

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SERGIO FRANCISCO SORTO-TABORA,

Case No.: 2:25-cv-5706

Petitioner(s),

Hon. _____

-vs-

KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; TODD M. LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; KENNETH GENALO, in his official capacity as Acting Executive Associate Director, U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations; MARLENE BELLUARDO, in her official capacity as Assistant Field Office Director, U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations – Newark Field Office; ZACHARY HATHAWAY, in his official capacity as Supervisor, U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations – Newark Field Office; MELISSA MERCADO-GONZALEZ, in her official capacity as Deportation Officer for Salvadoran Nationals, U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations – Newark Field Office; and YOLANDA PITTMAN, Warden – Elizabeth Detention Center,

Respondent(s),

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO
28 U.S.C. § 2241**

INTRODUCTION

1. On or about Monday, February 24, 2025, the U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations (“ICE-ERO”), unjustly and unconstitutionally detained the petitioner, Sergio Francisco Sorto-Tabora (“petitioner”), a citizen of El Salvador, in Guttenberg, New Jersey. The petitioner was transferred to the Elizabeth Detention Center where he has been detained for the past ninety-two (92) days.
2. Upon information and belief, the petitioner is the beneficiary of Deferred Action for Childhood Arrivals (“DACA”).
3. As promulgated by the Department of Homeland Security (“DHS”), DHS will exercise prosecutorial discretion as appropriate to ensure that enforcement resources are not expended on individuals who do not fall into the category of those who pose the greatest threat to homeland security. Such individuals include those who came to the United States as children and meet other key guidelines. Individuals who demonstrate that they meet the key guidelines may request consideration of DACA for a period of two (2) years, subject to renewal for a period of two (2) years, and may be eligible for employment authorization.¹
4. The petitioner continues to enjoy the benefits and protections afforded by DACA.

JURISDICTION AND VENUE

5. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 1361, 2241, 2243, and the Habeas Corpus Suspension Clause of the U.S. Constitution (U.S. Const. art. I, § 9, cl. 2). This Court also has remedial authority under the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

¹ See generally, <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions>

6. Venue properly lies within the District of New Jersey because a substantial part of the events or omissions giving rise to this action occurred in the District. 28 U.S.C. § 1391(b)(2).
7. Moreover, habeas petitions generally are filed in the district court with jurisdiction over the petitioner's place of custody, also known as the district of confinement. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) ("The plain language of the habeas statute...confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement."); 28 U.S.C. § 2241(a) (providing for habeas petitions "within [courts'] respective jurisdictions").
8. To the knowledge of the undersigned counsel, no complaint or petition for habeas corpus has been previously filed in any court to review the petitioner's case.

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (*emphasis added*).
10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (*emphasis added*).

PARTIES

11. Upon information and belief, Sergio Francisco Sorto-Tabora is a Salvadoran national. The petitioner is currently detained at the Elizabeth Detention Center located at 625 Evans Street, Elizabeth, New Jersey. He is in the custody, and under the direct control, of the respondents and their agents.
12. DHS is a cabinet department of the United States federal government with responsibility for, among other things, administering and enforcing the nation's immigration laws.
13. U.S. Immigration and Customs Enforcement ("ICE") is an agency within DHS with the primary mission of protecting the United States through criminal investigations and enforcing immigration laws to preserve national security and public safety.
14. ICE-ERO is a division within ICE with the primary mission of managing all aspects of the immigration enforcement process, including the identification, arrest, detention and removal of aliens who are subject to removal or are unlawfully present in the United States.
15. The Elizabeth Detention Center ("EDC") is an ICE detention facility operated by CoreCivic, a publicly traded company that owns and manages private prisons and detention centers in 19 states and the District of Columbia. The petitioner has been detained at EDC since February 24, 2025.
16. All of the individual Respondents are sued in their official capacity.
17. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security. She is a custodian of the petitioner and has the authority to order his release.
18. Respondent Todd M. Lyons is the Acting Director of the U.S. Immigration and Customs Enforcement. He is a custodian of the petitioner and has the authority to order his release.

