

I N D E X

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Joseph Fabozzi	57	67	79	81

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Colloquy

(Court in session, 12:02 p.m.)

THE COURT: We are on the record?

THE CLERK: Yes.

THE COURT: This is the matter of State versus -- you can be seated, please. This is the matter of State versus Joseph Fabozzi, S-2022-722.

I'll hear from the State, your appearance?

MR. WENG: Good morning, Your Honor, Matthew Weng, on behalf of the State.

THE COURT: And for defense counsel?

MR. GULBRANSON: Good morning, Your Honor, Marco (inaudible), on behalf of the defendant.

THE COURT: All right. Thank you. And the matter is set for trial today.

State, are you prepared and ready to proceed?

MR. WENG: We are, Your Honor.

THE COURT: Okay. And, Defense, you're prepared and ready to proceed?

MR. GULBRANSON: We are, Your Honor.

THE COURT: Any issues that we need to address before? I know there was a conference. Any issues, any motions?

MR. WENG: I don't believe so, Judge.

THE COURT: All right. State, you can proceed.

1 MR. WENG: Thank you, Your Honor. We would
2 call Jennifer Olland to the stand.
3 THE COURT: Come on up. I know -- I heard
4 she might be ill or something? Do you need to separate
5 a little bit and move the microphone, that's fine. You
6 can sit.
7 MR. WENG: Why don't we slide -- we'll slide
8 this down here, all right, and you can sit over there.
9 All right.
10 THE COURT: Yeah, I just want to make sure,
11 because I know the witness did call, you're okay to
12 testify today? You're not under any medication that
13 would prevent you from understanding the questions or
14 testifying truthfully and honestly?
15 MS. OLLAND: No.
16 THE COURT: Okay.
17 MS. OLLAND: No, Your Honor.
18 THE COURT: All right. I just want to make
19 sure.
20 And can you state your name for the record
21 and spell your last name?
22 THE WITNESS: First name, Jennifer, last
23 name, Olland, O-L-L-A-N-D.
24 THE COURT: O-L-L-A-N-D.
25 And can you raise your right hand?

1 J E N N I F E R O L L A N D, STATE'S WITNESS, SWORN
2 THE COURT: All right. The Prosecutor is
3 going to ask you some questions. If there is an
4 objection by defense counsel, stop your answer, so I
5 can rule on the objection, okay?
6 And then after he is, done there will be
7 cross-examination, and the defense counsel can ask you
8 some questions.
9 All right. If you don't understand anything,
10 feel free to ask either the Prosecutor or the cross-
11 examining defense counsel to repeat it, and there will
12 be no problem.
13 All right. You may proceed.
14 MR. WENG: Thank you, Judge. Judge, we had
15 talked about -- I guess there is an issue that we had
16 talked about in the conference, these Google Drive
17 documents. Do you want to read them or do you want a
18 link to those, so you can follow along, Judge?
19 THE COURT: Yeah, you can send me the link.
20 I'm not going to look at anything until it's admitted
21 into evidence, but -- or is this an agreement, consent
22 to admit into evidence or --
23 MR. GULBRANSON: I would stipulate to --
24 THE COURT: You're going to stipulate? Okay.
25 If you're going to stipulate to what's on the link,

1 then you can send it to me. It can be printed out
2 later, but --

3 MR. WENG: Okay.

4 THE COURT: -- I understand --

5 MR. WENG: What address should I send those
6 to, Judge?

7 THE COURT: Does it go to email?

8 MR. WENG: Yeah.

9 THE COURT: Just do my name at Comcast.net,
10 C-O-R-E-Y-A-H-A-R-T. Yeah.

11 MR. WENG: All right. That's been sent, Your
12 Honor.

13 THE COURT: All right. And when you refer to
14 it, then I should have it up by then.

15 MR. WENG: Yeah. And there's different --
16 there's photographs of stuff that will have titles that
17 we can refer to as needed, Judge.

18 THE COURT: All right. Then, with the
19 witness sworn in and the documents being sent, which
20 I'll get in a minute, you can proceed with your direct
21 examination.

22 DIRECT EXAMINATION BY MR. WENG:

23 Q Good morning, Ms. Olland, how are you?

24 A Good morning, thank you. Could be better.

25 Q All right. My name is Matthew Weng. I'm the

1 Prosecutor. We're here on a criminal trial involving a
2 Joseph Fabozzi. Do you know of Mr. Fabozzi?

3 A Yes.

4 Q How do you know him?

5 A He is a friend of my child's father.

6 Q Okay. Is Mr. Fabozzi in the courtroom here
7 today?

8 A I believe so.

9 Q Okay. Can you point him out, please?

10 A I believe he's over there.

11 THE COURT: When you say, I believe so, are
12 you sure?

13 THE WITNESS: Yes.

14 THE COURT: Okay. All right. Then the
15 record will reflect the identification of Mr. Fabozzi,
16 sitting next to counsel at the defense table has been
17 made and noted.

18 MR. WENG: Okay.

19 BY MR. WENG:

20 Q And you know Mr. Fabozzi because he's a
21 friend of your child's father?

22 A Correct.

23 Q Okay. At some point, was there some kind of
24 an allegation between your child and Mr. Fabozzi?

25 A Yes.

1 Q What was the nature of that?

2 A I received a call from the school stating that she
3 had made several statements to several staff.

4 THE COURT: When you say, she, is that your
5 child?

6 THE WITNESS: The child, yes.

7 THE COURT: Okay.

8 THE WITNESS: Stating that there was an
9 inappropriate situations going on with the named
10 person, Mr. Fabozzi, and that the only reason they were
11 notifying me was out of courtesy, because, you know,
12 they were making a phone call to report the situation
13 and to have CPS visit the home.

14 BY MR. WENG:

15 Q Okay. So, to summarize, your child told
16 individuals at the school that Mr. Fabozzi touched her
17 inappropriately?

18 A Yes.

19 Q Okay. And then the school, then, took the
20 next step to investigate that?

21 A Yes, they said they were obligated.

22 Q Okay. What was the result of that
23 investigation?

24 A We had CPS come in and speak with us, and they
25 said, based on that interview with my daughter, that I

1 wasn't part of, they reported to the Prosecutor but
2 they wouldn't see much from them, because the
3 Prosecutors were very busy. About a month later, we
4 received an unfounded letter, and that was the end of
5 it.

6 Q Okay. At some point after this, did you have
7 any other interactions with Mr. Fabozzi?

8 A I have had no interactions with Mr. Fabozzi prior
9 to that charge since 2019 up until the moment his name
10 was mentioned over the phone call. I can't remember,
11 2021, I think is when this started.

12 Q Okay. At some point, did Mr. Fabozzi begin
13 making social media posts about you, related to this?

14 A Yes. I believe it was in March. I just know that
15 my family and friends sent me screen shots asking me if
16 I knew who he was.

17 Q Okay. I want to show you -- Judge, do you
18 have that link?

19 THE COURT: I'm working on it. Go ahead, you
20 can keep questioning.

21 BY MR. WENG:

22 Q I'm going to show you an initial social media
23 post. Okay. Just take a look at this on my laptop.
24 Do you see this post here?

25 A Yes.

1 Q Are you familiar with this post?
2 A Yes.
3 Q And in the photograph, is there an individual
4 that --
5 THE COURT: For the record, I do have it.
6 Which post is it?
7 MR. WENG: So, this is -- the title of it is,
8 [Https://EchelonFit](https://EchelonFit). I think it might be the third --
9 third row down there, Judge.
10 THE COURT: Is it a photo of something or --
11 MR. WENG: It's a photograph of a social
12 media post, Judge.
13 THE COURT: I just can't read it; it's so
14 small. Okay. The way mine is situated, it looks like
15 the first one is related to a letter, Ocean County
16 Superior Court. Second one is a cover letter.
17 MR. WENG: There's several civil -- entitled
18 civil case jacket.
19 THE COURT: Civil case, civil case, civil
20 case. So, two after the last civil case jacket is the
21 post we're talking about initially.
22 THE COURT: And what's it entitled.
23 MR. WENG: [Https://EchelonFit](https://EchelonFit).
24 THE COURT: Is there a little, like, a
25 5250JPG underneath your pictures in there?

1 MR. WENG: Some of them do. This initial one
2 does not.
3 THE COURT: Okay. Go ahead, I'll find it.
4 Just keep proceeding.
5 MR. WENG: All right.
6 BY MR. WENG:
7 Q So, is there an individual who this
8 individual indicates as who made this post?
9 A Do you mean who's in the picture with me or --
10 Q No.
11 A -- posted it?
12 Q Who wrote the post?
13 A It says, Joseph Fabozzi.
14 Q Okay. Are you familiar with this social
15 media account?
16 A I wasn't until I received the screen shots.
17 Q All right. So, you are familiar with this
18 social media account?
19 A Yes, now, I am.
20 Q Okay. And who is, to your knowledge, who is
21 the individual who operates this social medial account?
22 A The person that's a friend of my child's father.
23 Q The defendant in this case?
24 A Correct. Correct, yes.
25 Q Okay. Can you please read for the Court what

1 the text of the social media post is?
2 A "This is Jennifer Olland, the woman that made
3 false accusations of child abuse against me in an evil
4 dim-witted attempt to get full custody of her children.
5 This is her ex-husband in the picture. If anyone can
6 tell me his name, contact info, et cetera, I would
7 greatly appreciate it. I want to inform him about
8 what's happened and ask him if Jennifer lied to the
9 police or abused the judicial system during their
10 breakup."
11 Q All right. Is there a photograph there?
12 A Yes.
13 Q Okay. Who is in that photograph?
14 A My ex, my oldest daughter's -- not my ex-husband,
15 but my oldest's daughter's father.
16 Q Okay. Were you married to him at any time?
17 A No.
18 Q Okay. All right. Who is the other
19 individual in that photo?
20 A That's me.
21 Q Okay. So --
22 THE COURT: You want that marked S-1?
23 MR. WENG: S-1, Your Honor, for
24 identification.
25 BY MR. WENG:

1 Q So, to your understanding, this was an
2 attempt for Mr. Fabozzi using social media to contact a
3 previous romantic partner of yours?
4 A Yeah, that is one example.
5 Q Okay. All right. I'm going to show you
6 another post.
7 MR. WENG: Judge, this is image_4235(1).
8 THE COURT: Okay. This is S-2?
9 MR. WENG: This will be, for identification,
10 Judge, S-2.
11 BY MR. WENG:
12 Q Do you see this post, Ma'am?
13 A Yes.
14 Q All right. And who created this post?
15 A Joseph Fabozzi.
16 Q All right. To your knowledge, does this
17 appear to be the same social media account as the last
18 post we just saw?
19 A Yes.
20 Q Okay. Can you please read this post out to
21 the Court?
22 A It's a shared post of Fox 29's In Case You Missed
23 It, a group of inmates in North Carolina Prison
24 attacked and killed another inmate, who was serving a
25 31-year sentence for murdering a two-year-old girl. He

1 wrote in comment to that post, "That is why Jennifer
2 Olland's false accusations about me should have been
3 taken more seriously by the
4 @OceanCountyProsecutorsOffice
5 @BurlingtonCountyProsecutorsOffice
6 @MountLaurelPoliceDepartment. I could have ended up in
7 jail getting raped by men with Aids because law
8 enforcement allows Jennifer Olland to abuse the
9 judicial system. Single, white, obese men like me are
10 the most discriminated group in America."

11 Q All right.

12 MR. WENG: I'm going to ask that image_4814
13 be marked as S-3 for identification.

14 THE COURT: What was it?

15 MR. WENG: It's 4814

16 BY MR. WENG:

17 Q All right. Do you see the social media post,
18 Ma'am?

19 A Yes.

20 Q All right. And who purportedly made the
21 social media post?

22 A Joseph Fabozzi.

23 Q All right. And was this posted to his own
24 personal page or somewhere else?

25 A It was posted on the Mt. Laurel Parent's Group.

1 Q Are you a member of the Mt. Laurel Parent's
2 Group?

3 A Yes, sir, I am.

4 Q Is that a public group on Facebook?

5 A I believe it's public. I'm not sure if they've
6 changed their privacy.

7 Q Do you know about how many people are in this
8 group?

9 A I don't.

10 Q Okay. Can you, please, just read the text of
11 this post?

12 A The text states, "This is Jennifer Olland of Hart
13 Way in Mt. Laurel. Jennifer made false allegations of
14 child abuse against me in a lamebrained plot to get
15 full custody of her children away from her ex, who is
16 my good friend and war buddy."

