

NEWS

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FOR IMMEDIATE RELEASE
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Former Asbury Park Cop and Accomplice Sentenced to Prison
Terms for Deprivation of Civil Rights and Obstruction of Justice

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TRENTON – A former Asbury Park police officer and his accomplice were sentenced to 24 months and 12 months in prison, respectively, for their convictions on charges in connection with the theft of diamond jewelry during the execution of a fugitive arrest warrant, U.S. Attorney Christopher J. Christie announced.

U.S. District Chief Judge Garrett E. Brown, Jr., also ordered Phillip Montgomery, 45, of Ocean Township, a former Asbury Park Police Officer, to pay a fine of \$6,000. Judge Brown ordered Efrin Rivera, 36, of West Long Branch, to pay a fine of \$4,000. Both defendants have been detained without bail since their arrests on Sept. 13, 2006.

On Oct. 5, 2007, after six hours of deliberations, a jury convicted the defendants of all three counts contained in a Superseding Indictment. Montgomery was convicted on Count One, which charged deprivation of civil rights under color of law. Both defendants were convicted of Counts Two and Three, which charged conspiracy to obstruct justice and obstruction of justice, respectively.

During the trial, the jury heard the testimony of more than seven government witnesses and viewed substantial evidence regarding the defendants' deprivation of civil rights, conspiracy to obstruct justice, and obstruction of justice.

According to the Superseding Indictment, law enforcement officers from the Monmouth County Prosecutor's Office and the Asbury Park Police Department, including Montgomery, executed an arrest warrant for a fugitive at an Asbury Park apartment where the fugitive's mother resided in February 2003. Immediately following the police action the fugitive's mother reported that a diamond watch valued at over \$2,500 was missing.

According to trial testimony and evidence, several days after the jewelry was reported missing, the watch was spotted at a jewelry store in Monmouth County by friends of the fugitive. The manager of the store told the friends that the watch recently had been brought to the jewelry store to have the band switched to a new one, according to testimony.

In convicting the defendants, the jury found that Montgomery and Rivera attempted to persuade the jewelry store manager to return the watch to Montgomery after he became aware that Special Agents with the FBI were investigating the circumstances surrounding the missing watch.

Furthermore, in convicting Montgomery of the charge of deprivation of civil rights under color of law, the jury found that Montgomery was on duty as a member of the Asbury Park Police Department and performing police duties at the private residence when he took the watch.

In determining the actual sentences, U.S. District Chief Judge Garrett E. Brown, Jr., who presided over the nine-day trial, consulted the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Christie credited Special Agents of the FBI's Newark Division, under the direction of Special Agent in Charge Weysan Dun, and Investigators with the Monmouth County Prosecutor's Office, under the direction of Prosecutor Luis A. Valentin, with investigation of the case.

The U.S. Government is represented by Assistant U.S. Attorney John J. Hoffman of the Criminal Division in Trenton.

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Defense Attorneys:

Montgomery - Joshua Markowitz, Esq. Lawrenceville
Rivera - Robert Wier, Esq. Red Bank