

WILLIAM E. REYNOLDS
ATLANTIC COUNTY PROSECUTOR
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ATLANTIC COUNTY PROSECUTOR
WILLIAM E. REYNOLDS,

Plaintiff,

vs.

COUNTY OF ATLANTIC and
DENNIS LEVINSON, in his official capacity as
ATLANTIC COUNTY EXECUTIVE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
ATLANTIC COUNTY

BEFORE THE HON. SUSAN M.
SHEPPARD, A.J.S.C.

DOCKET NO. ATL-

Civil Action

VERIFIED COMPLAINT FOR AN
ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS
PURSUANT TO RULE 4:52; ACTION IN
LIEU OF PREROGATIVE WRIT
PURSUANT TO R. 4:69-1; ACTION FOR
FUNDING PURSUANT TO N.J.S.A.
2A:158-7. (SUMMARY ACTION)

Plaintiff, William E. Reynolds, Atlantic County Prosecutor, by way of Verified Complaint
against Defendants, Atlantic County Executive Dennis Levinson and County of Atlantic
(Hereinafter Defendants) says:

PRELIMINARY STATEMENT

1. This is an intergovernmental civil action brought by the Atlantic County Prosecutor, a constitutional officer of the State of New Jersey, seeking declaratory and injunctive relief to restrain unlawful interference by the Atlantic County Executive in the exercise of prosecutorial discretion.

2. This action arises from a pattern of direct and indirect inquiries, communications, and public statements by Defendant Dennis Levinson, acting through County Counsel Lynn Hughes and Deputy County Counsel Arthur Murray, which constitute an attempt to influence, interfere with, and chill independent prosecutorial decision-making in violation of New Jersey law.

3. The interference centers on post-verdict and ongoing inquiries regarding the prosecutions of State v. Marty Small, State v. La'Quetta Small, State v. Constance Days-Chapman, and State v. Harris Jacobs, including inquiries into cost, manpower, overtime, surveillance, and resource allocation, raised as leverage to discourage continued prosecutions.

4. The relief sought is narrow, equitable, and necessary to preserve the constitutional separation between prosecutorial authority and county political governance.

PARTIES

5. Plaintiff William E. Reynolds is the duly appointed Atlantic County Prosecutor, acting as a constitutional officer of the State of New Jersey pursuant to N.J. Const. art. VII, § II, ¶ 1 and N.J.S.A. 2A:158-1.

6. Defendant County of Atlantic is a political subdivision of the State of New Jersey.

7. Defendant Dennis Levinson is the Atlantic County Executive and is sued solely in his official capacity.

JURISDICTION AND VENUE

8. Jurisdiction lies with this Court pursuant to N.J. Const. art. VI and R. 4:3-1.

9. Venue is proper in Atlantic County under R. 4:3-2.

10. Summary proceedings are properly before the Assignment Judge in this matter Pursuant to R. 4:67-2; R. 4:69-2; N.J.S.A. 2A:158-7, In re Bigley, 55 N.J. 53 (1969) and In re Schragger, 58 N.J. 274 (1971).

FACTUAL ALLEGATIONS

A. (COUNT 1) PROSECUTORIAL INDEPENDENCE

11. The County Prosecutor is a distinct office apart from the administration of the county. It is a constitutional office under the New Jersey Constitution. See N.J. Const. art. VII, § 2, ¶ 1; *See also State v. Winne*, 21 N.J. Super. 180, 196 (Law. Div. 1952), rev'd, 12 N.J. 152 (1953) (The office of prosecuting attorney...is a public office, solely the creature of the constitution...).

12. The Prosecutor is appointed by the Governor upon advice and consent of the Senate. N.J.S.A. 2A:158-1. They are tasked with “the criminal business” of the State, alongside the Attorney General, and are “vested with the same powers” in the county as the Attorney General. N.J.S.A. 2A:158-4; 2A:158-5. “The Prosecutor is normally entitled to prosecute the criminal affairs of the State within the County and without intervention by the Attorney General.” Morss v. Forbes, 24 N.J. 341, 370 (1957). Plaintiff assumed this role in the summer of 2022.