19. Respondent Kenneth Genalo is the Acting Executive Associate Director of the U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations. He is a custodian of the petitioner and has the authority to order his release.
20. Respondent Marlene Belluardo is the Assistant Field Office Director for the U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations – Newark Field Office. She is an immediate custodian of the petitioner and has the authority to order his release.
21. Respondent Zachary Hathaway is a Supervisor with the U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations – Newark Field Office. He is an immediate custodian of the petitioner and has the authority to order his release.
22. Respondent Melissa Mercado-Gonzalez is a Deportation Officer for Salvadoran Nationals with the U.S. Immigration and Customs Enforcement – Enforcement and Removal Operations – Newark Field Office. She is an immediate custodian of the petitioner and has the authority to order his release.
23. Respondent Yolanda Pittman is the Warden of the Elizabeth Detention Center, and has immediate physical custody of the petitioner pursuant to the facility’s contract with the U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of the petitione~~n~~r. Respondent Pittman is a legal custodian of the petitioner.

STATEMENT OF FACTS

Deferred Action for Childhood Arrivals (“DACA”)

24. Deferred Action for Childhood Arrivals (“DACA”) is an exercise of prosecutorial discretion, providing temporary relief from deportation (deferred action) and work authorization to certain young undocumented immigrants.

25. DACA was created on June 15, 2012, by then-Secretary of Homeland Security Janet Napolitano through an agency memorandum.

26. On October 31, 2022, President Joseph Biden's administration implemented regulations that rescinded and replaced that memo. The new rule maintained the existing eligibility guidelines and largely preserved the policies in place from DACA's inception. Unlike federal legislation, DACA does not provide permanent legal status to individuals, and must be renewed every two years.

27. To be eligible for DACA, applicants must meet the following requirements:

- a. Arrived in the United States before turning 16, and were under the age of 31 on June 15, 2012;
- b. Have continuously resided in the United States from June 15, 2007 to present;
- c. Were physically present in the United States on June 15, 2012, and at the time of the deferred action request;
- d. Lacked lawful immigration status on June 15, 2012, and at the time of the deferred action request; or any previously lawful immigration status expired on or before those dates;
- e. Are either in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are honorably discharged veterans of the U.S. Coast Guard or the U.S. Armed Forces; and
- f. Have not been convicted of a felony; significant misdemeanor, or three or more other misdemeanors occurring on different dates and arising out of different acts,

omissions, or schemes of misconduct; and do not otherwise pose a threat to national security or public safety.

28. The petitioner has never been convicted of a felony, a misdemeanor as described in 8 CFR 236.22(b)(6), or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of conduct, and he does not otherwise pose a threat to national security or public safety. The petitioner remains in full compliance with the terms and conditions for deferred action for childhood arrival.

Respondent Sergio Francisco Sorto-Tabora has and continues to be the beneficiary of Deferred Action for Childhood Arrivals (“DACA”)

29. The petitioner has been the beneficiary of deferred action for childhood arrivals since 2012. He has and continues to benefit from the protections afforded by DACA. Most recently, the U.S. Citizenship and Immigration Services renewed Mr. Sorto’s DACA protections on or about February 1, 2025. (Attached as **Exhibit A** is a copy of the petitioner’s current EAD reflecting a category of C33 for deferred action for childhood arrivals).

Unconstitutional Arrest and Detention of Sergio Francisco Sorto-Tabora

30. A cornerstone of our jurisprudence is the “presumption of innocence.” “The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.” See Coffin v. United States, 156 U.S. 432 (1895). This presumption is a fundamental principle. It means that anyone accused of a crime is considered innocent until proven guilty.
31. This principle is essential because it protects individuals from being unfairly punished without sufficient evidence. Imagine being accused of something you did not do; the

presumption of innocence ensures that you will not be treated as a criminal *just because* someone claims you are.

