

NEWS

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FOR IMMEDIATE RELEASE
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Former Asbury Park Cop and Accomplice Convicted of Obstruction of Justice

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TRENTON – A former Asbury Park police officer and another man were convicted by a federal jury today on charges in connection with the theft of diamond jewelry valued at more than \$2,500 that occurred during the execution of a fugitive arrest warrant, U.S. Attorney Christopher J. Christie announced.

After six hours of deliberations, which began this morning, a jury convicted Phillip Montgomery, 44, of Ocean Township, a former Asbury Park Police Officer, and Efrin Rivera, 35, of West Long Branch, of all three counts contained in a Superseding Indictment. Montgomery was convicted on Count One, which charges deprivation of civil rights under color of law. Both defendants were convicted of Counts Two and Three, which charge conspiracy to obstruct justice and obstruction of justice, respectively. The case was tried by Assistant U.S. Attorneys John J. Hoffman and Norv McAndrew.

Both defendants were arrested by law enforcement authorities on Sept. 13, 2006.

During the trial, the jury heard the testimony of more than seven government witnesses and viewed substantial evidence regarding the defendants' conspiracy to obstruct 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 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. The jury found that Rivera assisted Montgomery in his attempt to regain possession of the diamond 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.

The charge of deprivation of civil rights under color of law carries a maximum statutory sentence of 1 year in prison and a fine of up to \$100,000. The charge of conspiracy to

obstruct justice carries a maximum statutory sentence of 5 years in prison and a fine of up to \$250,000. The charge of obstruction of justice carries a maximum statutory sentence of 10 years in prison and a fine of up to \$250,000.

In determining the actual sentences, U.S. District Chief Judge Garrett E. Brown, Jr., who presided over the nine-day trial, will consult 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. Attorneys John J. Hoffman and Norv McAndrew of the Criminal Division in Trenton.

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Defense Attorneys:

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