13. Counties are political subdivisions of the State, deriving their power primarily from the legislature (N.J.S.A. 40:41A-27). Their powers are limited to those expressly granted by the legislature, as well as those “of necessary or fair implication, or incident to the powers expressly conferred, or essential thereto, and not inconsistent with or prohibited by this Constitution or by law.” N.J. Const. art. IV, § VII, ¶ 11.

14. The Prosecutor’s role, decisions, and office operations—when acting as the chief law enforcement officer of the County—are wholly separate from the administration of the County. “[U]nlike public education which...also is a State function, the County Prosecutor’s law enforcement function is unsupervised by County government or any other agency of local government, but remains at all times subject to the supervision and supersession power of the Attorney General.” Wright v. State, 169 N.J. 422, 452 (2001).

15. Nothing in statutory law, the Constitution, or case law permits a county to interfere with a key prosecutorial duty—that of the exercise of prosecutorial discretion—by cloaking its desire in the clothing of concern for taxpayer dollars. While counties must fund a prosecutor’s office, any attempt to persuade, question or influence that office with regard to the use of that money in the prosecution of specific crimes crosses a constitutional line.

16. A county government cannot intrude into that sphere without interfering with a State-level function. A county’s obligation to fund the prosecution of local crime—a matter of fairness and local financial responsibility—cannot be used as a backdoor to influence what is clearly an exercise of sovereign state authority.

17. Accordingly, the County Prosecutor is a constitutional officer separate from the administration and control of the County, establishing grounds for a declaration that it is unlawful for Defendants to attempt to influence or interfere with prosecutorial decision making.

B. (COUNT 2) IMPROPER INQUIRIES AND COMMUNICATIONS CREATE A CONFLICT OF INTEREST.

18. Plaintiff incorporates the allegations of Count One as if set forth by length.

19. A jury acquitted Atlantic City Mayor Marty Small in the case State v. Marty Small on December 18, 2025. Plaintiff's office prosecuted the matter on behalf of the State. Two related cases, State v. La'Quetta Small (Mr. Small's wife) and State v. Constance Days-Chapman (a close friend of Mr. & Mrs. Small) were and remain open cases proceeding toward trial with Plaintiff's office.

20. The following day, on December 19, 2025, Plaintiff received a text message from Deputy County Counsel Arthur Murray. Mr. Murray was seeking a phone call between Plaintiff, himself, and County Counsel Lynn Hughes. (Exhibit F).

21. During the course of that call, counsel informed Plaintiff that they were relaying a message from Defendant Levinson, requesting that the Plaintiff consider the cost to the taxpayers when making a prosecutorial decision regarding Mrs. Small and Ms. Chapman's cases. Plaintiff challenged the propriety of the request. County Counsel Hughes advised there would be no follow-up communication in writing. Ms. Hughes and Mr. Murray concurred that it was inappropriate. Plaintiff immediately memorialized the phone call. *See* Exhibit G.

22. Yet, on January 5, 2026, Mr. Murray again texted Plaintiff requesting a call. (Exhibit F). On January 6, 2026, Plaintiff spoke to Mr. Murray (Exhibit N), who stated he was inquiring on behalf of Defendant Levinson about Plaintiff's expenditures relative to the Small case, alleging that several members of the public had inquired. (Exhibit O). The Plaintiff expressed doubt that members of the public had specific accounting questions and the call ended. (Exhibit O). That call was followed by messages from Mr. Murray, which asked about overtime expenses

for surveillance. (Exhibit F). Mr. Murray stated that Defendant Levinson said that the inquiry came from defense attorney Ed Jacobs (whose firm represented Mr. Small) and Frank Barbera (who attended trial daily with Mr. Small) to Defendant Levinson. (Exhibit O).