32. While the presumption of innocence does not mean that a person will always remain free until their trial, as is the case here, the legal system still operates under the principle that the accused is innocent until proven guilty. While the presumption of innocence is not explicitly stated in the U.S. Constitution, it has been recognized through various laws and court decisions.
33. One notable case is Taylor v. Kentucky, 436 U.S. 478 (1978), where the United States Supreme Court emphasized the importance of this principle in ensuring a fair trial. *See also*, Estelle v. Williams, 425 U.S. 501 (1976). This recognition highlights how vital the presumption of innocence is to the justice system as it helps maintain public confidence in legal proceedings.
34. “[I]n order to be considered for deferred action as a childhood arrival, [the beneficiary must] demonstrate that [he has] not been convicted of a felony, a misdemeanor described in 8 CFR 236.22(b)(6), or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct, and [he does] not otherwise pose a threat to national security or public safety.”
35. The petitioner, Sergio Francisco Sorto Tabora, **has never** been *convicted* of a felony, a misdemeanor described in 8 CFR 236.22(b)(6), or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct. Mere accusations are not convictions, and to hold otherwise would deprive Mr. Sorto of the presumption of innocence as recognized by our United States Supreme Court in Taylor v. Kentucky.

36. As declared by the United States Supreme Court, one accused of a crime is entitled to have his guilt or innocence determined solely on the basis of the evidence introduced at trial, and *not on grounds of official suspicion, indictment, continued custody, or other circumstances not adduced as proof at trial*. See, e.g., Estelle v. Williams, *supra*. ICE-ERO's desire to have Mr. Sorto's DACA protections stripped on a mere accusation, and *without* a conviction, flies in the face of Justice Burger's decision in Estelle v. Williams, *supra*.
37. As Mr. Sorto has never been convicted of a crime, the only remaining factor would be ICE-ERO's assumed position that he is somehow a threat to national security or public safety. However, such a finding would be arbitrary and capricious, and unsupported by the facts and history of Mr. Sorto's life in the United States.
38. The petitioner is a native and citizen of El Salvador. He is currently detained at the Elizabeth Detention Center in Elizabeth, New Jersey.
39. Prior to his detention, the petitioner resided at [REDACTED] Guttenberg, New Jersey 07093. He resided at this address with his spouse, Dayanna Lizeth Gomez-Jimenez, and their daughter, Zhamady Lizeth Sorto-Gomez (date of birth – March 3, 2023). The petitioner's spouse is a naturalized United States citizens while their daughter is a United States citizen by birth.
40. The petitioner is presently 30 years old, being born in El Salvador on [REDACTED]. In or about June 2004, he immigrated to the United States with his younger brother, Elvis Sorto-Tabora. The petitioner was only 9 years old when he arrived in the United States. He was granted DACA protection since the program was enacted in or about 2012.

41. In 2013, Mr. Sorto met his spouse while attending Memorial High School in West New York, New Jersey. Years later, the two would rekindle their relationship and commence dating in May 2021. The petitioner and his spouse welcomed a daughter, [REDACTED] Sorto-Gomez, on [REDACTED], 2023. The following year, they were wed in a civil ceremony in Guttenberg, New Jersey on August 1, 2024. The petitioner further has a daughter from a prior relationship, [REDACTED] Sorto (date of birth – [REDACTED]). [REDACTED] is also a United States citizen by birth. She is currently 11 years old.
42. The petitioner has and continues to be the primary breadwinner in his household. Following the birth of his daughter [REDACTED] the petitioner's spouse, Dayanna, has been a stay-at-home mother and housewife. The petitioner's two (2) minor children, [REDACTED] and [REDACTED], and his spouse, Dayanna, are financially dependent on him. The petitioner is the one who financially supports the family. Since the petitioner's detention at the Elizabeth Detention Center, the family has faced dire financial strains.
43. As indicated above, Mr. Sorto has and continues to be the beneficiary of DACA. Since his arrival in the United States, the beneficiary has had two (2) run-ins with law enforcement. On or about October 18, 2020, the beneficiary was arrested on an *accusation* of simple assault in violation of N.J.S.A. 2C:12-19 in North Bergen, New Jersey. However, the charge was dismissed and the arrest expunged by way of Order of the North Bergen Municipal Court. (Attached as **Exhibit B** is the Expungement Order from the North Bergen Municipal Court relating to Docket No.: W-2020-000589).
44. Most recently, a verbal argument between the petitioner and his spouse Dayanna led to the Guttenberg Police Department responding to their residence. Despite Dayanna advising

