

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CRIMINAL PART
MERCER COUNTY, NEW JERSEY
PROSECUTOR FILE NO. 13-2502
A.D. # _____

STATE OF NEW JERSEY)	
)	TRANSCRIPT
v.)	OF
DEREK SYPHRETT,)	HEARING
Defendant.)	

Place: Mercer County Courthouse
400 South Warren Street
Trenton, NJ 08608

Date: August 19, 2013

BEFORE:

THE HON. PEDRO J. JIMENEZ, JR., J.S.C.

TRANSCRIPT ORDERED BY:

TAMORA SYPHRETT

APPEARANCES:

DEREK SYPHRETT, Defendant, Pro Se

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1 THE COURT: Next matter to deal with on the
2 docket is Prosecutor's File 13-2502, State versus Derek
3 Syphrett. Sir, are you Mr. Syphrett?

4 MR. SYPHRETT: Yes, I am, Your Honor.

5 THE COURT: All right.

6 MR. SYPHRETT: I'd like to see my warrant,
7 Your Honor. If it's reasonably possible. I haven't
8 been provided one yet.

9 THE COURT: Okay. I'll get you a copy of it
10 right now. Sir, I'm handing you a copy of your
11 warrant.

12 MR. SYPHRETT: Thank you, Your Honor. I'm
13 actually outraged by this proceeding.

14 THE COURT: It's a one-count charge of
15 terroristic threats. Just to be clear, bail was set by
16 me -- you can have a seat -- bail was set by me at
17 50,000, no ten percent, prosecutor to be notified prior
18 to release. There really is to be no phone, mail or
19 other personal contact with the victim in this case,
20 but that has to be expanded to the victim and --

21 MR. SYPHRETT: Is that a new order, Your
22 Honor?

23 THE COURT: This is part of the bail order,
24 Mr. Syphrett. Am I saying your name right? Syphrett
25 (pronouncing)?

1 MR. SYPHRETT: It's Syphrett --

2 THE COURT: Syphrett.

3 MR. SYPHRETT: -- like don't sigh, don't
4 fret.

5 THE COURT: Okay. Mr. Syphrett, anyone in
6 the Mercer Judiciary --

7 MR. SYPHRETT: How will I access the courts
8 then, sir?

9 THE COURT: You can -- what I'm doing now is
10 I'm going to have you complete or have -- get you a 5A
11 application so you can take advantage of the services
12 of a public defender.

13 MR. SYPHRETT: I won't be using a public
14 defender provided --

15 THE COURT: Okay.

16 MR. SYPHRETT: -- by this State.

17 THE COURT: Let me finish.

18 MR. SYPHRETT: I believe there's been
19 official misconduct by Judge Fitzpatrick. I didn't
20 threaten --

21 THE COURT: Okay.

22 MR. SYPHRETT: -- her life.

23 THE COURT: Once --

24 MR. SYPHRETT: And I sent you an e-mail -- I
25 sent you the faxes today with the e-mail she's claiming

1 I sent.
2 THE COURT: I have the e-mails. But let me
3 explain this to you.
4 MR. SYPHRETT: Yeah.
5 THE COURT: Let me explain this to you.
6 Okay.
7 MR. SYPHRETT: She's been retaliating against
8 me for years, so about had it.
9 THE COURT: I'm going to get a 5A completed
10 so that you -- we can see if you qualify for the
11 services of the public defender. If you are, one will
12 be represented -- assigned to represent you. You will
13 also have the option of hiring your own private
14 attorney, as well. But in the meantime, since these
15 are serious charges having somebody representing you --
16 MR. SYPHRETT: Your Honor, I already posted
17 bail for this.
18 THE COURT: One thing. In addition to this
19 no contact order, there's also an order that -- with
20 regards to your competency, ability to proceed, fitness
21 with regards to dangerousness to self and others.
22 There's an --
23 MR. SYPHRETT: But --
24 THE COURT: -- evaluation that we need to --
25 MR. SYPHRETT: -- where does that notice come

1 from?
2 THE COURT: -- complete.
3 MR. SYPHRETT: That expert report was for
4 Robin Bloom (phonetic).
5 THE COURT: I'm telling you right now that
6 the --
7 MR. SYPHRETT: Yeah.
8 THE COURT: -- that this is what's going to
9 happen. So --
10 MR. SYPHRETT: Okay.
11 THE COURT: -- you're being remanded for this
12 -- that --
13 MR. SYPHRETT: I'm not Robin Bloom, sir.
14 THE COURT: No, I know you're not.
15 MR. SYPHRETT: Derek Syphrett.
16 THE COURT: No, I know.
17 MR. SYPHRETT: Yeah. But the order got
18 issued on an affidavit from Robin Bloom.
19 THE COURT: Okay. Well, this --
20 MR. SYPHRETT: June 4th.
21 THE COURT: -- no, this -- I don't know what
22 happened in the Family Court matter or in the Civil
23 Court matter, if there's anything, but in this criminal
24 case, based on the Criminal Code, I have reason to
25 believe that there's an issue with regards to your --