17 Q Okay. And then, are there some photographs
18 there?

19 A Yes. There's a screen --

20 Q I know that they're a little small, but, as
21 best you can, describe them.

22 A There are screen shots of another social media
23 post with my pictures in them, with multiple tags.
24 There's a picture of himself. There's a picture of me,
25 and there's a picture of what looks some type of -- I

1 don't know, like a legal document. I'm not sure what
2 it is.
3 Q Okay. Now, he mentioned, Jennifer Olland,
4 that's you?
5 A Yes.
6 Q All right. And he mentions [REDACTED]. To
7 your knowledge, what is [REDACTED]?
8 A [REDACTED] is the street that my -- my -- where I
9 live.
10 Q Okay. So, that's your address in Mt. Laurel?
11 A Yes. Yes.
12 Q That he was putting on a public post?
13 A Yes, sir.
14 Q Okay.
15 MR. WENG: I'm going to ask that image_4832
16 be marked as S-4.
17 THE COURT: All right.
18 BY MR. WENG:
19 Q This is another post, another social media
20 post. Are you able to tell, from this picture, who
21 made that post?
22 A Yes. It's Mr. Fabozzi again.
23 Q All right. And this one's a little longer.
24 Can you please just read the text of that post to the
25 Court?

1 A Yes.
2 Q "Hello, Bradley D. Billaheimer (ph) and Scott
3 Aklifema (ph). This woman, Jennifer Olland" --
4 Q I just want to interrupt you for a second.
5 Do you know who those individuals are?
6 A I do not.
7 Q Okay. Please go on.
8 A "Of [REDACTED] in Mt. Laurel, New Jersey falsely
9 accused me of child abuse. Jennifer's daughter told
10 Child Protection and Permanency that 'Mommy told me to
11 say that'. Jennifer made these false accusations
12 against me in an attempt to illegitimately obtain full
13 custody of her children away from my friend, initials,
14 J.B. I have been to the Mt. Laurel, Manahawkin and
15 Waretown Police. There is not a law they can charge
16 her with. @OceanCountyProsecutorsOffice
17 @BurlingtonCountyProsecutorsOffice will you please
18 charge Jennifer with 2C:28-3, unsworn falsification to
19 authorities and 2C:28-5, tampering with witnesses and
20 informants. It is disgusting how the Division of Child
21 Protection and Permanency and its agent, Terence
22 Campbell will go to great lengths to investigate false
23 charges against me, but will not hold Jennifer Olland
24 accountable after she is caught red handed making false
25 statements and is coaching her child to lie about me.

1 Thank you for your time and consideration. Joseph F.
2 Fabozzi."
3 Q And it looks like there is a little bit cut
4 off at the bottom?
5 A Yes, yes.
6 Q Okay. All right. So, we'll get to that, but
7 before we get to that, do you see where this was shared
8 or posted? Are you able to tell that?
9 A In Mt. Laurel Parent's Group.
10 Q All right. So, it's the same group we were
11 talking about before, is that right?
12 A Yes, it is.
13 Q Okay. And, in here, it accuses you of
14 committing crimes, is that right?
15 A Yes.
16 Q Okay. And he accuses you of coaching your
17 child, too?
18 A Yes, he does.
19 Q Okay. All right. And this -- once again,
20 this mentions [REDACTED], again, as we discussed, which
21 is your address?
22 A Yes.
23 Q Okay. All right.
24 MR. WENG: This is image_4833, Judge, which I
25 think we're at S-5 now? My understanding, Judge, this

1 is the second half of that previous post we just talked
2 about. The rest of the post we're talking about.
3 THE COURT: And what was the image number?
4 MR. WENG: 4833.
5 BY MR. WENG:
6 Q All right. Do you see the social media post
7 here?
8 A Yes.
9 Q All right. To your knowledge, is this the
10 continuation of the previous post or is this a new
11 post?
12 A It is the continuation.
13 Q All right. So, we left off, I think, right
14 after he had signed his name on the post --
15 A Yes.
16 Q -- but there is some more text there, can you
17 please read that?
18 A It says, "Please share the shit out of this post.
19 We must hold Jennifer Olland accountable for her
20 actions. If you do not believe me, you can file an
21 OPRA request to the Waretown Police for the video they
22 made of Terence Campbell interviewing me on March 2nd,
23 2022 at 12:00 p.m. in the lobby of Waretown Police
24 Station."
25 Q Okay. So, in this particular post -- the

1 last post and this post are one in the same, is that
2 right?

3 A Yes.

4 Q Okay. And it sounds like he is -- he lists
5 your address, and he accused you of crimes, and then he
6 asked people to share that post?

7 A Yes.

8 MR. WENG: All right, Judge, this is S-6, and
9 this is 4036.

10 BY MR. WENG:

11 Q All right. This is what appears to be
12 another social media post. Are you familiar with this
13 post?

14 A Yes.

15 Q Okay. This, in this pictures of the post
16 that we just talked about?

17 A I believe -- yes, yes.

18 Q Okay. And there's a photograph up top --

19 MR. WENG: I'm sorry, Judge, I've got 4836,
20 which I think is S-6, correct?

21 THE COURT: Yes.

22 MR. WENG: Okay.

23 BY MR. WENG:

24 Q Who is in that picture that's at the top?

25 A That's me.

1 Q Okay. Is there another picture at the bottom
2 of that?

3 A Yes.

4 Q Okay. And what is that picture? Can you
5 read the title of --

6 A Hillside Elementary School.

7 Q Can you tell what that picture is? Is it a
8 screen shot of a website or something or is it
9 something different?

10 A Yes. Yes, it's a screen shot of a page from the
11 school website. It's for the listing of the executive
12 board of the PTO.

13 Q Okay. Are you familiar with Hillside
14 Elementary School?

15 A Yes, I am.

16 Q How are you familiar with it?

17 A My children go there, and I was in the PTO.

18 Q Okay. So, he was sharing out in this post
19 the elementary school that your children attend?

20 A Yes.

21 Q Okay.

22 MR. WENG: This is 4837, Your Honor. This is
23 S-7.

24 BY MR. WENG:

25 Q Okay. Are you familiar with this social

1 media post, as well?
2 A Yes.
3 Q Okay. Can you tell what these are?
4 A These are comments made by Mr. Fabozzi on the same
5 post, tagging -- each comment is a separate tag.
6 Q Sure.
7 A One is for the Asbury Park Press and NJ.com and
8 TapInto. The other one is Fox News. The other one is
9 the tag for Ocean County Board of Social Services. The
10 other one is FBI, Federal Bureau of Investigation. The
11 next comment includes a screen shot stating a caption
12 of "I also emailed her job. She should be fired for
13 conduct unbecoming of a Federal employee."
14 Q Okay. Are you currently employed?
15 A No.
16 Q Okay. Were you employed at the time that
17 this was happening?
18 A Yes.
19 Q Where were you employed?
20 A With the 99th Readiness Division on Fort Dix.
21 Q Okay.
22 A The Department of Defense.
23 Q Okay. Is there a reason you no longer work
24 there?
25 A I didn't feel safe, and I kept getting threats at

1 work, and my bosses were receiving emails and threats
2 that he was going to come and bang pots and pans. And
3 since he has base access, I didn't feel safe.
4 MR. GULBRANSON: I'll object to that as
5 hearsay.
6 THE COURT: All right. Sustained.
7 MR. WENG: Understood, Judge.
8 BY MR. WENG:
9 Q All right. So, I'm going to show you 4839.
10 Are you familiar with this?
11 A Yes.
12 Q Okay. What does this appear to be? Don't
13 read it yet, just what does it appear to be?
14 A An email.
15 Q All right. Can you tell who the email is
16 from?
17 A Joseph Fabozzi.
18 Q All right. And what's the email address?
19 Can you see that on there?
20 A Yes. [REDACTED].
21 Q Okay. Have you ever received emails from
22 that email address?
23 A No.
24 Q Okay. Who was this email sent to?
25 A This was sent to a long list of emails. It's the

1 (inaudible) list for the United States Army Reserves
2 99th Readiness Division, the PAO mailbox, which is
3 public affairs. It was also sent to the base, like,
4 PAO website. It was also sent to the base. I'm not
5 sure what that is. The 87th is the commanding unit of
6 the base. So, it was sent to their main mailbox, I
7 believe, twice. I can't really tell, but, yes, it's in
8 there.
9 Q All right. Read the text of that email,
10 please.
11 A "Hello, Army Fort Dix people. One of your
12 civilian employees, Jennifer Olland, made false
13 accusations of child abuse about me. Jennifer also got
14 caught by Child Protection and Permanency coaching her
15 daughter to lie about me. I believe this is conduct
16 unbecoming a Federal employee. I would like you to
17 investigate and fire her. Also, I was cheated out of
18 sergeant by the 253rd from 2000 through 2003. Please
19 send the base general to my house and (inaudible)
20 sergeant Army. Thank you, Joseph Fabozzi."
21 Q Okay. How are you aware of this email?
22 A From this screen shot.
23 Q Okay. How did you get this screen shot?
24 A A friend sent it to me.
25 Q All right. How did your -- do you know how

1 your friend had it?
2 A They saw it. They saw it publically. It was
3 multiple people. One might have sent it through that
4 pipeline or it was through when PTO members were
5 getting emails by him, as well, so that's -- they were
6 coming in from numerous sources.
7 Q Okay. Do you know anything about him being
8 cheated out of sergeant?
9 A I have no idea.
10 Q Okay. Do you know why he would include that
11 on an email and ask a general to come to his house?
12 A I --
13 MR. GULBRANSON: I object. It just calls for
14 speculation.
15 THE COURT: If she knows.
16 MR. WENG: Judge, I'm just asking about her
17 personal knowledge of the situation.
18 THE COURT: Yeah, if she knows, and if it's
19 not through any hearsay evidence. It has to be on
20 personal knowledge.
21 BY MR. WENG:
22 Q Do you have any idea why he would be bringing
23 that up in this email?
24 A Because he didn't make sergeant, I guess.
25 Q Yeah, but you -- that's just a speculation.

1 A Yeah, right. I wasn't -- I did not serve with --
2 I was a soldier, but I did not serve with him, so I
3 have no knowledge of whatever the reasons would be.

4 Q Okay. Okay.

5 MR. WENG: Judge, this is 5145.

6 THE COURT: S-8.

7 MR. GULBRANSON: This I will object to on
8 hearsay.

9 MR. WENG: I'm not seeking to have it
10 admitted yet, Judge.

11 THE COURT: Okay. You're just identifying
12 it?

13 MR. WENG: Correct.

14 MR. GULBRANSON: I apologize.

15 MR. WENG: No, no, that's okay, but I mean, I
16 understand what you're saying.

17 THE COURT: All right. S-8 for
18 identification is what?

19 MR. WENG: 5145, Judge.

20 THE COURT: And, Counsel, you're looking at
21 it, as well, correct?

22 MR. WENG: I want to know, Judge, and it's
23 just one of the typical (inaudible) of electronics, but
24 this is 5145, 46, 49.

25 THE COURT: I have 45, starting with a

1 picture of two people, starting with a picture of two
2 people, Katie Griffin at the top.

3 MR. WENG: Correct, Judge. Correct.

4 THE COURT: So, 5145, 5146.

5 MR. WENG: Is the continuation of that
6 comment. And then the next picture should be 5149.

7 THE COURT: Okay.

8 MR. WENG: The one after that is 5150.

9 THE COURT: And these are all the same?

10 MR. WENG: 5152. These all appear to be one
11 thread with some comments from another individual, with
12 some comments from Mr. Fabozzi.

13 MR. GULBRANSON: And to be clear, this is a
14 Facebook?

15 MR. WENG: Correct. Correct, yeah. Yeah.
16 So, I -- I -- I would ask that these be identified, all
17 of these together, as S-8, because they're all one --

18 THE COURT: Say it again, 5145, 5146, 5149,
19 5150 and 5152?

20 MR. WENG: Correct, Judge.

21 THE COURT: All Facebook posts?

22 MR. WENG: Is that okay to --

23 THE COURT: S-8.

24 MR. WENG: -- identify them that way?

25 MR. GULBRANSON: Yeah, I have no issues,

1 Counsel.

2 MR. WENG: Okay.

3 THE COURT: And then, obviously, if he's
4 going through these, and there is anything
5 objectionable, let me know.

6 MR. GULBRANSON: Thank you, Your Honor.

7 BY MR. WENG:

8 Q So, the first two of these, I don't want you
9 to read anything that this says, okay, but 5145 and
10 5146, can you -- do you know what this appears to be?