23. In a January 6, 2026 letter to Defendant Levinson, Plaintiff stated his issues and attempted to remedy the situation by requesting a meeting. (Exhibit P). Although no meeting was held, Defendant Levinson responded in a letter on January 14, 2026. (Exhibit V). In that correspondence, Defendant took aim at Plaintiff's motive in prosecuting Mr. Small. Additionally, while stating that he was "not trying to tell [Plaintiff] what to do or how to run [Plaintiff's] office" he simultaneously stated that his "suggestions are made with the intent of avoiding further embarrassment and humiliation at the expense of our taxpayers" and that "it's best to know when to cut bait." (Exhibit V).

24. Despite the rather thin veil concealing the apparent motive of Defendant Levinson, it is worth highlighting the relationships that bring clarity to the conflict. Defendant Levinson has maintained a long-term relationship with Frank Barbera—a convicted felon who notoriously pled guilty in federal court for offenses related to bribery of former Atlantic City Council Member Craig Callaway—and who works for Joe Jacobs. (A2¹:8-9; Exhibit A; A:3 15; Exhibit C). Mr. Barbera maintains a relationship with Mr. Small (Exhibit B), attended his trial every day, and again, is employed by Joe Jacobs, a political fundraiser of the County Executive. (A2-3; Exhibits D, E).

25. Joe Jacobs' son, Harris Jacobs, is presently on trial for second-degree leaving the scene of a fatal accident. (A3). Joe Jacobs and Frank Barbera have been present at trial. (A3). An

¹ "A" refers to Plaintiff's affidavit and the corresponding page number.

interaction between Messrs. Jacobs and Barbera with Sheriff Joseph O'Donoghue occurred, during which Mr. Barbera stated Plaintiff's tenure would end and that he is "done." (A6).

26. Between December 19, 2025, and January 14, 2026, Defendant Levinson spoke at least six (6) times on various public broadcasts in order to criticize Plaintiff's prosecutorial decisions while calling for the dismissal of pending cases. (A3-4).

27. By way of example, on December 19, 2025, Defendant Levinson stated, "I would have tried them all together...it's selfish because I'm the County Executive and it would've saved us a fortune that this case has cost us with round the clock surveillance and body guards...it's been extraordinarily expensive and the result is uh, not guilty, innocent, didn't happen." (Exhibit K 3:20-25; 4:1-2). After Defendant Levinson called for the charges to be dropped, he went on to point out that he is the highest elected official in the county, and that his "Consideration is I don't find this to be in the best interest." (Exhibit K 8:18-25; 9:1-4).

28. On January 5, 2026, Defendant Levinson again spoke on a broadcast stating, "And they ought to drop the cases right now. They lost, it cost us a small fortune the taxpayers here to lose and Marty is not a child abuser." (Exhibit L 11:25; 12:1). He further stated that, "It's a damn shame what they did to that man and his family," that "They took advantage of a young woman with some mental problems and turned her against her father and mother," and that "It is horrible Don that that occurred and it's over, stop, drop it." (Exhibit L 12:6-12). Defendant Levinson then proceeded to tell the host that he'd like an accounting of "How much we spent here to lose and to embarrass a man," that as County Executive he is disgusted, and that "They decided we're going after this man because we can't beat him in the ballot box so let's destroy him." (Exhibit L 12:12-18).

29. On January 9, 2026, Defendant Levinson again spoke publicly, stating, “I want an accounting and I’ve asked the Prosecutor for an accounting of what occurred there. I recommend that he drop the rest of it.” (Exhibit R 6:19-22).

30. While this is just a small sampling of statements made by Defendant Levinson, they are representative of a recurring theme throughout—namely that the charges should be dropped, that Mr. Small is innocent, and that Defendant is the County Executive and thus the “keeper of the coin.” (Exhibit K 4:3-4).

