

BRADLEY D. BILLHIMER
Ocean County Prosecutor

JOSEPH F. MITCHELL
Chief of Detectives



MICHAEL T. NOLAN, JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR

Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027

October 19, 2020

VIA OPRA Machine: opra+request-17713-2101681b@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
Criminal charge complaints and/or indictments–Brick Township Police Officer(s)
January 1, 2018 through October 16, 2020

Dear Sir/Madam:

Enclosed please find the documents pursuant to your request made under the New Jersey Open Public Records Act (OPRA).

If I can be of further assistance, please do not hesitate to contact me directly at 732-929-2027, x3135.

Yours very truly,

Dina R. Khajezadeh

Dina R. Khajezadeh
Assistant Prosecutor

DRK/dp

Enclosures

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

COMPLAINT - SUMMONS

COMPLAINT NUMBER			
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
1506	S	2020	000618
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN			
# of CHARGES 1	CO-DEFTS	POLICE CASE #:	
COMPLAINANT NAME: HENRY DREW LT. 401 CHAMBERS BRDG RD ATTN WARRANTS BRICK TOWN NJ 08723			
DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 09/18/1980 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #:			

THE STATE OF NEW JERSEY

VS.

DANIEL P TESTA

ADDRESS: 36 CATALINA DRIVE

BRICK

NJ 08723-0000

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **08/16/2020** in **BRICK TWP**, **OCEAN** County, **NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE OFFENSE OF CRUELTY AND NEGLECT OF CHILDREN BY COMMITTING AN UNLAWFUL ACT OR DEED IN THE PRESENCE OF D.T., M.T., AND M.T. (JUVENILES) WHICH SUBJECTED THEM TO DANGER, SPECIFICALLY BY OPERATING HIS VEHICLE WITH D.T., M.T., AND M.T. AS OCCUPANTS, AND WHILE OPERATING SAID VEHICLE WITH A BAC OF .18%.

in violation of:

Original Charge	1) 9:6-3	2)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: HENRY DREW LT. Date: 08/19/2020

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of: OCEAN

at the following address: OCEAN SUPERIOR COURT

120 HOOPER AVE

TOMS RIVER

NJ 08753-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 08/16/2020 Appearance Date: 08/19/2020 Time: 09:00AM Phone: 732-504-0700

Signature of Person Issuing Summons: HENRY DREW LT. Date: 08/19/2020

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

ORIGINAL

COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER

1506**S****2020****000618****STATE V.****DANIEL P TESTA**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

FTA Bail Information

Date Bail Set:

Amount Bail Set: \$ _____ by: _____

☐ Bail Recog. AttachedReleased
on Bail

R.O.R.

Committed
DefaultCommitted
w/o Bail

Place Committed:

Date Referred to
County Prosecutor: _____Date of First
Appearance: **08/19/2020**☐ Advised of Rights by _____Defendant Desires Counsel:
☐ Yes ☐ No**Prosecuting Attorney Information****Defense Counsel Information****Name:****Name:**

State

County

Municipal

Other

None

Retained

Public Def

Assigned

Waived

Other

Original Charge

1) **9:6-3**

2)

3)

Amended Charge

Waiver Indt/Jury

Plea/Date of Plea

Plea: _____ Date: _____

Plea: _____ Date: _____

Plea: _____ Date: _____

Adjudication (* see code)

Finding
Code: _____ Date: _____Finding
Code: _____ Date: _____Finding
Code: _____ Date: _____

Jail Term

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Probation Term

Susp. Imp

Susp. Imp

Susp. Imp

Cond. Discharge Term

Community Service

D/L Suspension Term

Fines/Costs

Fines: _____ Costs: _____

Fines: _____ Costs: _____

Fines: _____ Costs: _____

VCCB/SNSF

VCCB: _____ SNSF: _____

VCCB: _____ SNSF: _____

VCCB: _____ SNSF: _____

DEDR/Lab Fee

DEDR: _____ LAB: _____

DEDR: _____ LAB: _____

DEDR: _____ LAB: _____

CD Fee/Drug Ed Fnd

CD: _____ DAEF: _____

CD: _____ DAEF: _____

CD: _____ DAEF: _____

DV Surch/Other Fees

DV: _____ Other: _____

DV: _____ Other: _____

DV: _____ Other: _____

Restitution

Beneficiary: _____

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:**Related Traffic Tickets and Complaints:***** Finding Codes**

- 1 – Guilty
- 2 – Not Guilty
- 3 – Dismissed – Other
- 4 – Guilty but Merged
- 5 – Dismissed-Rule
- 6 – Dismissed Lack of Prosecution
- 7 – Dismissed – Pros Motion/Vic Req
- 8 – Conditional Discharge
- D – Dismissed- Prosecutor Discretion
- M – Dismissed- Mediation
- P – Dismissed-Plea Agreement
- S – Disposed at Superior
- W – Dismissed-False ID

ORIGINAL - Court Action

JUDGE'S SIGNATURE _____

DATE _____

Page 2 of 7

NJ/CDR1 1/1/2017

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER

1506**S****2020****000618**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

BRICK TOWNSHIP MUNICIPAL COURT
401 CHAMBERS BRIDGE
BRICK NJ 08723-0000
732-262-1226 COUNTY OF: **OCEAN**

of CHARGES
1

CO-DEFTS

POLICE CASE #:

COMPLAINANT

NAME: **HENRY DREW LT.***THE STATE OF NEW JERSEY*

VS.