11 A It looks like dialogue. It looks like dialogue,
12 like comments, but in conversation.

13 Q And where are these comments being made, can
14 you tell that?

15 A The Mt. Laurel Parent's Group.

16 Q Okay. And, so, we go to 5149. Is there a
17 comment from Mr. Fabozzi there?

18 A There is, yes.

19 Q Does it appear as though this is in reply to
20 the previous comments?

21 A Yes.

22 Q Okay. And what does Mr. Fabozzi say in these
23 comments? Can you read those to the Court?

24 A "@Katiegriffith, Jen lied to. When my OPRA
25 request is complete, you will see the CPP will admit

1 the child said, 'Mommy told me to say it" on video.
2 Jen is a psychopath, and she should be removed from the
3 PTO."

4 Q Okay. Do you know who Katie Griffith is?

5 A Yes.

6 Q Okay. Who is she?

7 A She is a friend, a parent, also, of children at
8 Hillside.

9 Q Okay. So, and then, in 5149, it appears as
10 though Ms. Griffith replies to Mr. Fabozzi, right?

11 A Yes.

12 Q Okay. And then, if go to the next one, 5150,
13 is there another -- are there more --

14 THE COURT: And just, in these, just for the
15 record and for defense counsel, anything I'm reading
16 here is just with respect to any objection to hearsay.
17 It'll be just as to his response back, not considered
18 anything as being true in these -- in these hearsay.
19 Okay.

20 MR. WENG: Thank you, Judge.

21 THE COURT: Just so you know. But,
22 obviously, I'm reading it, but I'm not taking into
23 account it as being true just to his response.

24 MR. WENG: Certainly, it's not -- yeah, it's
25 not a --

1 BY MR. WENG:

2 Q All right. So, can you, please, read for the
3 court the comments only from Mr. Fabozzi on this page?

4 A Yes.

5 Q Tagging Katie Griffith, "Terrence Campbell
6 said it to me at the police station. I met Terrence at
7 the police station so what he had to say would be
8 recorded on bodycam footage. I put in an OPRA request
9 for the bodycam footage. When you hear him say the
10 child said Mommy told me to say it, well, you can then,
11 Jennifer, apologize to me."

12 He adds an additional comment of tagging
13 Katie Griffith. "Think about it, if I did anything
14 wrong, the cops would have arrested me."

15 Q All right. So, 5152, is this an additional
16 social media post here?

17 A Yes.

18 Q All right. Are these comments -- to your
19 understanding, are these comments on the same thread
20 here?

21 A Yes.

22 Q Okay. So, does it appear that Ms. Griffith
23 replies to Mr. Fabozzi?

24 A Yes.

25 Q All right. And then, does Mr. Fabozzi reply

1 again to Ms. Griffith?

2 A Yes.

3 Q All right. Can you please read Mr. Fabozzi's
4 reply to the Court?

5 A Mr. Fabozzi replied to Katie, "Do you live in Mt.
6 Laurel? I'm calling the police. Can I have your
7 address and phone number, so you and I can settle this
8 with the law."

9 Q Okay.

10 MR. GULBRANSON: Can I see that?

11 MR. WENG: Yeah, I'm sorry.

12 BY MR. WENG:

13 Q All right. 5179, I believe, is S-9, Judge.
14 All right. Do you see this social media post?

15 A Yes.

16 Q All right. Is this a different post than the
17 one you were just talking about previously?

18 A Yes.

19 Q Okay. And who made this post?

20 A Joseph Fabozzi.

21 Q Okay. And is there a comment, here, from a
22 -- I'm sorry -- a Miquel Visuente (ph).

23 A Yes.

24 Q Okay. I don't want you to read that comment,
25 but does Mr. Fabozzi reply to Mr. Visuente?

1 A Yes.
2 Q And what's the text of that reply?
3 A "Miquel, know what a gladiator does."
4 Q Is there a photo there?
5 A Yes, it's from a movie, and it says, "My name is
6 Maximus Decimus Merrius."
7 Q All right. Do you know what movie that's
8 from?
9 A Gladiator.
10 Q All right. To your knowledge, do you know
11 why Mr. Fabozzi put a picture of a gladiator there and
12 said, I know what a gladiator does?
13 A No.
14 Q Okay. All right. S-10 will be 5216. All
15 right. Are you familiar with this social media post?
16 A Yes.
17 Q All right. And who made this social media
18 post?
19 A Joseph Fabozzi.
20 Q All right. What's the text of that post say?
21 A The text says, "For those of you that know both
22 Jennifer Olland and I, this is the video from March
23 3rd, 2022, when I went to the Mt. Laurel Police to try
24 to press charges against her. I'm just keeping
25 everyone updated that knows both of us. Rather than

1 let a bunch of people gossip behind my back, I am
2 putting everything out here in the open, on" -- and it
3 gets cut off.
4 Q Is says, "see more" there?
5 A See more.
6 Q Much more?
7 A Right.
8 Q Is there a link in this social media post?
9 A Yes.
10 Q All right. And what is that link to, so far
11 as you know?
12 A It's a YouTube video date-stamped, "Part one, when
13 I visited Mt. Laurel P.D. to try to press charges on
14 Jennifer Olland."
15 Q Okay. Is there a picture related to that
16 link?
17 A Yes, a picture from there is a picture of me.
18 Q Okay. All right. Do you know approximately
19 when these various social media posts were made?
20 A Yeah, between March of 2022 through the Summer of
21 that -- yeah.
22 Q Of 2022?
23 A I believe so, yes.
24 Q Okay. Have you had any other contact with
25 Mr. Fabozzi other than these social media posts?

1 A No.

2 Q Okay. Any other interactions with Mr.
3 Fabozzi other than -- personal contact that you might
4 have had with him other than these social media posts?

5 A There's no personal contact. There was mail. He
6 was sending mail to my house two, three times a week
7 still.

8 Q Okay. And what's the nature of that mail?

9 A I don't know, because I remember stories that he
10 and my ex used to do things to tamper with people's
11 food.

12 MR. GULBRANSON: I'm going to object.

13 THE COURT: Sustained.

14 THE WITNESS: And so I didn't open it.

15 BY MR. WENG:

16 Q So you don't open the mail, is that correct?

17 A I don't touch it, yeah. I put it in a bag, and I
18 hold onto it.

19 Q Okay. Other than the mail, any other contact
20 from Mr. Fabozzi either before or after these social
21 media posts?

22 A No.

23 Q How has -- how have these social media posts
24 from Mr. Fabozzi made you feel?

25 A I did not feel safe. I felt like this was a

1 person who was unhinged and not of good, like,
2 personal, like, being able to handle themselves in a
3 mentally healthy way. And without being offensive, his
4 size, and I'm a single mom with three kids, I did not
5 feel safe with someone who has access and resources to
6 do things to people on that scale, that it threatened
7 my reputation at the school, threatened my reputation
8 at my job and made things very difficult. Trying to
9 come home, I wanted -- I moved to Mt. Laurel to feel
10 safe, and it took that away from me. I have to be very
11 hyper vigilant when I am with my children. I'm always
12 looking behind my back. I always change up my routine
13 when I take them to school or drive home. We don't
14 take the same way home. I'm always fearful that there
15 is someone following us because he has people watching
16 us or because of the amount of mail he sends to my
17 house or the people that he contacts on his own intent.

18 Q Okay. The social media posts that we've
19 talked about this evening, did anybody you know in the
20 community see those posts?

21 A Yes.

22 Q And did they bring those posts to your
23 attention?

24 A Yes.

25 Q To your knowledge, is there any other civil

1 litigation involving you and Mr. Fabozzi currently
2 ongoing?
3 A Yes.
4 Q Okay. And what's the nature of that
5 litigation?
6 A From what I understand, he is suing me for
7 personal damages.
8 Q If I said it was for defamation, would that
9 make sense?
10 A I think so, yeah, personal injury, is that the
11 same?
12 Q Yeah, okay. And, to your knowledge, is that
13 defamation case involved with this allegation of child
14 abuse?
15 A I believe so, yes.
16 Q Okay. And just to go over it, I know we've
17 already discussed this but, the child abuse report was
18 not made by you to the authorities, correct?
19 A Correct.
20 Q The school made that report to the
21 authorities?
22 A Yes.
23 Q And your understanding is that's because
24 they're a mandatory reporter?
25 A Yes.

1 Q Okay. Have these posts, to your knowledge,
2 affected your relationships with other individuals in
3 the community?
4 A I've felt a little outcasted. It was drama, and
5 it's not -- it's not very -- no one wants to be around
6 that, you know? So, it kind of outcasted me in
7 general.
8 Q Okay. So, it affected some of your
9 friendships and personal relationships?
10 A Yes.
11 MR. WENG: Judge, I have nothing else.
12 THE COURT: Cross?
13 MR. GULBRANSON: I'll keep it brief, Your
14 Honor.
15 CROSS-EXAMINATION BY MR. GULBRANSON:
16 Q Ms. Olland, you testified that you know Mr.
17 Fabozzi through your child's father, correct?
18 A Yes.
19 Q You're no longer in a romantic relationship
20 with your child's father, is that correct?
21 A That is correct.
22 Q In fact, you were involved in a custody
23 dispute with --
24 MR. WENG: Objection, Judge, relevance.
25 THE COURT: I'll give it a little bit,

1 because it was brought up in the posts that were
2 admitted. Well, are you asked the posts to be admitted
3 yet or no?

4 MR. WENG: I am, Judge.

5 THE COURT: Okay. Let me just back up,
6 because if you're going to address stuff that was
7 introduced just as identification, so, you're moving
8 all the ones that were marked S-1 through S-10. Any
9 objections?

10 MR. GULBRANSON: Just the hearsay objection
11 that I had referenced.

12 THE COURT: The hearsay will be sustained,
13 but the parts that just go to what he did in response
14 will be admitted for that reason, and that reason only,
15 not that it's the truth.

16 MR. GULBRANSON: Understood. No objection.

17 THE COURT: Okay. So, I'll let you go a
18 little bit on this angle, because it was mentioned in
19 the posts that were admitted into evidence.

20 MR. GULBRANSON: It will be very little, Your
21 Honor. I do not intend to take very long on this.

22 BY MR. GULBRANSON:

23 Q Ms. Olland, you were involved in a custody
24 dispute with Mr. Nicoski (ph), is that correct?

25 A Yes. He filed for custody.

1 Q Okay. And that was over your minor child?

2 A Children, yes.

3 Q Children. And when was that?

4 A I want to say he filed in March, 2022.

5 Q Okay. And these social media posts that are
6 the subject of this trial today, you testified that
7 those occurred in March of 2022 through the Summer of
8 2022?

9 A Correct.

10 Q So, the allegation that Mr. Fabozzi was
11 inappropriate with children occurred in or around March
12 of 2022, is that correct?

13 A No, it happened in February.

14 Q Okay. During the course of the dispute,
15 there were allegations made that Mr. Fabozzi was
16 inappropriate with children, correct?