31. It is apparent from Defendant’s statements and relationships, in conjunction with his use of County Counsel, that a conflict of interest exists between Plaintiff’s office, the Defendants, and, by extension, the Office of County Counsel. Further, Plaintiff submits that Defendant’s actions exceed his lawful authority and are an improper attempt to influence prosecutorial decision-making.

32. Under RPC 1.7(a), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: 1) the representation of one client will be directly adverse to another client; or 2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer.

33. Further, under RPC 1.8(k), A lawyer employed by a public entity, either as a lawyer or in some other role, shall not undertake the representation of another client if the representation presents a substantial risk that the lawyer's responsibilities to the public entity would limit the lawyer's ability to provide independent advice or diligent and competent representation to either the public entity or the client. Subsection (l) prohibits waivers by a public entity.

34) Thus, because Defendant Levinson's actions, both through his own conduct and through his use of County Counsel, have both severely limited County Counsel's ability to provide independent advice and competent representation to Plaintiff's office and demonstrated a position fundamentally adverse to Plaintiff's interests, there exists an actual and unwaivable conflict of interest.

35. Because of the nature of the conflict outlined above, RPC 1.10 imputes the conflict to the entire office, and therefore prohibits the designation of Assistant County Counsel Murianda Ruffin as legal liaison to Plaintiff's office—despite County Administrator Gerald DelRosso's contention to the contrary.² (Exhibit U). Perhaps ironically, Mr. DelRosso is of the opinion that the remedy for the conflict created by Defendant Levinson's use of two members of County Counsel's office is to use a third member of that office who—rather than answering to the first member of the office implicated by Defendant Levinson—will instead skip that step entirely by reporting directly to Mr. DelRosso. In the words of Defendant Levinson, Mr. DelRosso is best described as “My administrator.” (Exhibit R 4:2).

36. Because an actual conflict exists, and because government bodies cannot waive a conflict, the Rules of Professional Conduct make mandatory the relief of County Counsel from representing Plaintiff.

37. The duty to relieve counsel when a conflict exists is a ministerial duty, in this case not discretionary, and therefore an action in lieu of prerogative writ is proper. The Plaintiff is seeking an order declaring that a conflict exists and commanding the County Executive to remove the Office of County Counsel from its role in providing legal services to Plaintiff.

² Noting that Administrator DelRosso's signed letter and the legal analysis contained therein possesses numerous hallmarks indicative of the practice of law. Mr. DelRosso's name does not appear in the State Attorney Index. Setting aside any obvious implications, at the very least those facts render his opinion on the conflict dubious at best.

C. (COUNT 3) OUTSIDE COUNSEL IS A REASONABLY NECESSARY EXPENSE.

38. Plaintiff incorporates the allegations of previous counts as if set forth by length.

39. The very existence and statutory mandate for a county counsel demonstrates the necessity of legal services, as does the nature of the Plaintiff's office. *See* N.J.S.A. 40A:9-43.

40. N.J.S.A. 2A:158-7 makes the county in which a prosecutor sits the funding agent of that office. However, it also provides for review and funding authorization via the Assignment Judge.

41. Under In re Bigley, 55 N.J. 53, 56-57 (1969), the Assignment Judge acts as a legislative agent who, rather than reviewing county action or inaction, instead determines anew "what ought to be." That Judge has "conclusive authority to approve expenditures beyond the appropriations." Id. at 59.

42. As in Bigley, here the Plaintiff has made its initial request to the County, which was rejected. (Exhibit U).

43. Plaintiff notes that the situation here is the one that the Supreme Court speculated about when addressing whether the County should have the last word—namely that they perhaps "Feared the independence or effectiveness of the prosecutor could be compromised..." Id. at 56.

44. Because the Judiciary is "directly concerned with the effective operation of the prosecutor's office," and because of the "responsibility of the Assignment Judge to see to it that the prosecutor's needs are met," the funding of outside counsel of the Plaintiff's choosing is an appropriate remedy under the circumstances. In re Schragger, 58 N.J. 274, 279-80 (1971).

