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APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court."  
Although it is posted on the internet, this opinion is binding only on the  
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-3987-16T3

IN RE THE DISCIPLINARY  
ACTION OF MERRITT CARR.

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Argued April 23, 2018 – Decided May 4, 2018

Before Judges Fasciale and Moynihan.

On appeal from Superior Court of New Jersey,  
Law Division, Essex County, Docket No. L-4686-  
16.

Joshua H. Reinitz argued the cause for  
appellant Merritt Carr (Iacullo Martino, LLC,  
attorneys; Anthony J. Iacullo and Joshua H.  
Reinitz, of counsel and on the brief).

Arthur R. Thibault argued the cause for  
respondent Borough of Glen Ridge (Apruzzese,  
McDermott, Mastro & Murphy, PC, attorneys;  
Arthur R. Thibault, of counsel and on the  
brief; Kyle J. Trent, on the brief).

PER CURIAM

Merritt Carr, a Borough of Glen Ridge police officer sergeant,  
appeals from an April 24, 2017 Law Division order upholding Carr's  
twenty-day unpaid suspension by the Borough Administrator acting  
as the hearing officer. Carr argues "the trial court's decision

lacked sufficient findings of facts and analysis" of the record; was not supported by sufficient evidence; and was arbitrary and capricious. We agree with Carr's first point and remand the case to the Law Division.

The trial court's decision listed the charges filed against Carr: conduct unbecoming a police officer; failure to supervise a subordinate officer; neglect of duty; and violation of departmental rules 3:7(f), 3:8(b)(3), and 2.32.140(j).<sup>1</sup> The decision included brief fact findings of less than two pages, followed by summaries of the Borough's and Carr's arguments – approximately seven and three pages, respectively, in length. After stating the applicable law, the court concluded the evidence supported that Carr: "was located in the basement of the [p]olice [d]epartment for over one hour and [fifteen] minutes while on duty as a supervising sergeant"; "was aware he was supporting [a subordinate officer] who had no experience taking a statement [from a] witness on his own"; "remained in the basement when [the subordinate officer] took the statement[] from the domestic violence victim"; "completed and approved the [temporary

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<sup>1</sup> We were not provided with the Preliminary Notice of Disciplinary Action (PDNA) – that sets forth the charges – in Carr's appendix; the Borough did not submit an appendix. According to the trial court's decision, the rules required Carr to assist subordinates, Rule 3:7(f); fulfill a squad sergeant's responsibilities, Rule 3:8(b)(3); and perform competently, Rule 2.32.140(j).

restraining order that] authorized a weapons search . . . of [a] home outside the Borough's jurisdiction [in] [d]irect contravention of the instructions given to [him] by a [m]unicipal [c]ourt [j]udge"; and approved an investigation report – completed by the subordinate officer – containing multiple errors. The court found the Borough proved "by a preponderance of the evidence that . . . Carr neglected his duty, failed to perform duties, failed to supervise a subordinate officer, and engaged in conduct unbecoming a public employee."

Rule 1:7-4(a) requires a court to not only find facts, but to "state its conclusions of law thereon." "Naked conclusions do not satisfy the purpose of [Rule] 1:7-4. Rather, the trial court must state clearly its factual findings and correlate them with the relevant legal conclusions." Curtis v. Finneran, 83 N.J. 563, 570 (1980).

The trial court did not correlate its findings of facts with the elements of each of the charges lodged against Carr. In fact, it did not even mention the departmental rules in its conclusion. We therefore remand the case for the trial court to relate its findings to each of the specifications "so that the parties and reviewing court may be informed of the rationale underlying the court's conclusion." Petrozzi v. City of Ocean City, 433 N.J. Super. 290, 316 (App. Div. 2013) (quoting Orqler v. Orqler, 237

N.J. Super. 342, 358 (App. Div. 1989)). We do not mean to imply that the trial court's conclusion was erroneous; its findings may well be adequate to uphold each charge. After determining which charges are supported by the found evidence, the judge should also analyze whether the final charges support the suspension imposed. We leave that to the court's discretion.

Remanded. We do not retain jurisdiction.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.



CLERK OF THE APPELLATE DIVISION