17 A By the school, yes.

18 Q And you would agree that's a serious
19 allegation, right?

20 A Yes.

21 Q Did you have a conversation with Mr. Fabozzi
22 about that?

23 A No.

24 Q Okay. Did you talk to him at all about the
25 school being the mandatory reporter?

1 A No.
2 Q All right. So, as far as you know, Mr.
3 Fabozzi just learned about it however he learned about
4 it?
5 MR. WENG: Objection, Judge, that calls for
6 speculation.
7 MR. GULBRANSON: Just as far as you know.
8 THE COURT: If you know how he found out
9 about it, if not --
10 THE WITNESS: I don't anything about that.
11 BY MR. GULBRANSON:
12 Q You are aware that Mr. Fabozzi denied these
13 allegations, correct?
14 A Yes.
15 Q You would agree that a person has a right to
16 defend themselves against those types of allegations,
17 correct?
18 MR. WENG: Objection, Judge, relevance.
19 THE COURT: I'll give it a little bit.
20 THE WITNESS: I guess so.
21 BY MR. GULBRANSON:
22 Q You aren't friends with Mr. Fabozzi on social
23 media, are you?
24 A No.
25 Q Okay. So, you don't see what he posts,

1 correct?
2 A Correct.
3 Q All right. He didn't tag you or email you?
4 I'll ask these questions separately. I apologize. He
5 didn't tag you on any of these social media posts, did
6 he?
7 A Some of them were tagged previously.
8 Q But he didn't send them directly to you, did
9 he?
10 A No.
11 Q He didn't email you?
12 A No.
13 Q He didn't text you?
14 A No.
15 Q So, he didn't communicate directly with you
16 at all, correct?
17 A Correct. It's public posting though.
18 Q Just through the public then?
19 A Yes.
20 Q Okay. Let's talk a little bit about those
21 public postings. Actually, let me back up a little
22 bit. You had referenced the allegations that the DCPD
23 had investigated the matter, is that correct?
24 A They did investigate, yes.
25 Q You're referring to the CPS, Child Protective

1 Services, right?

2 A Yes.

3 Q And they found -- they determined the
4 allegation was unfounded?

5 A They did not. They determined -- CPS determined
6 that there was substantial evidence, and they moved
7 forward --

8 Q I'm sorry. You testified earlier that --

9 MR. WENG: Judge, I'd like to --

10 THE COURT: Yeah, no, finish the answer, and
11 then we can clarify, because I'll need to clarify my
12 notes anyway, but go ahead.

13 THE WITNESS: The Child Protective Services
14 did find reason to move forward, but once it hit
15 Burlington County Prosecutor, it went unfounded.

16 THE COURT: Okay.

17 BY MR. GULBRANSON:

18 Q So, ultimately, it was determined to be
19 unfounded, correct?

20 A Unfounded by Burlington County.

21 THE COURT: So, there was -- just to be
22 clear, there was no complaint for abuse or neglect or
23 anything? There was no complaint filed?

24 MR. WENG: That's my understanding, Judge,
25 yes. It got forwarded to the Prosecutor's Office, and

1 they declined to prosecute.

2 THE COURT: Got you.

3 BY MR. GULBRANSON:

4 Q Referring, now, to S-1, this was the social
5 media post in which Mr. Fabozzi says that you made
6 false and evil allegations, do you recall that?

7 A The social media post?

8 Q Yes.

9 A Yes.

10 Q This was a social media post on Facebook.
11 Just to be clear, you weren't tagged in that post. He
12 didn't direct that post to you?

13 A It was initially tagged, but --

14 Q But he didn't send that post to you at all?
15 This was not a communication to you, correct?

16 A Correct.

17 MR. WENG: Judge, can she finish the answer?

18 THE COURT: Yes. I think the answer is no,
19 but --

20 THE WITNESS: No, it wasn't sent to me
21 directly. It was initially tagged, but I didn't
22 receive the tag, because I don't follow him online.
23 Other people saw the tag, because I was friends with
24 them -- they're friends with me, so they see the tag.
25 It shows up on their feed, and then they ask, hey,

1 what's going on?

2 BY MR. GULBRANSON:

3 Q So, when he refers to false and evil
4 allegations, you understand he's referring to the
5 allegations of child abuse, correct?

6 MR. WENG: Objection, Your Honor,
7 speculation.

8 THE COURT: Do you -- you can ask if she
9 knows.

10 BY MR. GULBRANSON:

11 Q Do you know?

12 A If I know whether he's referring to the mandatory
13 reporting?

14 Q I am asking you, when he says, false and evil
15 allegations, if you know, do you understand that to
16 mean that he is referring to the allegations of child
17 support?

18 MR. WENG: Judge, I don't know how she could
19 possibly know what he is --

20 THE COURT: I mean, if she doesn't know what
21 he is referring to, she can certainly say, I don't
22 know. If she believes that he was referring to the
23 child abuse allegations, then she can. Whatever her
24 belief was or was not, she can testify.

25 MR. GULBRANSON: I can rephrase the question,

1 perhaps, to just --

2 THE COURT: All right.

3 BY MR. GULBRANSON:

4 Q What do you believe that Mr. Fabozzi was
5 referring to when he said that you were making false
6 and evil allegations?

7 A Given the time line, I assumed that it was because
8 of us equally being investigated by CPS, Child
9 Protection Services, about the situation that the
10 school reported.

11 Q And, to be clear, you were also investigated
12 by DCPD?

13 A Yes, I was.

14 Q Okay. On S-4, there was a post made about
15 your efforts to get -- about Mr. Fabozzi's efforts to
16 get the police to help vindicate himself against false
17 allegations, do you recall that?

18 A The post?

19 Q This was a post in Mt. Laurel Parent's Group.

20 A Yes.

21 Q Right. And Mr. Fabozzi was posting about his
22 efforts to get the police involved, the Burlington
23 County Prosecutor's Office involved, do you recall
24 that?

25 A Yes.

1 Q The crime that he is referring to, that is
2 the crime he is referring to you lying to DCPD?
3 A I don't know any crime, because I haven't
4 committed any crime.
5 Q Okay. There is a whole Facebook comment
6 thread in which Mr. Fabozzi is having a conversation
7 with Katie Griffith, do you recall that?
8 A Yes.
9 Q Those comments were all to Katie Griffith,
10 correct?
11 A I believe so.
12 Q Not to you?
13 A No.
14 Q Okay.
15 THE COURT: I'm sorry, no, they weren't to
16 you or no --
17 THE WITNESS: They were not to me. I did not
18 -- I was not a part of that conversation.
19 BY MR. GULBRANSON:
20 Q In S-10, there is a post, I believe that's
21 also the Mt. Laurel Parent's Group about going to the
22 police rather than letting people gossip, do you recall
23 that?
24 A Yes.
25 Q Now, Mr. Fabozzi states his intent is that he

1 doesn't want people to gossip.
2 Q Do you have any reason to think that that was
3 not his intent to making that post?
4 MR. WENG: Objection, Judge, again, this is
5 -- I think we're trying to reach into Mr. Fabozzi's
6 head and --
7 THE COURT: Yeah. Again, if she doesn't know
8 any personal knowledge.
9 THE WITNESS: I don't know.
10 MR. GULBRANSON: I'm not asking -- I'm
11 actually only asking what she believes, if she has any
12 reason to believe that there was some alternate reason
13 for making that post.
14 THE COURT: If she doesn't know, that's a
15 perfectly acceptable answer.
16 THE WITNESS: I don't know.
17 BY MR. GULBRANSON:
18 Q Mr. Fabozzi has never threatened you
19 physically, correct?
20 A No.
21 Q He's never showed up at your house?
22 A Not in Mt. Laurel.
23 Q He's never showed up at your work?
24 A No.
25 Q He's never communicated with you directly

1 since March, 2022, has he?
2 A I do not -- I blocked everyone that was related to
3 my ex.
4 Q So, that's yes, he has not contacted you
5 directly.
6 A I do not communicate with anyone.
7 Q Thank you.
8 MR. GULBRANSON: I have no further questions.
9 THE COURT: Any redirect?
10 MR. WENG: Just a bit, Judge.
11 REDIRECT EXAMINATION BY MR. WENG:
12 Q You said he hasn't communicated with you
13 directly, but he does send you mail?
14 A Yes, he does. Yes, he sends mail multiple times a
15 week.
16 Q Okay. I just wanted to make sure we had
17 that.
18 THE COURT: Any recross?
19 MR. GULBRANSON: Just for clarification, I
20 wasn't done my --
21 THE COURT: Okay.
22 MR. WENG: Oh, I'm so sorry. So sorry.
23 BY MR. WENG:
24 Q There was some social media with some
25 discussion in there about social media posts not being

1 directed towards you, but you indicated he attempted to
2 tag you, is that right?
3 A Yes.
4 Q All right. To the extent that you know, why
5 would he attempt to tag you?
6 A Because there were versions of the posts with my
7 name. If I don't allow people I don't know to tag me,
8 the software doesn't highlight it right away.
9 Q Okay.
10 A And then it'll just kind of look like regular
11 text.
12 Q So, it sounds like, is it accurate that he
13 attempted to contact you?
14 A Yes.
15 Q Okay. And then the posts in the Parent's,
16 you testified that you are in that group, right?
17 A Yes.
18 Q And, presumably, Mr. Fabozzi is also in the
19 group. Does he post in there?
20 A Yes.
21 Q Okay. And there's other people you know in
22 the group, right?
23 A Yes.
24 Q Okay.
25 MR. WENG: Nothing further, Your Honor. Thank

1 you.

2 MR. GULBRANSON: Very brief recross, Your
3 Honor.

4 RECROSS-EXAMINATION BY MR. GULBRANSON:

5 Q You testified about -- I didn't ask you about
6 the mail earlier, because I believe you testified that
7 you didn't open it, is that correct?

8 A That's correct.

9 Q So, you have no idea what was sent to you?

10 A Right. I just received white envelopes, and I
11 don't want to touch them, so I just put them in a bag
12 and hold onto them.

13 Q But you have acknowledged that you are in
14 current litigation with Mr. Fabozzi?

15 A There's a case that he has against me for stating
16 that I publically defamed him.

17 Q And you haven't checked the mail, correct?
18 You haven't opened those?

19 A I have no opened those. I don't want to -- I --

20 Q So, you have no idea whether -- that was just
21 a yes or a no question. I'm sorry, I didn't --

22 A I don't feel safe opening them.

23 Q So, you have no idea whether there is a
24 complaint in those mailings?

25 A It's personal mail, so I don't think there is

1 anything legal involved in those mails.

2 Q What is your screen name?

3 MR. WENG: Objection, Judge, relevance.

4 THE COURT: I guess, for direct
5 communication, I guess, if that, but there has already
6 been testimony that there has been no direct
7 communication, correct? I'll sustain the objection.

8 MR. GULBRANSON: I have no further questions.

9 THE COURT: I will just clarify, you said it
10 was personal mails. Is Mr. Fabozzi represented by
11 counsel in the civil litigation?

12 MR. GULBRANSON: No, he's not.

13 THE COURT: Okay. That's just my own
14 clarification.

15 MR. GULBRANSON: Judge, I have nothing
16 further.

17 THE COURT: All right. Thank you, Ma'am.
18 You can step down. You can sit over there. You can
19 stay. You can leave. You can do whatever you want, at
20 this point.

21 Any -- well, let me ask, no more witnesses?
22 The State rests?

23 MR. WENG: The State rests, Your Honor.

24 THE COURT: Any motions by defense?

25 MR. WENG: Your Honor, I'm sorry, we did move

1 this stuff into evidence, right?

2 THE COURT: Yes. S-1 through S-10 --

3 MR. WENG: The State rests. The State rests.

4 MR. GULBRANSON: Yes, Your Honor, at this
5 point, I'd like to move for a dismissal of the charges
6 at this point. It seems pretty clear to me that the
7 evidence that was presented and even the testimony that
8 was presented, Ms. Olland has no basis -- that the
9 State has no basis to believe that any of the posts
10 that were made, that were admitted into evidence, have
11 anything at all to do with anything other than Mr.
12 Fabozzi's attempt to rebut the allegations that he was
13 inappropriate with children in some way.

14 And, in fact, in many of those posts, he
15 makes his intent explicit, where he says, I don't want
16 people to gossip; I want people to know what's going
17 on.

18 A wonderful example of this is S-10, but
19 there is also a number of comments, here, which, again,
20 are not directed to Ms. Olland at all. They're all in
21 a public forum, and they all directly refer to the
22 issue which is on Mr. Fabozzi's mind, which is the
23 allegations that he committed some sort of child abuse.

24 There is nothing in the statute to suggest
25 that attempting to defend yourself against false

1 allegations could possibly become the predicate of a
2 harassment charge.

3 THE COURT: Thank you.

4 State?

5 MR. WENG: Thank you, Judge.

6 There's a process to defend yourself against
7 false allegations, and Mr. Fabozzi has availed himself
8 of that process. He filed a defamation lawsuit.
9 That's the appropriate way to do this. Making Facebook
10 posts where you insult somebody. Making Facebook posts
11 where you identify where somebody lives. Making
12 Facebook posts where you identify where their children
13 go to school, contacting somebody's employer, all of
14 these things have absolutely nothing to do with
15 defending your name. They're meant to intimidate
16 somebody that you don't like and that you don't agree
17 with, who did something you don't agree with.