D. (COUNT 4) INJUNCTIVE RELIEF IS NECESSARY TO PROTECT THE INTEGRITY OF THE PROSECUTION AND TRIAL PROCESS, MAINTAIN PUBLIC CONFIDENCE IN THE SYSTEM AND ENSURE PROSECUTORIAL INDEPENDENCE.

44. Plaintiff incorporates the allegations of previous counts as if set forth by length.

45. The general principle regarding a preliminary injunction is that it should only be granted to prevent irreparable harm. Crowe v. De Gioia, 90 N.J. 126, 132–33 (1982). “Harm is generally considered irreparable in equity if it cannot be redressed adequately by monetary damages.” Id.

46. The threat of improper influence on the jury pool, witnesses, and internal staff, as well as the chilling effect on prosecutorial independence and public confidence represent a classic example of harm that cannot be remedied by a pecuniary award. The statements made regarding specific cases and the assertions regarding cost to the taxpayer will result in irreparable harm to the integrity of the prosecution and—by extension—the public’s interest in seeing justice done.

47. Plaintiff asserts that the settled legal right is well clarified in Count 1. The Prosecutor’s authority and responsibility as the chief law enforcement officer of the county, as well as his or her right to be free from outside influence, is well established throughout history. *See* N.J.S.A. 2A:158-5. *See also* Morss v. Forbes, 24 N.J. 341, 370 (1957).

48. Both the public and criminal defendants have a compelling interest in a fair trial with an impartial jury. The Court has an independent obligation to ensure as much. *See* State v. Williams, 93 N.J. 39, 62 (1983).

49. Defendants’ actions threaten the integrity of the process and the ability of the Plaintiff to perform his function free of improper outside influence.

50. Defendants' inquiries and public commentary regarding Plaintiff's expenditure on these cases, as well as the propriety of prosecutorial actions, and advocacy for dismissing active cases for which probable cause has been found, constitute an attempt to improperly influence the lawful exercise of State authority—both directly (financial) and indirectly (public pressure).

51. In addressing the chance of reasonable success on the merits, the Plaintiff refers to the arguments under prior counts to demonstrate that the Defendants' *ultra vires* actions and the commentary flowing from those actions are unlikely to survive judicial scrutiny. Defendants' inquiries and public commentary regarding Plaintiff's expenditure on and, the propriety of, these cases constitute an attempt to improperly influence the lawful exercise of State authority—both directly and indirectly.

52. Plaintiff maintains that the Plaintiff's interest in performing a constitutional duty free of improper influence and the public's interest in seeing justice done will suffer the lion's share of harm without relief. The Defendants' interest in improperly attempting to influence prosecutorial decisions through inquiry and public opinion is an exercise of unlawful authority and should give way to the Plaintiff and public's interests.

53. Unlike the threat to a specific event, such as a jury trial, the harm potentially suffered by Defendants is temporary. If the purpose of the commentary and inquiry is anything other than an attempt to influence prosecutorial decision-making or a potential jury pool, then there is little harm in delaying the commentary until the period of harm to the Plaintiff and public has passed.

54. Otherwise, such actions threaten to create the "corrupted atmosphere" wherein prejudice may be presumed. State v. Koedatich, 112 N.J. 225, 269 (1988).

55. Defendant Levinson's claimed financial interest is directly tied to the improper influence. If he were to succeed in vindicating such a stated interest, that would necessarily mean that he

succeeded in persuading Plaintiff to acquiesce—thereby dissolving constitutional independence. That is the harm Plaintiff seeks to avoid.

55. To the extent that the public’s interest is a relevant factor, the Plaintiff contends that their interest is chiefly one of justice.