officers that the argument was merely verbal in nature, the responding officers arrested and charged the petitioner with domestic violence.

45. After appearing before the Superior Court of New Jersey – Hudson Vicinage, the matter was remanded to the Guttenberg Municipal Court. The petitioner's spouse advised the Superior Court Judge that she did not want nor need a restraining order as the petitioner has never harmed her. Further, the petitioner's spouse told the Judge that she does not and has never feared the beneficiary.

46. After the case was remanded to the Guttenberg Municipal Court, the matter was scheduled for a hearing on April 8, 2025. Indeed, on said date, the sole charge which ICE-ERO utilized as the basis to detain the petitioner was dismissed on motion of the State. (Attached as **Exhibit C** is a certified court disposition relating to State of New Jersey v. Sergio F. Sorto-Tabora, Docket No.: 0903-W-2025-000027 dated April 8, 2025).

47. The petitioner has and continues to be a valuable member of the community. He is gainfully employed, paying income taxes to the Internal Revenue Service.

48. Aside from his two (2) minor daughters and spouse, all of which are United States citizens, the petitioner has other strong ties to the community. He has several relatives who reside in New Jersey, including his parents and siblings.

49. The beneficiary enjoys joint legal custody of his eldest daughter, [REDACTED]. He has overnight visitation rights with her. During the school year, [REDACTED] spends Friday and Saturday nights with the petitioner, Dayanna, and their one-year-old daughter [REDACTED]. The petitioner returns his daughter [REDACTED] to her mother on Sundays before going to work. The petitioner and [REDACTED]'s mother, Katherine, continue to have a good, respectful relationship. They have always remained amicable since their separation in 2018.

50. While the petitioner has a removal order from 2007, he was only a child when he came to the United States. When the order was entered by the Immigration Court, the petitioner was a child, being 12 years old. He has enjoyed the protection of DACA since 2012, when he was only 17 years old. He has been the beneficiary of DACA for the past 13 years and continues to enjoy these protections.

51. It is impossible to consider Mr. Sorto a threat to national security or public safety. Mr. Sorto has no criminal convictions, has been residing in the United States since the age of 9, has two (2) United States citizen children, is happily married to a naturalized United States citizen, is gainfully employed, has been paying income taxes to the Internal Revenue Service, and otherwise has lived a life in accordance with the norms expected of all United States residents and citizens.

52. The respondents have and continue to unlawfully detain the petitioner on the contents of the criminal complaint dated February 22, 2025. The contents of the complaint are mere *accusations*. Importantly, said complaint was dismissed on motion of the State on April 8, 2025.

53. Indeed, the respondents' most recent attempt to continue the petitioner's unlawful confinement by seeking to have the U.S. Citizenship and Immigration Services strip him of DACA protections is meritless and moot considering the dismissal of the simple assault charge before the Guttenberg Municipal Court.

54. The petitioner has never been convicted of a felony, a misdemeanor as described in 8 CFR 236.22(b)(6), or three or more other misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of conduct, and he does not otherwise pose

a threat to national security or public safety. The petitioner remains in full compliance with the terms and conditions for deferred action for childhood arrival.