18 That is not the process that we have set up
19 in this state to deal with those things. Mr. Fabozzi
20 knows that because he has availed himself of the
21 appropriate process, and he hasn't done that. So, as a
22 threshold matter, the State has absolutely introduced
23 enough evidence to overcome a motion to dismiss, at
24 this point.

25 You've heard testimony that these were public

1 posts made in a group that the victim is in. The posts
2 mention her multiple times by name. He attempted to
3 tag her in an attempt to communicate with her. These
4 were attempts to communicate with the victim to
5 intimidate her, to harass her, because she did
6 something that he didn't like. So, as a threshold
7 matter, we believe that motion should be dismissed,
8 Judge, or denied -- I apologize.

9 THE COURT: All right.

10 At this point, I'll note, in the trial,
11 defense is moving to dismiss the matter. The standard,
12 at this point is, has the State proven a prima facie
13 case, and giving all reasonable inferences to the
14 Prosecution, have they made a prima facie case in this
15 matter.

16 So, reading in the Statute 2C:33-4(c) reads,
17 "Except as provided in subsection (e), a person commits
18 a petty disorderly persons offense if, with the purpose
19 to harass another he," and then, under (c), "engages in
20 any other course of alarming conduct." So, since it
21 says, other course, I'm going to have to read in (a)
22 and (b).

23 So, with the purpose to harass another, he
24 (a) -- he's not charged under (a), but it says, "makes
25 or causes to be made a communication or communications

1 anonymously or at extremely inconvenient hours or in
2 offensively course language or in any other manner
3 likely to cause annoyance or alarm, subjects another to
4 striking, kicking, shoving or other offensive touching
5 or threats to do or, or engages in any other course of
6 alarming conduct of repeated committed acts with the
7 purpose to alarm or seriously annoy such other person."

8 Again, the standard is not beyond a
9 reasonable doubt, at this point, as to whether the
10 State has proven their case. It's just whether they've
11 made a prima facie case. There were enough posts
12 introduced into evidence that, whether it rises to a
13 level of beyond a reasonable doubt of other alarming
14 conduct, I think prima facially, it could rise to that
15 level.

16 So, just at this point, with the evidence
17 that's been provided, they have formed a prima facie
18 case with giving all reasonable inferences to the
19 Prosecution. So, I'll deny the motion to dismiss.
20 Again, it's not the standard as to whether Mr. Fabozzi
21 has committed the acts against the statute. It's just,
22 at this point, there is enough to find that the matter
23 can proceed.

24 If defense wishes to put on a case or not,
25 that's -- do you need a minute to speak or --

1 MR. GULBRANSON: No. I think we're prepared
2 to proceed.

3 THE COURT: Okay. Now, does the defense want
4 to call any witnesses or does the defense rest, at this
5 point?

6 MR. GULBRANSON: Just Mr. Fabozzi.

7 THE COURT: You're calling Mr. Fabozzi?

8 MR. GULBRANSON: Yes, Your Honor.

9 THE COURT: Okay. Mr. Fabozzi, can you raise
10 your -- what's that?

11 THE DEFENDANT: Should I sit here or go to
12 that seat?

13 THE COURT: No, no, you stay right there.

14 Mr. Fabozzi, can you raise your right hand
15 and state your name for the record?

16 THE DEFENDANT: Joseph Fabozzi.

17 J O S E P H F A B O Z Z I, DEFENDANT, SWORN

18 THE COURT: All right. Again, your counsel
19 is going to ask you some questions. If there is an
20 objection by the Prosecutor, please stop answering so I
21 can rule on the objection.

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Thank you. Go ahead, Counsel.

24 DIRECT EXAMINATION BY MR. GULBRANSON:

25 Q Good morning, Joe.

1 A Good morning, Mark.

2 Q How do you know Ms. Olland?

3 A She is my war buddy's friend. No, she is my war
4 buddy's baby's mother.

5 Q And did you ever have social relations with
6 Ms. Olland?

7 A Yes, we went to hot yoga together.

8 Q At some point, were allegations made against
9 you regarding inappropriate conduct with children?

10 A Yes.

11 Q Can you tell me a little bit about that?

12 A A DYFS worker named Terrence Campbell contacted me
13 and wanted to speak to me.

14 Q Well, I want you to be careful, because I
15 don't want you tell me what he said. I just want you
16 to give me a sense of what happened.

17 A Well, Jennifer lied to the DYFS workers, and she
18 coached her kids.

19 MR. WENG: Objection, Judge.

20 THE COURT: That's your opinion. You don't
21 know for sure whether it's -- how do you know what she
22 told the DCPD worker?

23 THE WITNESS: I have the video in my pocket.

24 MR. GULBRANSON: No, no, no. We're not
25 getting to that. I apologize.

1 BY MR. GULBRANSON:

2 Q I just want you to tell me, in very general
3 terms, were there allegations of abuse of children made
4 against you?

5 A Yes.

6 Q Okay. Who made those allegations, as far as
7 you know?

8 A Jennifer Olland.

9 Q Okay. And how do you know that?

10 A Terrence Campbell said it --

11 MR. WENG: Objection, Judge.

12 THE COURT: I am going to allow it only to
13 the point of what his response or belief is, and the
14 comment is not to whether she actually made them or
15 not. So, you can testify to how that made you feel and
16 what your opinion is of it, but not as to whether it's
17 true or not.

18 MR. GULBRANSON: I'm asking this only for the
19 effect on (inaudible).

20 THE COURT: Yeah, perfect.

21 BY MR. GULBRANSON:

22 Q So, you believed that Ms. Olland had made
23 allegations against you of child abuse?

24 A Yes.

25 Q How did that make you feel?

1 A Terrified.

2 Q These are -- why? Explain.

3 A I was, like, I was sitting there, and I was, like,
4 I could go to jail for something I didn't do, and look
5 at me, I wouldn't do good in jail.

6 Q Did you, at some point, decide that you
7 needed to do something to take some sort of action?

8 A Absolutely.

9 Q And those actions -- tell me about those
10 actions.

11 A The first thing to do was, I didn't want to talk
12 to Terrence Campbell unless it was recorded, so I --

13 THE CLERK: Excuse me, Judge, I'm sorry. I'm
14 going to ask that --

15 THE COURT: Could we move the microphone
16 over, please?

17 THE CLERK: Please, yes, thank you.

18 THE DEFENDANT: Test, one, two, three. I'm
19 sorry.

20 THE COURT: Please do face the microphone.

21 THE DEFENDANT: I used to be air traffic
22 controller, I'm sorry.

23 THE COURT: That's all right.

24 BY MR. GULBRANSON:

25 Q I'm sorry. So, what did you do to address

1 those concerns?

2 THE COURT: You were saying something, before
3 we interrupted, about videotaping or something, just to
4 get you back on track.

5 MR. GULBRANSON: I'm a little worried about
6 that one.

7 THE COURT: He can say what he did, but not
8 what was said.

9 THE DEFENDANT: The first thing I did was, I
10 knew I was being lied about, so I wanted everything
11 recorded, so I forced Terrence Campbell to go to the
12 police station to talk to me, so everything would be
13 recorded on the bodycam.

14 BY MR. GULBRANSON:

15 Q And just to be clear, Terrence Campbell was
16 with the Division of Child Protection and Permanency?

17 A Yes, sir.

18 Q Okay. And then, did you, at some point, make
19 any posts on social media?

20 A Yes.

21 Q And can you tell me about those posts?

22 A They were all intended to vindicate my name.
23 People were talking bad about me, and this is never
24 going to go away.

25 Q Who was talking bad about you?

1 A Chrissy Iacovelli (ph), Vinnie Iacovelli, that
2 woman, Katie Griffith, called me a child molester in
3 the comments.

4 Q So, these were all people that made you feel
5 as though those allegations were being taken seriously
6 by the public?

7 A Yes.

8 Q You made a social media post in which you
9 claimed that Ms. Olland made false allegations in an
10 evil attempt for child custody?

11 A Yes, I did. Yes, I did it.

12 Q What was your purpose in making that post?

13 A To vindicate myself. These are horrible
14 accusations. I was scared, and --

15 Q Why did you reach out to -- why were you
16 attempting to find out who Jennifer Olland's ex-
17 boyfriend was?

18 A If she made false allegations against me, I
19 figured she probably made some against him when they
20 went through their breakup.

21 Q And how would that serve you?

22 A That would show a pattern. There's a whole
23 pattern. Like, see how she's complaining --

24 MR. WENG: Objection, Judge.

25 THE DEFENDANT: Shut up.

1 THE COURT: Sustained.

2 MR. GULBRANSON: Did you say shut up?

3 THE DEFENDANT: Yeah, sorry.

4 THE COURT: For the record, he said to shut
5 up to himself, not to any of the attorneys.

6 BY MR. GULBRANSON:

7 Q Do you recall making a post posting a letter
8 to the Burlington County -- I'm sorry, to the Mt.
9 Laurel Parent's Group --

10 A Yes.

11 Q -- in relation to your attempts to have the
12 Burlington County authorities investigate the matter,
13 is that correct?

14 A Yes.

15 Q All right. Can you tell me why you posted
16 that to the Mt. Laurel Parent's Group?

17 A They were -- she lied. They were horrible
18 accusations made against me. I was scared, and I was
19 also concerned. There's things I want in my future. I
20 want a girlfriend. I wanna have a kid, and if I don't
21 do that, I want to adopt, and all of these --

22 Q How is posting in the Mt. Laurel Parent's
23 Group help with that?

24 A It gets it out there that, by coming out and
25 saying it, it shows that I didn't hide. I came out and

1 faced the accusations like a man. Like, see, our civil
2 trial, how she hides the mail?

3 MR. WENG: Objection, Judge.

4 THE COURT: No, that's -- yeah.

5 THE DEFENDANT: Silence.

6 THE COURT: Sustained.

7 BY MR. GULBRANSON:

8 Q Did you contact Ms. Olland at all, directly?

9 A Yes. I sent her emails for the civil trial, like,
10 like --

11 Q Okay. Apart from the civil trial, did you
12 ever reach out to her to accuse her of lying?

13 A Never.

14 Q Did you ever reach out to her for any
15 purpose, apart from the civil trial?

16 A Never.

17 Q You had mentioned the lamebrained attempt to
18 get custody of your child. Was that -- what were you
19 referring to in that post?

20 A Her coaching her children to make false
21 allegations about me molesting them to the teacher.

22 MR. WENG: Objection, Judge.

23 THE COURT: That's his -- that's what his --
24 yeah, just -- I'll allow it just for what your reason,
25 in your head, was to post that, not whether it was true

1 or not, but that's what you believed it to be.

2 BY MR. GULBRANSON:

3 Q Was your intent, then, to annoy her?

4 A No.

5 Q Was your intent to harass her in any way?

6 A No.

7 Q What about you posted, also, in the Mt.
8 Laurel Parent's Group about your efforts to -- well,
9 you know what, strike that, forgive me. Your
10 conversation with Katie Griffith on Facebook, that was
11 a -- can you explain to me how that came about? How
12 did you end up having a conversation with Katie
13 Griffith?

14 A When she saw my post in Mt. Laurel, she reached
15 out to me and called me a child molester, and I was
16 trying to --

17 MR. WENG: Objection, Judge, this is all
18 hearsay.

19 THE COURT: I don't want to know what she
20 said.

21 THE DEFENDANT: No, it's in the Facebook.

22 THE COURT: Whatever is introduced into
23 evidence on those posts can be addressed, but, again,
24 not as to whether they're true or not, but to his
25 reaction to it during his posts.

1 MR. WENG: Fair enough, Judge.

2 THE COURT: And what he believed.

3 BY MR. GULBRANSON:

4 Q You stated that she accused you of being a
5 child molester?

6 A In the Facebook post, yes, sir.

7 Q And so you wrote a response to her, what was
8 it?

9 A I said a few things. If I did it, the cops would
10 have arrested me, and I don't remember, I'm sorry.

11 Q No, that's quite all right. Did you, at any
12 point during that conversation, intend to annoy
13 Jennifer Olland?

14 A No, I intended to clear my name from these
15 horrible accusations.

16 Q You had a post in which there was a picture
17 of a gladiator. You know what a gladiator (inaudible),
18 do you recall that?