56. Injunctive relief is necessary here, as the Defendants’ inquiries are unlawful, and represent an attempt to influence Plaintiff’s independence and decision-making. Further, they represent an unconstitutional overreach of their financial authority, and an attempt to corrupt the process through public opinion by utilizing his title and citing to his financial responsibility.

57. A continuation of these actions will serve to undermine the criminal justice process and have a chilling effect on Plaintiff’s ability to make decisions. Therefore, Plaintiff is seeking temporary restraints, as set forth below with other relief demanded.

58. Further, due to the nature of the conflict, the ongoing prosecutions, and the risk of harm to the integrity of said cases, Plaintiff requests that this matter be filed under seal.

WHEREFORE, Plaintiff demands an order declaring that:

- (a) Defendants’ conduct in putting forth financial inquiries, and publicly/privatey advocating for the dismissal of cases is declared an unlawful exercise of county executive authority which intrudes upon the constitutional independence and State prosecutorial authority of Plaintiff’s office; and further
- (b) Defendant Levinson’s conduct, inquiries and public statements, as well as his use of County Counsel and that office’s communications with Plaintiff created an actual, unwaivable conflict imputable to the entire Office of County Counsel; and further

- (c) Defendants are hereby directed to perform the ministerial duty of relieving the Office of County Counsel from their obligation to provide legal representation to Plaintiff's office due to said conflict; and further
- (d) Defendants are directed to fund the hiring of outside counsel of Plaintiff's choosing to perform legal representation for the remainder of Plaintiff's service as County Prosecutor pursuant to N.J.S.A. 2A:158-7. Subject to this court's further review of proposed cost via invoice; and further
- (e) Defendants are restrained from speaking on any open pending cases and/or investigations by the Office of the Prosecutor, including but not limited to: ultimate decision-making by the and/or advocating for a result publicly, privately or through intermediaries.
- (f) This matter shall be under seal until such a time the Court deems appropriate; and further
- (g) Granting such relief as the Court may deem appropriate.

/s/ Matthew T. Mills
MATTHEW T. MILLS
ASSISTANT PROSECUTOR
Attorney for Plaintiff,
William E. Reynolds,
Atlantic County Prosecutor

Date: January 16, 2026

DESIGNATION OF TRIAL COUNSEL

Assistant Prosecutor Matthew T. Mills is hereby designated as trial counsel in this matter.

/s/ Matthew T. Mills
MATTHEW T. MILLS
ASSISTANT PROSECUTOR
Attorney for Plaintiff,
William E. Reynolds,
Atlantic County Prosecutor

Date: January 16, 2026

CERTIFICATION PURSUANT TO R. 4:5-1

Plaintiff hereby certifies pursuant to R. 4:5-1 that there are no other civil proceedings either pending or contemplated with respect to the matter in controversy herein and no other parties who should be joined in this action. I further certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

/s/ Matthew T. Mills
MATTHEW T. MILLS
ASSISTANT PROSECUTOR
Attorney for Plaintiff,
William E. Reynolds,
Atlantic County Prosecutor

Date: January 16, 2026

VERIFICATION

I, WILLIAM E. REYNOLDS, of full age, hereby certify:

I am a duly licensed attorney authorized to practice law in the State of New Jersey, and am presently the duly appointed Atlantic County Prosecutor, acting as a constitutional officer of the State of New Jersey pursuant to N.J. Const. art. VII, § II, ¶ 1 and N.J.S.A. 2A:158-1. I was appointed in an acting capacity on June 6, 2022, and was thereafter nominated by Governor Philip D. Murphy and confirmed by the New Jersey Senate on August 8, 2022. I have read the Complaint and certify that the allegations contained in the Complaint are true to the best of my knowledge and belief.

I certify that the foregoing statements are true. I am aware that if any statement made herein is willfully false, I am subject to punishment.

/s/William E. Reynolds

WILLIAM E. REYNOLDS
ATLANTIC COUNTY PROSECUTOR

Dated: January 16, 2026