55. The respondents refused to provide the petitioner with his constitutionally provided presumption of innocence, and have and continue to unlawfully detain him, more so now that the sole criminal charge was dismissed. *There is no legal basis for the petitioner's continued confinement within the Elizabeth Detention Center.*

CAUSES OF ACTION

COUNT ONE

FIFTH AMENDMENT – SUBSTANTIVE DUE PROCESS

56. The petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

57. Non-citizens who are physically present in the United States are guaranteed the protections of the Due Process Clause of the Fifth Amendment. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (“[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”).

58. The continued detention of Sergio Francisco Sorto-Tabora violates his right to substantive due process protected by the Fifth Amendment. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690. Any deprivation of this fundamental liberty interest must be accompanied not only by adequate procedural protections, but also by a “sufficiently strong special justification” to outweigh the significant deprivation of liberty. *Id.*; *see also Phan v. Reno*, 56 F. Supp. 2d 1149, 1154

(W.D. Wash. 1999) (“Above and beyond the procedural guarantee explicit in the Due Process Clause itself, federal courts have long recognized a limited substantive component that forbids the government to infringe certain fundamental liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.” (internal citations and quotations omitted)).

59. Here, there is no reason why Sergio Francisco Sorto-Tabora should be detained by ICE – particularly more than 90 days. As evidenced by the fact that he passed the lengthy and rigorous screening and approval process necessary to obtain his initial DACA protection in 2012; and his subsequent renewals thereafter², he does not pose a risk to public safety or national security. To the contrary; it has already been established that he is continued compliance with the policy requirements to obtain and retain DACA protection.

60. Given the thorough and extensive screening and documentary procedures employed by the United States government, as demonstrated by the ongoing criminal background checks at the time of renewal, the respondents cannot show a “sufficiently strong special justification” to outweigh the significant deprivation of liberty to respondent Sergio Francisco Sorto-Tabora. *See Zadvydas*, 533 U.S. at 690.

COUNT TWO

FIFTH AMENDMENT – PROCEDURAL DUE PROCESS

61. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

62. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving individuals of their liberty interests without due process of law.

² Most recently, the U.S. Citizenship and Immigration Services renewed the petitioner’s DACA protections on or about February 1, 2025. *See Exhibit A*.

63. Where Congress has granted statutory rights and authorized procedures applicable to arriving and present non-citizens, minimum due process rights attach to those statutory rights.

64. Respondents' arrest and continued detention of Sergio Francisco Sorto-Tabora violates the procedural due process guarantees of the Fifth Amendment.

PRAYER FOR RELIEF

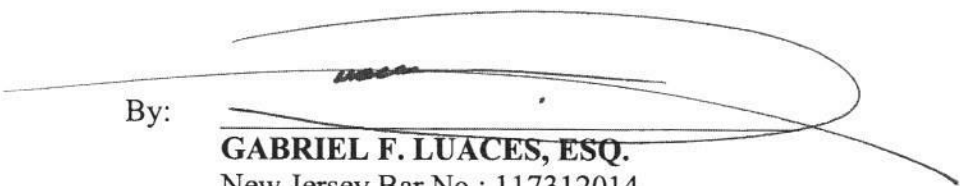
WHEREFORE, the petitioner prays that this Court grant the following relief:

- (1) Issue a Writ of Habeas Corpus requiring respondents to release Sergio Francisco Sorto-Tabora from the Elizabeth Detention Center immediately;
- (2) Enter a judgment declaring that the respondents' detention of Sergio Francisco Sorto-Tabora is unauthorized by statute and contrary to law and the United States Constitution;
- (3) Award petitioner reasonable costs and attorneys' fees; and
- (4) Grant any other and further relief that this Court may deem fit and proper.

