Golden.

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