19 A Yes.

20 Q Can you tell me what that meant?

21 A Miguel Visuente was my co-worker at (inaudible).
22 We were both union reps. I was a union rep at
23 Northeast Philly at one time, and he was a --

24 Q What did you mean when you made that post
25 about gladiators?

1 A The union reps have to fight to uphold the rules,
2 right?
3 Q And what were you fighting for?
4 A And we called each other gladiators, because we
5 had to go against management. Let's say they didn't
6 give somebody proper overtime. That's what we were --
7 I'm screwing up?
8 Q No. Calm down. The question I asked you is,
9 what was it that you were fighting for? What were you
10 referring to?
11 A Oh, to vindicate my name of these horrible
12 accusations of child molestation, which I did not do.
13 Q You made a post that was introduced as S-10,
14 and in it, you mentioned that you -- you posted the
15 video of you going to the police station to make the
16 report. And the statement that you made was, you would
17 rather people see what's going on, rather than gossip
18 about what was going on?
19 A Yes.
20 Q Then you posted that?
21 A Yes. I want to be right out in the open.
22 Q Was there any other reason you made that
23 post?
24 A No.
25 Q Okay.

1 MR. GULBRANSON: I have no further questions,
2 Your Honor.
3 THE COURT: Cross?
4 CROSS-EXAMINATION BY MR. WENG:
5 Q Mr. Fabozzi, you made all of the social media
6 posts that we're talking about here today, correct?
7 A I didn't look at them, but from what I heard, yes.
8 THE COURT: There was no objection to them,
9 so for the purposes of the trial, they're from Mr.
10 Fabozzi. There was no objection, so --
11 MR. WENG: Okay.
12 BY MR. WENG:
13 Q And, in several of these social media posts,
14 you posted pictures of Mrs. Olland, didn't you?
15 A Yes, sir.
16 Q Her picture has absolutely nothing to do with
17 vindicating you, does it?
18 A Yes, it does.
19 Q How?
20 A She is the woman that accused me of these horrible
21 accusations of child molestation.
22 Q Her appearance has absolutely no bearing on
23 whether or not your name is vindicated, does it?
24 MR. GULBRANSON: I'll object to that, just
25 because it calls for speculation.

1 THE COURT: It does call for a little
2 speculation, but --

3 MR. WENG: Judge, he testified he made the
4 posts to vindicate his name. He included the pictures
5 in the post.

6 THE COURT: So, I guess the question would
7 be, how does he believe that would vindicate himself,
8 then, right?

9 THE DEFENDANT: I put my picture in there,
10 too, just telling the --

11 THE COURT: Or what question was your -- what
12 question was your --

13 MR. WENG: My question is --

14 THE COURT: How does that vindicate him?

15 MR. WENG: Yeah, how does an individual who
16 made an accusation against you, what they look like
17 has absolutely no bearing on whether or not they told
18 the truth. It has absolutely no bearing on whether or
19 not --

20 THE COURT: That's the question, correct, and
21 then -- correct?

22 MR. GULBRANSON: Well, that sounded like a
23 statement rather than a question.

24 THE DEFENDANT: I put her picture in there
25 for the same reason I put my picture in there. I was

1 telling a story about what happened, and in any story,
2 there's the characters. There's the plaintiff and the
3 defendant, and I made it crystal clear, and I put
4 myself out there, too, because I'm a brave man, and I
5 came here to confront this head on.

6 BY MR. WENG:

7 Q In these social media posts, you put the
8 address that she lives on, right, you put her street,
9 Hart?

10 A Yes, I did.

11 Q Her address has absolutely no bearing on
12 whether or not you --

13 A At the time --

14 Q Please let me finish the question.

15 THE COURT: Hold on. Let him finish the
16 question.

17 BY MR. WENG:

18 Q Her street has absolutely no bearing on
19 whether or not you are vindicated, does it?

20 A I was trying to file a civil suit, and at that
21 point, we did not know her address. Even her ex did
22 not know her address.

23 Q You did know her address. You put it in --

24 A I found it off the Internet.

25 THE COURT: Hold on. Hold on. Go ahead, Mr.

1 Weng.

2 BY MR. WENG:

3 Q But you did know her address. You put it in
4 the Facebook post, didn't you?

5 A No, all I did was get a Google search. That's all
6 I had so far.

7 Q You knew she lived on Hart Avenue, correct?

8 A No, it was a shot in the dark off a Google search.

9 Q But you included that in your post, correct,
10 because you believed she lived there?

11 A Yes. I wanted her to complain that I put it
12 there, so I had her, so I could serve her.

13 Q You wanted her to complain about your posts,
14 correct?

15 A No.

16 Q You just testified that. I wanted her to
17 complain. That's just what you said, isn't it?

18 A About the address part.

19 Q You made a post because you wanted her to
20 complain. Additionally, you posted the location where
21 her children go to school, is that correct?

22 A No. I didn't see that one, and I don't understand
23 what you -- I believe I just put up a picture of the
24 school, in general, where the accusations came from.

25 Q The location of her children's school has

1 absolutely no bearing on whether or not you're
2 vindicated, does it?

3 A Show me the post. I don't understand what you're
4 talking about.

5 MR. WENG: Judge, do you have, just for
6 identification, do you have the identification of that?

7 THE COURT: Yeah, let me see.

8 I think it's a picture of the website or
9 something, is that right?

10 MR. WENG: Correct.

11 THE DEFENDANT: Let me see it. That's not a
12 picture of the school, sir.

13 BY MR. WENG:

14 Q You indicated a picture of where her children
15 go to school, didn't you, Hillside Elementary School?

16 A That's not --

17 Q Excuse me, answer the question, please. You
18 posted a picture of where her children go to school,
19 didn't you?

20 A No, that's not a picture of the school.

21 THE COURT: That's not a picture of the
22 school. It's a picture of the website.

23 MR. WENG: Of the school's website.

24 BY MR. WENG:

25 Q You posted a picture of the website from the

1 school where her children go to school, correct?

2 A It's a picture of the parent/teacher organization
3 where she's a member of the board, is that what you're
4 talking about?

5 Q I am.

6 A All right. Yes.

7 Q But whether or not --

8 A You're saying the school.

9 THE COURT: Hold on. Hold on.

10 BY MR. WENG:

11 Q -- whether or not she is on the PTO Board is
12 absolutely no bearing on whether or not you are
13 vindicated, does it?

14 A She made horrible accusations of child --

15 Q Please just answer my question.

16 A Okay.

17 Q Whether or not she remains on the PTO Board
18 has absolutely no bearing on whether or not you are
19 vindicated, does it?

20 MR. GULBRANSON: Judge, I'd like him to have
21 an opportunity to (inaudible).

22 THE COURT: You can answer that question, if
23 you understand it.

24 THE DEFENDANT: She made horrible accusations
25 of child molestation against me, and it would vindicate

1 me for her to be removed from that Board for her
2 misconduct.

3 BY MR. WENG:

4 Q So you posted this because you wanted her
5 removed from the PTO Board, correct?

6 MR. GULBRANSON: I'll object.

7 THE DEFENDANT: I wanted an investigation,
8 and if the investigation found out --

9 THE COURT: Overruled.

10 THE DEFENDANT: -- I'll shut up.

11 THE COURT: You can -- no, no. Go ahead.

12 THE DEFENDANT: What am I supposed to do? I
13 don't know. Start over.

14 BY MR. WENG:

15 Q You posted a picture of the website with the
16 PTO Board because you wanted her removed from the PTO
17 Board, correct?

18 A I wanted an investigation, and if the
19 investigation found that she lied, then, yes, I believe
20 that would have been appropriate, because that's child
21 abuse, telling your kids to go lie to the teacher.

22 Q You emailed her employers because you wanted
23 her to get fired, correct?

24 A Well, I did a Freedom of Information Act Request
25 first.

1 Q My question was, you emailed her employers,
2 because you wanted her to get fired, correct?
3 A No, I was investigating for my civil case. I also
4 said I wanted the people at Fort Dix to promote me to
5 sergeant.
6 You want to talk about that?
7 MR. WENG: Judge, what was the identification
8 of the email? S-7?
9 THE COURT: I'm looking.
10 BY MR. WENG:
11 Q Mr. Fabozzi, did you write that email in S-7?
12 A "Hell, Fort Dix people" --
13 Q I don't need you to read it out loud. You
14 wrote this email, didn't you?
15 A So, I left out a preposition --
16 Q My question is --
17 THE COURT: Hold on.
18 THE DEFENDANT: Okay.
19 BY MR. WENG:
20 Q -- you wrote this email, didn't you?
21 A Yes, sir.
22 Q [REDACTED] is your email
23 address?
24 A Yes, sir.
25 Q So, you did email her employer and ask them

1 to fire her, correct?
2 A I asked for an investigation first, but, yes, to
3 answer your question, yes, but you're trying to make it
4 sound like --
5 Q Whether or not she was employed has
6 absolutely no bearing on whether or not you are
7 vindicated, does it?
8 A Yes, it does. Ask me why.
9 MR. GULBRANSON: Joe.
10 THE DEFENDANT: I'm sorry, Mark.
11 MR. GULBRANSON: Answer the questions that
12 are asked of you. Don't apologize. Just answer the
13 questions that are asked of you.
14 THE COURT: Your attorney can follow-up with
15 any questions he wants, if he feels it's necessary.
16 THE DEFENDANT: I'm sorry.
17 BY MR. WENG:
18 Q In the social media post, you make personal
19 insults against Ms. Olland, don't you?
20 A I don't know. Read them to me. What are you
21 talking about?
22 Q I'm talking about the social media posts you
23 made where you call her evil and dim-witted, you
24 personally insult her, correct?
25 A That was an insult directly at her. It was an

1 evil and dim-witted attempt to gain full custody of her
2 children by lying about me that I molested her
3 children. That's horrible.

4 Q You insulting her has absolutely no bearing
5 on whether or not you're vindicated, does it?

6 A I insulted what she did.

7 Q But that has no bearing on whether or not you
8 are vindicated, correct?

9 A Yes, it does.

10 Q Your personal insults against her, you
11 believe have bearing over whether or not you are
12 vindicated?

13 A Yes. I have freedom of speech. I have the right
14 to say what she did to me was evil, and it was, sorry.

15 Q At some point, the Prosecutor's Office
16 contacted you and indicated they would no longer be
17 pursuing criminal charges against you, correct?

18 A Please say that again?

19 Q At some point, the Prosecutor's Office
20 contacted you and indicated they would no longer be
21 pursuing criminal charges against you, correct?

22 A No, sir. The Prosecutor's Office has never
23 contacted me.

24 Q Did you ever find out from anyone that you
25 would not be facing criminal charges from this?

1 A I got a letter from DCF that it was unfounded.

2 Q When did you get that letter?

3 A Can I open and look? I don't know the date.

4 THE COURT: If there's anything that can
5 refresh your memory, then, if not --

6 THE DEFENDANT: Okay.

7 THE COURT: -- you can say I don't know.

8 MR. WENG: Just answer the question. Don't
9 read anything.

10 THE DEFENDANT: I won't.

11 MR. WENG: But if it refreshes your
12 recollection.

13 THE COURT: If nothing refreshes your
14 recollection, you can't answer.

15 THE DEFENDANT: It was 03/20/22. Yes,
16 03/20/22.

17 BY MR. WENG:

18 Q And that letter says the accusations against
19 you were unfounded, correct?

20 A Yes, sir.

21 Q That's your vindication, isn't it?

22 A No.

23 Q The State investigating the accusations says it
24 was unfounded; you've been vindicated.

25 A This is never going away.

1 Q You've been vindicated, haven't you, when they
2 said you didn't do it?

3 A No, I haven't. These accusations never go away, and
4 people still talk, sir. It's going to affect me when I
5 go to adopt. If I get a girlfriend, and she hears about
6 it. It could potentially stop me from having a baby with
7 a girl, which is something I really want, all because she
8 wanted to get custody -- full custody of her children and
9 extra child support money. It's disgusting, sir.

10 Q And you continued to make these Facebook posts,
11 even after you got this indication from DCF that the
12 allegations were unfounded, didn't you?