Respectfully submitted,

ALUM, FERRER, DIAZ & LUACES
Attorneys for Plaintiff(s)

Dated: May 27, 2025

By: 

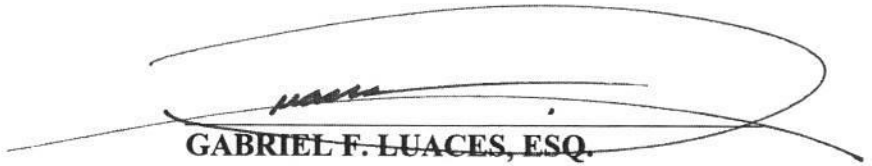
GABRIEL F. LUACES, ESQ.
New Jersey Bar No.: 117312014
Alum, Ferrer, Diaz & Luaces
7312 Bergenline Avenue
North Bergen, New Jersey 07047
Office: (201) 861-3393
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Facsimile: (201) 861-8493

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Gabriel F. Luaces, state the following under penalty of perjury:

1. I am an attorney at law admitted to practice before the courts of the State of New Jersey and New York, the United States District Court for the District of New Jersey, the United States Court of Appeals for the Third Circuit, and the Supreme Court of the United States of America, and am a partner of the law firm of Alum, Ferrer, Diaz & Luaces located at 7312 Bergenline Avenue, North Bergen, New Jersey.
2. I represent the petitioner, Sergio Francisco Sorto-Tabora, and submit this verification on his behalf. The petitioner is currently detained at the Elizabeth Detention Center located at 625 Evans Street, Elizabeth, New Jersey.
3. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: May 27, 2025



GABRIEL F. LUACES, ESQ.

EXHIBIT A



U.S. 988-754
Rev. 11/19/21



This card is not evidence of U.S. citizenship or permanent residence.
This document is valid if printed and may be reviewed by the U.S. Government.
The person identified is authorized to work in the U.S. for the validity of this card.

Printed: 05/27/25 by JMS/Matt/DV - USRP - Mod 10.7 Product Way - Lees Summit, MO 64082

EXHIBIT B

Prepared by Court

Municipal Court of New Jersey

Law Division

County HudsonMunicipality NORTH BERGEN

Expungement

Docket Number W 2020 000589In the Matter of the Expungement of the
Criminal/Juvenile Records ofSERGIO F SORTO-TABORA

(defendant/juvenile name)

Civil Action

Expungement Order

This matter having resulted in an arrest/charge not resulting in a conviction or adjudication of delinquency (dismissal, acquittal, discharge without a finding of guilt) for

(defendant/juvenile name) SERGIO F SORTO-TABORA whose date of birth is (date) [REDACTED],

and State Bureau of Identification (SBI) number, if available, is (SBI number, if available) [REDACTED],

and it appearing that the requirements for Expungement under N.J.S.A. 2C:52-6, have been satisfied;

IT IS ORDERED this 13TH day of JANUARY, 2021, that the

The Attorney General of New Jersey,

The Superintendent of the New Jersey State Police, Expungement Unit,

The HUDSON County Prosecutors Office(s),

The administrator(s) of the NORTH BERGEN Municipal Court(s),

Chief(s) of the NORTH BERGEN Police Department(s),

The HUDSON County Probation Division(s),

The Warden of the HUDSON COUNTY Jail/Prison,

The Superintendent of _____ (name of institution for juveniles only),

Deputy Clerk of the Superior Court of New Jersey, Criminal and/or Family Divisions,

County, remove from their records all information relating to

(defendant/juvenile name) SERGIO F SORTO-TABORA's

- (1) (date) 1/18/2021 arrest/custody on the charge of violating N.J.S.A. (statute) 2C:12-1A(1)
under (original indictment/accusation/summons/warrant/complaint/FJ or FO docket number) W 2020 000589;
- (2) (date) _____ arrest/custody on the charge of violating N.J.S.A. (statute) _____;
under (original indictment/accusation/summons/warrant/complaint/FJ or FO docket number) _____;
- (3) (date) _____ arrest/custody on the charge of violating N.J.S.A. (statute) _____;
under (original indictment/accusation/summons/warrant/complaint/FJ or FO docket number) _____;
- (4) (date) _____ arrest/custody on the charge of violating N.J.S.A. (statute) _____;
under (original indictment/accusation/summons/warrant/complaint/FJ or FO docket number) _____;
- (5) (date) _____ arrest/custody on the charge of violating N.J.S.A. (statute) _____;
under (original indictment/accusation/summons/warrant/complaint/FJ or FO docket number) _____;

(6) If applicable, including the following Family Part docket numbers in which I am a co-delinquent
(FJ docket numbers) _____.

and remove all records concerning the subsequent criminal and/or juvenile proceedings regarding such arrest(s), charge(s), dismissal(s), or disposition(s), if applicable, and place such information in the control of a person within the office designated to retain control over expunged records.

