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County of Warren

PRESS RELEASE

Convicted: Brian Scott Firman
LKA: 91B Jefferson Street
Phillipsburg, N.J. 08865
Date of Birth: November 29, 1964

On February 27, 2013, a Warren County Jury convicted Brian Scott Firman of Possession of Crack-Cocaine, a violation of N.J.S.A. 2C:35-10a(1), a crime of the third degree; Possession of Crack-Cocaine with intent to distribute, a violation of N.J.S.A. 2C:35-5a(1) and 2C:35-5b(3), a third degree offense; and Distribution of Crack-Cocaine, a violation of N.J.S.A. 2C:35-5a(1) and 2C:35-5b(3), a third degree offense. The jury was unable to reach a verdict on the charge of Distribution of Crack-Cocaine in a School Zone, a violation of N.J.S.A. 2C:35-7, a third degree offense.

The Court declared a mistrial on the charge concerning Distribution of Crack-Cocaine in a School Zone. As a result of the mistrial, the State would be allowed a retrial on that charge. The State will decide at a later date whether they intend to proceed with a retrial or dismiss that count and proceed to sentencing on the remaining charges.

The charges stem from an incident in the Town of Phillipsburg on June 17, 2011 when officers observed Brian Scott Firman distribute crack-cocaine to Matthew Lambert, Sr. on the corner of Pear Alley and Hudson Street.

Each third degree crime carries a maximum possible sentence of five years in New Jersey State Prison. However, the State intends to file a Motion seeking to have the defendant sentenced to an extended term of imprisonment because he is a Persistent Offender. If that Motion is granted, the third degree charge would carry a maximum penalty of ten years in New Jersey State Prison with a five year mandatory minimum before defendant is eligible for parole.

The Hon. John F. Kingfield, J.S.C. (on recall), presided over the trial. Assistant Prosecutor Tara J. Kirkendall presented the case on behalf of the State and Edward J. Hesketh, Esq. represented Brian Scott Firman.

The investigation was conducted by the Phillipsburg Police Department.

Following the conviction Judge Kingfield increased defendant's bail to \$25,000 with the option of posting 10% of that amount. Defendant was remanded to the Warren County Correctional Center in lieu of bail.

Approved by:

A handwritten signature in black ink, appearing to read "Michael J. McDonald", is written over a horizontal line. Below the line, the name "MICHAEL J. McDONALD" is printed in all caps, followed by the title "Warren County First Assistant Prosecutor" on the next line.

Dated: February 27, 2013