



# NEWS RELEASE

**Prosecutor Camelia M. Valdes**  
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## **CITY OF PATERSON POLICE OFFICER FRANK J. SEMMEL IS INDICTED**

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PATERSON, NEW JERSEY:

March 7, 2011

Passaic County Prosecutor Camelia M. Valdes announces on Monday, March 7, 2011, the Passaic County Grand Jury handed up a three count indictment against City of Paterson Police Officer Frank J. Semmel. The indictment charges Frank J. Semmel, age 35, of Hawthorne, New Jersey, with one count of 2<sup>nd</sup> degree Official Misconduct, one count of 2<sup>nd</sup> degree Aggravated Assault and one count of 3<sup>rd</sup> degree Aggravated Assault.

The charges stem from an off-duty confrontation between Officer Frank J. Semmel and Daion Morgan, age 28, of Paterson, New Jersey while in the Borough of Hawthorne on Sunday, November 14, 2010 at about 6:30 p.m. The investigation into the matter by the Passaic County Prosecutor's Office, Public Integrity Unit and the Paterson Police Department, Internal Affairs Division revealed that the officer's juvenile son had been assaulted by two other juveniles while riding his bicycle in the borough. The off-duty officer responded to the scene of the assault and received a description of the actors from a bystander: a white male and a black male. Officer Frank J. Semmel then went off in search of the actors responsible for the assault. About a block away, the off-duty officer came upon Daion Morgan, a life-skills therapist employed by Rehabilitation Specialists, and his patient. They apparently fit the description of the actors. Rehabilitation Specialists operates a community-based rehabilitation facility for brain injury patients in the borough. The investigation revealed that Officer Frank J. Semmel ordered both men to the ground as they were walking back to the facility. Once on the ground, the off-duty officer allegedly jumped on top of Daion

Morgan and began to repeatedly punch him in the face and head, stating “What did you do my son?” As a result of the alleged assault, Daion Morgan lost consciousness and was transported to St. Joseph’s Hospital to receive treatment for a fractured nose and bruising and swelling to his face. It should be noted that two juveniles were later arrested and charged by the Hawthorne Police Department for the assault upon the son of the off-duty officer.

A subsequent complaint by Daion Morgan, first to the Hawthorne Police Department, and later to the Paterson Police Department, Internal Affairs Division alleging excessive use of force was the genesis of the current investigation into the alleged actions of Officer Frank J. Semmel. The results of the investigation were then presented to the Passaic County Grand Jury for their consideration of any criminal charges to be brought against Officer Frank J. Semmel. Their decision resulted in the indictment announced today.

Officer Frank J. Semmel is charged with 2<sup>nd</sup> degree Official Misconduct in violation of N.J.S.A. 2C:30-2(a)/(b). If convicted, he could face a maximum sentence of ten years in New Jersey State Prison with a mandatory five year period of parole ineligibility and a potential \$150,000 fine. He is also charged with one count of Aggravated Assault in violation of N.J.S.A. 2C:12-1(b)(1). If convicted, he could face between five and ten years in New Jersey State Prison and a potential \$150,000 fine. Lastly, he is charged with one count of 3<sup>rd</sup> degree Aggravated Assault in violation of N.J.S.A. 2C:12-1(b)(7). If convicted, he could face between three and five years in New Jersey State Prison and a potential \$15,000 fine. Officer Frank J. Semmel is currently suspended without pay from the Paterson Police Department.

The arraignment of Officer Frank J. Semmel on the charges contained in the indictment shall occur on or about April 25, 2011 in Passaic County Superior Court.

For further information or questions please contact Senior Assistant Prosecutor Paul DiLella at (973) 837-7683 or [PDilella@passaiccountynj.org](mailto:PDilella@passaiccountynj.org)

It must be noted that the charges against Officer Frank J. Semmel are merely allegations and that he is presumed innocent of the charges until proven guilty beyond a reasonable doubt.