13 A Well, that's a loaded question. I never said I got
14 an indication.

15 Q The question was, did you continue to make
16 these Facebook posts even after you got the letter from
17 DCF that the allegations were unfounded, yes or no?

18 A Yes.

19 Q And you made these posts because you were angry
20 at Jennifer, correct?

21 A No, to vindicate my name. I still want to have a
22 baby. I still want to meet a girl and to have a baby.
23 And I -- what else do I want? I kind of want to adopt,
24 if no girls want me.

25 Q And you honestly believe that these Facebook

1 posts that you made publically where you insult Jennifer
2 and use this type of language and attempting to get her
3 fired and attempting to identify members of her family
4 will play any bearing on your ability to have a child or
5 adopt?

6 A Absolutely, because if I meet a girl down the road,
7 and we're together for awhile, and then she says, hey, I
8 heard this about you, I can turn around and say, hey,
9 look, I stood up for myself, and I told the truth, and I
10 met her in open court and told the truth.

11 MR. WENG: Nothing further, Judge.

12 THE COURT: Anything else?

13 MR. GULBRANSON: Very briefly in redirect.

14 THE COURT: Redirect, yes.

15 REDIRECT EXAMINATION BY MR. GULBRANSON:

16 Q Joe, you posted Ms. Olland's address, right?
17 You testified you posted her address? You acknowledge
18 this?

19 A Yes.

20 Q And what was the purpose of posting her
21 address?

22 MR. WENG: Objection, Judge, he answered that
23 question.

24 THE DEFENDANT: No, I wasn't allowed the full
25 answer.

1 THE COURT: I think the answer was he looked it
2 up on Google and wanted to confirm it was her address,
3 because he wasn't sure.

4 MR. WENG: That's not my -- he wanted her to
5 complain. That's why he put it in a Facebook post.

6 THE COURT: To complain about it so he'd know
7 if that was her address. He posted her address to
8 complain, so he'd know it was her address, but, yeah, to
9 complain was one of the things he said, yes.

10 BY MR. GULBRANSON:

11 Q And specifically, that was to serve her with a
12 complaint, a civil complaint, is that correct?

13 A I needed to verify her address.

14 THE COURT: That was both answers was to
15 complain and to verify the civil address. How it got
16 there.

17 BY MR. GULBRANSON:

18 Q And I just want to clarify your answer, because
19 I think (inaudible) said, you had sent letters to both
20 Ms. Olland's employer and to the PTO Board, to the
21 employers to get her fired and to the PTO Board to have
22 her removed.

23 Can you explain to me why that helps vindicate
24 you?

25 A Well, if she got fired for making false statements,

1 of conduct unbecoming a Federal employee because she told
2 her kids to go lie about me to get ahead in a civil
3 custody case, that would vindicate me. That's pretty
4 plain in my brain.

5 Q So your purpose was to vindicate yourself?

6 A Yes.

7 Q And just to be clear, your concerns about these
8 allegations were not limited to criminal concerns,
9 correct?

10 A No.

11 Q What were your other concerns?

12 A I want girls to date me and not think I'm a child
13 molester.

14 Q So, is it fair to say your concerns are social,
15 with people? These allegations are out there.

16 A Oh, yeah.

17 MR. GULBRANSON: Okay. I have no further
18 questions.

19 THE COURT: Anything else, Mr. Weng?

20 RECROSS-EXAMINATION BY MR. WENG:

21 Q In none of these social media posts did you
22 post that letter from DCF that the allegations were
23 unfounded, did you?

24 A I don't remember. I'm sorry. But it's here if you
25 need to see it.

1 Q We've looked at all of these social media
2 posts, and none of them contain this letter that says the
3 allegations were unfounded, do they?

4 A Mark?

5 THE COURT: You can't -- don't ask your
6 attorneys any questions.

7 THE DEFENDANT: I may have posted it somewhere.
8 I don't remember. I definitely did, and I definitely
9 showed it to all of my friends.

10 MR. WENG: Nothing further. Thank you, Judge.

11 THE COURT: All right. Anything else, Counsel?

12 MR. GULBRANSON: No, nothing further, Your
13 Honor.

14 THE COURT: Okay. Any other witnesses for the
15 defense?

16 MR. GULBRANSON: No other witnesses.

17 THE COURT: All right. So, the defense rests.
18 The State rests.

19 Do you need a few minutes before you close or
20 are you ready?

21 MR. WENG: If you need time, that's okay?

22 MR. GULBRANSON: No, I'm ready.

23 THE COURT: All right.

24 Go ahead, Counsel.

25 MR. GULBRANSON: Your Honor, I think that this

1 is relatively cut and dry. The intent here is very, very
2 clear, very explicit in most of these instances that Mr.
3 Fabozzi was attempting to vindicate himself against these
4 very serious and, frankly, life-altering allegations.
5 The fact that the criminal liability piece of this may or
6 may not have been wrapped up, and I will note for the
7 record that getting an unfounded letter from DCF does not
8 necessarily mean the criminal liability piece of it's
9 gone. But even if that were the case, his concern about
10 the social stigma that accompanies being accused of
11 molesting children is very real, very significant and
12 very serious.

13 Further, the fact that Mr. Fabozzi did or did
14 not adhere to a specific method to vindicate himself does
15 not mean -- does not, in any way, equate to an intent to
16 annoy or alarm. Indeed, again, the record is very clear,
17 and it's undisputed, Mr. Fabozzi made no attempt to
18 contact her directly. The only thing that he did was
19 post on social media, and when he posted on social media,
20 it was crystal clear in each and every one of those
21 postings that what he was doing was accusing her of lying
22 about accusing him of being a child molester. That is
23 it.

24 And anybody in his position would have done the
25 same. And I would also note that many of those posts

1 were also in aid of vindicating himself in what the
2 Prosecutor referred to as the proper method to try to
3 pursue this civil remedy, which Ms. Olland has
4 acknowledged, she is completely -- by failing to open up
5 any of her mail has completely refused to acknowledge
6 service.

7 So, with that, Your Honor, I think that the
8 State has failed to show, certainly beyond a reasonable
9 doubt, that there was an intent, and, candidly, Your
10 Honor, I don't think there has even been a course of
11 alarming conduct here. The conduct, here, is incredibly
12 understandable under the circumstances.

13 THE COURT: From the State, please?

14 MR. WENG: Thank you, Judge.

15 This is a clear cut case of harassment in this
16 particular circumstance. And Mr. Fabozzi indicated that
17 his purpose was vindication, but people could have
18 multiple purposes even if accept that his purpose was
19 vindication, he could also have wanted to harass and
20 annoy Ms. Olland. It's not always one or the other.

21 Furthermore, I don't think that there is any
22 evidence that he was attempting to vindicate his name.
23 He made multiple posts where he attacked Ms. Fabozzi
24 (sic). He tried to get her fired. He tried to get her
25 kicked off the PTO Board. He's trying to interfere with

1 her personal life, and none of those have any impact
2 whatsoever on whether or not he is vindicated and whether
3 or not the truth is being told. Additionally, he
4 testified, himself, that he made posts and put things in
5 his post to bother her so that she would complain. He
6 specifically posted her address to make her complain.
7 What his goal was, as far as complaint, does not negate
8 the fact that he was attempting to bother her to complain
9 about the fact that he was publically posting her
10 address.

11 He engaged in the process to file a defamation
12 lawsuit. If he couldn't serve her, there are other
13 methods to serve, Judge. There are other methods to
14 serve somebody, including substituted service and things
15 like that, that an individual can engage in in an attempt
16 to further their civil litigation. It does not include
17 trying to bother somebody on Facebook and posting their
18 personal information. He posted information about her
19 PTO at her school in order to get her fired. Whether or
20 not she has a job, they could have fired her simply
21 because they were getting too many emails from somebody
22 outside. That has absolutely no bearing on whether or
23 not he is vindicated. It's because he wanted to
24 interfere with her life and cause her harm. That is the
25 reason for this course of conduct that he engaged in.

1 He attempted to reach out and get contact with
2 other people in her life, people like an ex-husband who
3 she might not have the best relationship with. There's
4 no reason for that, as far as vindication goes, other
5 than to bother her, to annoy her, to engage in a course
6 of conduct where he bothered her to the point that he
7 felt some sort of personal satisfaction from affecting
8 her life. None of this involves vindication.

9 And, perhaps, the greatest piece of evidence
10 that none of this had anything to do with vindication is
11 that Mr. Fabozzi has a piece of paper that says these
12 allegations are unfounded, and in none of these posts did
13 he say, hey, look, the organization, the State
14 organization that has the experts that investigate this
15 stuff to determine whether or not something happened said
16 it didn't happen. He could have posted that and nothing
17 else and said they investigated me, and it was unfounded,
18 and therefore, it's all been a lie. He didn't do any of
19 those things. Instead, he insulted her, posted
20 photographs of her. Her appearance has absolutely no
21 bearing on whether or not she tells the truth or whether
22 or not he is vindicated. It's so people know who she is,
23 in an attempt to bother her. He encouraged people to
24 share the post, so that it would be all over social
25 media, bothering her. He attempted to tag her in the

Finding by the Court

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1 post, but he couldn't.

2 He posted in groups that he knows that she is
3 in, because he knows that she would see it. All of this
4 is a course of repeated conduct in order to cause her
5 alarm and bother and annoy her because he didn't like
6 something that she did. This is the textbook definition
7 of harassment. The State has proven their case, and we
8 believe the Court should return a verdict of guilty.

9 Thank you, Judge.

10 THE COURT: I'm just looking up a couple of
11 things here.

12 (Pause.)

13 THE COURT: All right. So, obviously, the
14 trial is concluded, and I am going to make my --
15 basically, we start with the summary of the testimony and
16 the evidence, make credibility findings, and then, of
17 course, render my verdict.

18 The case is very easy in one sense in that
19 there is not much disputed here. That's the easy part of
20 my job. The tough job is dealing with the harassment, in
21 general, and the very vague language of the harassment
22 statute and then to apply the facts and credibility
23 findings to that statute. That's the difficult part any
24 time there is a harassment case, but the facts are pretty
25 straightforward.

1 Ms. Olland testified that the defendant was a
2 friend of her child's father. That's not disputed. The
3 only thing that was disputed, I think, or the
4 controversial testimony was that there was, at one time,
5 that the defendant testified that sometimes they did not
6 yoga together, so they did do some things together. It
7 just wasn't a relationship where they didn't know each
8 other all, but they knew each other, but it was through
9 the child's father.

10 Ms. Olland testified that she received a call
11 from the school saying her daughter alleged having some
12 inappropriate contact with Mr. Fabozzi. The school said
13 that they had to report it, and that the daughter said
14 she was touched inappropriately. There was no
15 interaction with Mr. Fabozzi by Ms. Olland. This was
16 what the school reported is what her testimony was.

17 The State went through the posts very
18 diligently and specifically with respect to S-1, S-2, S-
19 3, S-4, S-6, S-7, S-8, S-9 and S-10, which are all the
20 posts that were reviewed on the record, and the good
21 thing about it is, there is no disputes of who made these
22 posts. The posts were made by Mr. Fabozzi. The
23 information in all the posts are not disputed. Of
24 course, I'm going to have to figure out later, with my
25 ruling and disclose whether I believe it's, under the

1 statute, was done with the purpose to harass or not,
2 because that is the basis -- the basis of the statute,
3 but I'll get to that in a minute.

4 Ms. Olland testified she did not open some mail
5 that was received, so she doesn't know anything that was
6 in the mail. There was no other contact in social media
7 that nothing was sent to her directly. She believes she
8 was attempted to be tagged once, but since he wasn't a
9 friend, it didn't allow it to be tagged, so there is no
10 direct social media contact, but there was posts to the
11 general public, and there is a pending civil litigation
12 going on right now, but all the facts that she testified
13 to don't seem to be in dispute.