IT IS FURTHER ORDERED that any of the above officers or agencies which sent fingerprints and/or any records of the above arrest/charge/disposition and proceedings to the Federal Bureau of Investigation or any other office or agency shall notify same of this Order and that the agencies designated to retain such records take sufficient precautions to insure that such records and information are not released.

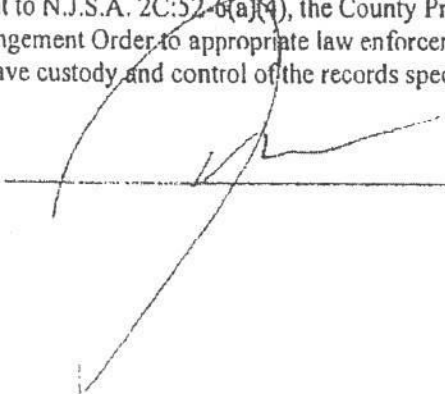
IT IS FURTHER ORDERED that any records, or the information therein, shall not be released except as provided under the provision of N.J.S.A. 2C:52-1, *et seq.* and that the persons designated to retain control over expunged records take sufficient precautions to insure that such records and information are not released.

IT IS FURTHER ORDERED that in response to requests for information or records, the court office or law enforcement agency shall reply with respect to the arrest/charge/disposition, which is the subject of this Order, that there is no record.

IT IS FURTHER ORDERED that the arrest/charge/disposition, which is the subject of this Order, shall be deemed not to have occurred, and the individual may answer accordingly any question relating to this occurrence pursuant to N.J.S.A. 2C:52-27.

IT IS FURTHER ORDERED that this Order does not expunge the records contained in the Controlled Dangerous Substances Registry created pursuant to P.L. 1970, c. 227 (C.26:2G-17 *et seq.*) or the registry created by the Administrative Office of the Courts pursuant to N.J.S.A. 2C:43-21.

IT IS FURTHER ORDERED that pursuant to N.J.S.A. 2C:52-6(a)(4), the County Prosecutor shall promptly distribute copies of this expungement Order to appropriate law enforcement agencies and correctional institutions who have custody and control of the records specified within this expungement order.



Judge

EXHIBIT C



Administrative Office of the Courts



GUTTENBERG MUNICIPAL COURT (0903)
6808 PARK AVENUE
GUTTENBERG , NJ 07093
(201) 868-2315

CERTIFICATION OF DISPOSITION

Complaint Number: 0903 W 2025 000027

Offense Date: 02/22/2025

Defendant Name: SERGIO F SORTO-TABORA

Complainant: P.O. ELIAS L PIANTO #170

Attorney Name: CHRISTIAN R DIAZ ESQ.

Offense Information

Offense	Auxiliary Offense	Amended Offense	Plea	Finding	Sentence	Disposition Date
2C:12-1A(1) SIMPLE ASSAULT-PURPOSELY/KNOWINGLY CAUSE BOD. INJURY		2C:12-1A(1) SIMPLE ASSAULT-PURPOSELY/KNOWINGLY CAUSE BOD. INJURY	NOT GUILTY	DISMISSED - PROS MOTION/VIC REQ		04/08/2025

Certification Comment(s):

This is a certified true and accurate disposition obtained from the electronic records of GUTTENBERG MUNICIPAL COURT.

Signature: /S/ BLEYDELIZ COLLADO

Date: 04/08/2025