1 MR. SYPHRETT: I challenge that.
2 THE COURT: -- fitness to proceed --
3 MR. SYPHRETT: I filed pro se --
4 THE COURT: You will.
5 MR. SYPHRETT: -- I filed for two years pro
6 se --
7 THE COURT: You will.
8 MR. SYPHRETT: Never had -- never had a court
9 motion dismissed for being frivolous or incoherent.
10 THE COURT: Well, that's --
11 MR. SYPHRETT: There's no way under Kelsey v.
12 Kelsey or Kelsey v. Cohen, can you call me legally
13 incompetent. After two and a half years of --
14 THE COURT: I'm not.
15 MR. SYPHRETT: -- filing my own motions.
16 After I was declared incompetent --
17 THE COURT: I'm not --
18 MR. SYPHRETT: -- I went to Robbinsville,
19 filed my own motion, had Judge Hoffman disqualified
20 from the case on my own motion, over his objection.
21 I'm --
22 THE COURT: All right.
23 MR. SYPHRETT: -- certainly legally
24 competent.
25 THE COURT: I'm not calling you legally

1 incompetent. I'm telling you that I have reason to
2 believe that there's an issue with regards to your
3 competent (sic) and we need to explore that because we
4 --
5 MR. SYPHRETT: Well, I think the facts --
6 THE COURT: -- before we can do --
7 MR. SYPHRETT: -- the facts, the facts will
8 betray the truth in there.
9 THE COURT: Excellent. Then you won't mind
10 that I'm going to remand you for a 30-day evaluation --
11 MR. SYPHRETT: I do mind.
12 THE COURT: -- based on my --
13 MR. SYPHRETT: I object to it. I object to
14 it. On what --
15 THE COURT: Okay.
16 MR. SYPHRETT: -- grounds? What facts have
17 you found?
18 THE COURT: Objection noted.
19 MR. SYPHRETT: What expert have you -- have
20 -- what expert have you consulted with, Your Honor?
21 THE COURT: At a --
22 MR. SYPHRETT: I object.
23 THE COURT: At a minimum, based on how you're
24 presenting your -- representing yourself in court right
25 now.

1 MR. SYPHRETT: Well, Your Honor, I have every
2 --
3 THE COURT: So --
4 MR. SYPHRETT: -- right to be angry.
5 THE COURT: -- under two, four --
6 MR. SYPHRETT: I disagree with what --
7 THE COURT: -- 2C:4-5 --
8 MR. SYPHRETT: -- you're doing. That's --
9 THE COURT: -- remanded for that.
10 MR. SYPHRETT: -- called -- that's
11 socially --
12 THE COURT: I'll put an order together --
13 MR. SYPHRETT: -- normal, sir.
14 THE COURT: I'll put an order together with
15 regards to a referral to Ann Klein to -- for competency
16 and fitness to proceed, dangerousness to self and
17 others and --
18 MR. SYPHRETT: How have I --
19 THE COURT: -- what I will do is I'll
20 reschedule --
21 MR. SYPHRETT: How have I demonstrated --
22 THE COURT: -- this case --
23 MR. SYPHRETT: -- a danger to others --
24 THE COURT: -- before me --
25 MR. SYPHRETT: -- or self, sir?

1 THE COURT: -- for --
2 MR. SYPHRETT: I mean I -- these are
3 allegations. None of these are facts.
4 THE COURT: What case? What day would it be
5 on? You're coming back here once the 5A is completed
6 --
7 MR. SYPHRETT: And I'm sorry. I don't
8 normally talk over judges, but you're moving forward in
9 a manner that seems to me to be without due process.
10 THE COURT: September 23rd is a date that I'd
11 like to bring this back for a review. Hopefully we'll
12 have -- see where we are with regards to the
13 evaluation and with regards to representation in this
14 particular case, so. All right. We'll give you notice
15 of all of that, Mr. Syphrett. See you on the 23rd.
16 MR. SYPHRETT: Well, where am I going now?
17 THE COURT: To the Mercer County Correctional
18 Center for a transport over to Ann Klein, once they
19 have a bed available to begin --
20 MR. SYPHRETT: On what fact-finding, Your
21 Honor? On what fact finding?
22 THE COURT: See you on the 23rd.
23 MR. SYPHRETT: No, no, please. Your Honor,
24 may I speak?
25 THE COURT: Not now.

1 MR. SYPHRETT: You did no fact-finding, sir.
2 (Court/staff conversation)

3 * * * * *

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

5
6 I, CINDY POST, the assigned transcriber, do
7 hereby certify the foregoing transcript of proceedings
8 on compact disk, playback number from 2:05:20 to
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12 proceedings as recorded, and to the best of my ability.
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14
15 /s/ Cindy Post

16 CINDY POST

17
18
19 Approved by:

20
21 /s/ Carole Ritardi

22 CAROLE RITARDI AOC #228

23 J&J COURT TRANSCRIBERS, INC. DATE: November 4, 2013
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