14 There was, of course, cross-examination by
15 counsel. The custody dispute with the child's father was
16 around March of 2022, the same time these -- about --
17 around the same time, within 30 days of the allegations
18 against Mr. Fabozzi. While she did agree that child
19 molestation or inappropriate touching of a child is a
20 serious allegation, but she never spoke to Mr. Fabozzi
21 about it, and she was investigated by Child Services, as
22 well. She did admit that he has a right to defend
23 himself. Obviously, she doesn't agree with the way it
24 was done, but that's another ruling to make in just a few
25 minutes. She said she was not friends with Mr. Fabozzi

1 on social media, again, not directly with the defendant.
2 She wasn't tagged. They were posts just made on Facebook
3 or whatever other social media it was, not directly to
4 Ms. Olland. The DCP&P did an investigation. There was
5 no complaint filed by the Prosecutor. That was
6 established on cross-examination, because the Prosecutor
7 declined to prosecute and then reviewed some text
8 messages with Katie Griffith that were entered into
9 evidence, and there was no -- never have been any threats
10 of physical violence to Ms. Olland directly and no direct
11 communication with her, never went to her house, never
12 been to her work. So, again, what I am limited to as the
13 scope is basically the posts and the unopened mail.

14 On redirect, again, the mail was not opened.
15 Recross, she has no idea what's in the mail, and there
16 was current civil litigation, so that was basically the
17 redirect and recross. And the State rests at that point.
18 I denied the motion based upon the State having proven a
19 prima facie case, with all reasonable inferences going to
20 the Prosecution.

21 Defense called one witness, Mr. Fabozzi. Mr.
22 Fabozzi said there were allegations against him, and he
23 was contacted by DCP&P. At the time he felt terrified.
24 The first thing he thought of, he wouldn't do good in
25 jail; he could possibly go to jail for these allegations

1 that he believed were made falsely. And he felt, in
2 order to protect himself, he needed to take action, so he
3 made posts on social media intended to vindicate himself.
4 And on the social media, he did get backlash from people
5 who basically believed that he did it, because they were
6 posts on Facebook, and the purpose -- he believed the
7 purpose that these allegations were made by Ms. Olland --
8 he believed were made by Ms. Olland were to get custody
9 of her children from his friend, and that's why he posted
10 everywhere to try to vindicate himself. He was desperate
11 to vindicate himself. In the back and forth with Ms.
12 Griffith, he wanted to vindicate himself, and he wanted
13 to control the gossip issues on social media.

14 He was cross-examined, basically, with respect
15 to that, why did he post pictures. Why would posting
16 pictures help him vindicate himself? He just says, he
17 just wanted to be transparent, post everything. There
18 was a reason why the address, and the State relied on
19 that cross-examination, heavily, basically, in their
20 closing arguments with respect to why would you need to
21 post the address? If the address was just to get a
22 complaint from her, you know, that would rise to the
23 level of harassment. But he said he was doing it because
24 he was in the civil suit, and he looked it up on Google
25 and wasn't sure if it was her address and wanted a

1 response or a complaint so he could serve her civilly.

2 He did post a picture of not the school,
3 itself, but a website, I guess, the parent teacher
4 organization website. And he did admit to wanting to get
5 her off the parent teacher organization, possibly get an
6 investigation to get her fired for doing false
7 accusations. At a Federal job, it could get her fired
8 and vindicate him, because then that would be -- she was
9 found to be lying. That was his testimony on cross-
10 examination, that this DCP&P was unfounded, but he
11 believed those accusations never go away. And he is
12 still desperate to vindicate himself and has filed a
13 civil lawsuit.

14 And, on redirect, again, it was with respect to
15 the address and about vindication. The defense didn't
16 have any other witnesses. So, on closing argument, the
17 Prosecutor (sic) did a summary of basically what I just
18 went over that the purpose wasn't to harass but to -- for
19 vindication of his reputation, and the State says it's
20 clear harassment. There is no need to post pictures of
21 her or post her address. That was done for harassment
22 purposes only and argued it's a clear case of harassment.

23 So, that basically summarizes what I am
24 considering in this case. Again, it's very easy of what
25 needs to be considered, because, basically, everything is

1 consented to and agreed to, except, obviously, the
2 purpose. And that makes it difficult in these cases, to
3 just be honest, in this matter.

4 I do find Ms. Olland to be credible to the
5 point of her testimony today. I am not getting into
6 whether she was credible in making accusations or whether
7 she even made the accusations, because I think she said
8 it was made by the school, and she didn't make her
9 allegations specifically, but the school made the
10 allegations and had to follow-up.

11 I find Mr. Fabozzi credible, as well. Both
12 stories seem very -- not stories, but both testimonies
13 were consistent with what was presented in court. Mr.
14 Fabozzi just believes that she did it; she was the one
15 who made the allegations, and Ms. Olland testified that
16 it was the school who did it. But they never spoke, so
17 neither one would know the other person's opinion, so
18 whatever they both believe is what they believe.

19 Social media is also -- so, there is many
20 issues in this case. First of all, the statute directs,
21 and again, that it has to be with the purpose to harass.
22 The purpose is very difficult because the person posting
23 it is the one who has the purpose. Everyone else can
24 just be guessing. So, I'm going to have to go by the
25 credible evidence presented, the social media posts, as

1 to whether he had a purpose to harass. Then I have to
2 decide whether, even if he had a purpose to harass, would
3 social media posts rise to the level of harassment,
4 because social media is basically informal, and unless
5 it's specific to somebody, an indirect communication that
6 refers to transmission through unofficial channels,
7 rather than official or structured channels, meaning not
8 going to one person. It's like a post on billboard. If
9 you could post someone's picture on a billboard, is that
10 harassment or are you doing it for a reason? What's your
11 goal? What's your purpose? And, also, it's very
12 standard in social media. Social media is a -- I guess
13 a trash can of gossip, rumors, interactions between
14 people and personal conversations. It's wrought with it.
15 I mean, people don't post things on social media -- well,
16 they do -- if they post gossip or rumors, they don't get
17 charged with a crime for posting gossip or rumors.
18 People do have freedom of speech, freedom of expression.

19 There is also two avenues. There is criminal,
20 and there is civil. If you believe that you've been
21 defamed, and they posted something that's false, you can
22 sue them. You can go after it that way, like Mr. Fabozzi
23 is doing now. Ms. Olland has that same purpose, as well.

24 I am here to determine whether this is a crime.
25 It's a high standard for the State to prove guilt beyond

1 a reasonable doubt. I think the State did a fantastic
2 job introducing all of the evidence. Defense counsel did
3 a fantastic job on cross-examination, and, again, it's
4 very easy for me to know what I am considering, because
5 both sides did such a fine job and a clear job of what it
6 is to consider.

7 Now, my job is to say, looking at S-1 through
8 S-10 and the testimony of both parties, does that rise to
9 the level of reasonable doubt -- beyond a reasonable
10 doubt that Mr. Fabozzi posted -- because really the only
11 communication is the posts. The mail is admitted not to
12 be opened. I don't know what's in it. I can't even
13 determine anything in the mail, so I'm not considering
14 the mail.

15 There was no emails brought up with any purpose
16 to harass. There were no phone calls. There were no
17 text messages. So, the only thing I have are S-1 through
18 S-10 and did Mr. Fabozzi, with the purpose to harass
19 another, (a) is not relevant -- it's only (c) -- so,
20 engage in any other course of alarming conduct, and I am
21 going to break down the statute into minute parts,
22 because if I did, (c) wouldn't even be relevant, because
23 (a) is the communication section, and (c) doesn't involve
24 communication.

25 See, this is what I mean about the harassment

1 statute. If he was charged under (a), it would be makes
2 or causes to be made communication. Indirect
3 communication is what a post is on social media. He
4 wasn't charged under (a). He was charged with (c), any
5 other course of alarming conduct, meaning other than
6 communication. It's -- so, was there any other
7 communication other than social media posts? There
8 wasn't. He wasn't stalking and going out and hanging out
9 at her work; it was all communication, so if I expand the
10 vagueness and try to get more specific in the harassment
11 statute, (c) doesn't even apply, because there is no
12 other course of alarming conduct other than the indirect
13 communication through social media.

14 But I'm going to skip that, and I'm going to go
15 back a step to whether this would rise to the level of
16 any other conduct or even a communication, if it was
17 filed under (a) just for clarification. Mr. Fabozzi was
18 accuse of, whether it was by Ms. Olland or DCP&P, of a
19 very serious charge which does affect people's futures.
20 It affects their reputation, whether it's true or whether
21 it's not. Everybody has an absolute right to try to, as
22 he says, vindicate himself. Whether Ms. Olland, myself,
23 the Prosecutor, even his attorney agrees that he was
24 doing it the right way is irrelevant to the fact as to
25 whether it's illegal and whether it violates the law.

1 Probably, the best thing would have been to
2 just hire an attorney or a private investigator and go
3 through and do it that way, and your investigator can,
4 basically, do everything you were doing, but not on a
5 social media platform.

6 The social media platform is another area which
7 is very bogged down and very general and non-specific
8 with harassment, because is it a communication? Is it
9 not a communication? It just keeps going. But an
10 investigator certainly could read out to her ex-childs-
11 boyfriend and interview him as to whether there were ever
12 complaints of her lying. He could do that. He could
13 call every friend that was on social media, go their
14 house, knock on their door and ask them questions. It's
15 just a different platform, and it was done, I guess, and
16 I don't want to say sloppy, but it was done more sloppy
17 than an attorney or a private investigator would do.

18 You have the right to defend yourself, the
19 right to vindicate yourself. The way you were doing it
20 may just have been more, I guess -- it could have been
21 done in a better way, but you're not required to do it in
22 the better way. You did it in the best way you know how.

23 I don't think the posts, themselves, were done
24 with the purpose to harass anybody. Just looking at the
25 interactions, there were people on social media that

1 believed he was a child molester, just because Ms. Olland
2 said it or DCP investigated. People are already saying
3 it, not that it's true, and I'm not taking it that it was
4 true, but that's what people believed. And he had a very
5 back and forth with people who believed, trying to
6 vindicate himself.

7 If he didn't have that, you know, I wouldn't
8 maybe, other things, I wouldn't believe he was
9 vindicating himself. I believe he was desperate to
10 vindicate himself. I don't agree with the way he did it,
11 but, again, social media is a new way, a new world, a new
12 thing. Maybe there should be more laws regulating social
13 media, but there's not.

14 So, if I were to rule on this as a
15 communication, I would still rule that the posts were not
16 done with the purpose to harass. They obviously -- going
17 to her work, another thing, probably not a good idea.
18 Maybe that could lead to some civil ramifications, if it
19 did affect her job. But it's not criminal. I think a
20 private investigator could do the same thing. I don't
21 believe, you know, other things were done with the
22 purpose to harass, but, again, could have been done
23 better. But, again, that's not for me to determine as
24 to whether -- how you live your life, as to whether you
25 live your life without breaking the law, and I don't

1 believe you did that with the purpose to harass.

2 Secondly, even if I did find it, I don't
3 know if I could have found you guilty under section (c),
4 because section (c) doesn't involve a communication. It
5 involves any other conduct. So, it's a problem that
6 happens with original charging, but, again, the State
7 presented all of the evidence that I needed to consider.
8 The defense countered everything. I just don't believe
9 that these facts, even believing Ms. Olland, and I
10 believe her -- I believe Mr. Fabozzi -- I believe them
11 both -- whether Mr. Fabozzi was wrong, and that Ms.
12 Olland was the one who actually was the complainant in
13 DCP&P, that's not for me to determine. My determination
14 is what's in his head and did he have the purpose to
15 harass. And I don't believe that this case rises to the
16 level beyond a reasonable doubt that he either had the
17 purpose nor under (c) any other alarming conduct other
18 than communication. And even if it was, I don't believe
19 this communication was done with the purpose to harass.

20 So, I find the defendant not guilty of the
21 charge of 2C:33-4(c).

22 Anything else from the State?

23 MR. WENG: No, thank you.

24 THE COURT: Anything from defense?

25 MR. GULBRANSON: Nothing, Your Honor.

1 THE COURT: All right. Thank you, everybody
2 for being here. I'll note the not guilty plea, and we'll
3 order the expedited expungement.

4 MR. GULBRANSON: Thank you.

5 (Proceedings concluded at 1:38 p.m.)

6 * * * *

1 C E R T I F I C A T I O N

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4 I, Lois A. Vitarelli, the assigned transcriber,
5 do hereby certify the foregoing transcript of proceedings
6 in the Mt. Laurel Township Municipal Court on September
7 13, 2023 recorded from 12:02 p.m. to 1:38 p.m., is
8 prepared in full compliance with the current Transcript
9 Format for Judicial Proceedings and is a true and
10 accurate compressed transcript of the proceedings as
11 recorded.
12
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15

16 /s/Lois A. Vitarelli
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