DANIEL P TESTA

ADDRESS:

36 CATALINA DRIVE**BRICK****NJ 08723-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **09/18/1980**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

(C)

LIVESCAN PCN #:

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **08/16/2020** in **BRICK TWP**, **OCEAN** County, **NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE OFFENSE OF CRUELTY AND NEGLECT OF CHILDREN BY COMMITTING AN UNLAWFUL ACT OR DEED IN THE PRESENCE OF D.T., M.T., AND M.T. (JUVENILES) WHICH SUBJECTED THEM TO DANGER, SPECIFICALLY BY OPERATING HIS VEHICLE WITH D.T., M.T., AND M.T. AS OCCUPANTS, AND WHILE OPERATING SAID VEHICLE WITH A BAC OF .18%.

in violation of:

Original Charge

1) **9:6-3**

2)

3)

Amended Charge

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

Signed: **HENRY DREW LT.**Date: **08/19/2020**

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of: **OCEAN**at the following address: **OCEAN SUPERIOR COURT****120 HOOPER AVE****TOMS RIVER****NJ 08753-0000**

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: **08/16/2020** Appearance Date: **08/19/2020** Time: **09:00AM** Phone: **732-504-0700**Signature of Person Issuing Summons: **HENRY DREW LT.**Date: **08/19/2020**☐ Domestic Violence – Confidential☐ Related Traffic Tickets
or Other Complaints☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
☐ No possession firearms/weapons
☐ Other (specify):

COMPLAINT - SUMMONS (DEFENDANT'S COPY)**Page 3 of 7**

NJ/CDR1 1/1/2017

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER

1506**S****2020****000618**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

BRICK TOWNSHIP MUNICIPAL COURT
401 CHAMBERS BRIDGE
BRICK NJ 08723-0000
732-262-1226 COUNTY OF: **OCEAN**

of CHARGES
1

CO-DEFTS

POLICE CASE #:

COMPLAINANT **HENRY DREW LT.**
NAME: **401 CHAMBERS BRDG RD**
ATTN WARRANTS
BRICK TOWN NJ 08723

THE STATE OF NEW JERSEY

VS.

DANIEL P TESTA

ADDRESS :

36 CATALINA DRIVE**BRICK****NJ 08723-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **09/18/1980**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

(C)

LIVESCAN PCN #:

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **08/16/2020** in **BRICK TWP**, **OCEAN** County, **NJ** did:
WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE OFFENSE OF CRUELTY AND
NEGLECT OF CHILDREN BY COMMITTING AN UNLAWFUL ACT OR DEED IN THE PRESENCE OF
D.T., M.T., AND M.T. (JUVENILES) WHICH SUBJECTED THEM TO DANGER, SPECIFICALLY BY
OPERATING HIS VEHICLE WITH D.T., M.T., AND M.T. AS OCCUPANTS, AND WHILE
OPERATING SAID VEHICLE WITH A BAC OF .18%.

in violation of:

Original Charge

1) **9:6-3**

2)

3)

Check
✓**Certification by Police Regarding Complaint-Summons**

I certify that I served the complaint-summons by delivering a copy to the defendant personally.

I certify that I personally served the complaint-summons by leaving
a copy at the defendant's usual place of abode with a competent
member of the household of the age 14 or over

Name of family member over 14 years of age

I certify that I mailed a copy of the complaint-summons by ordinary
mail to the defendant at his or her last known address.

Defendant's last known address

I certify that I served the complaint-summons by delivering a copy
to a person authorized to receive service of process on the
defendant's behalf.

Name and title of authorized person

✓

Other manner of service: I certify that I served the complaint-summons
in the following manner: **REG. MAIL TO DEF. ATTORNEY ROBERT ROSENBERG**

I certify that I was unable to serve the complaint-summons.

Signed: **HENRY DREW LT. BRICK TWP POLICE DEPT**
Name, Title and Department of Officer

Date of Action: **08/19/2020****RETURN OF SERVICE
INFORMATION**

Affidavit of Probable Cause

COMPLAINT NUMBER			
1506	S	2020	000618
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN			
# of CHARGES 1	CO-DEFTS	POLICE CASE #:	
COMPLAINANT HENRY DREW LT. NAME: 401 CHAMBERSBRDG RD ATTN WARRANTS BRICK TOWN NJ 08723			
DEFENDANT INFORMATION		ADDRESS:	
SEX: M EYE COLOR: BROWN DOB: 09/18/1980		36 CATALINA DRIVE	
DRIVER'S LIC. #: [REDACTED] DL STATE: NJ		BRICK NJ 08723-0000	
SOCIAL SECURITY #: [REDACTED] SBI #:			
TELEPHONE #: [REDACTED] (C)			
LIVESCAN PCN #:			

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

On August 16, 2020, Daniel Testa was stopped for motor vehicle violations and for being suspected of driving while under the influence. Present in Daniel Testa's vehicle were three juveniles, D.T., M.T., and M.T. Daniel Testa was subsequently arrested for DWI (39:4-50), and transported to Brick Police HQ. At Brick Police HQ, Testa submitted to Alcotest testing. The Alcotest machine indicated that Testa's B.A.C. was .18%.

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1506

S

2020

000618

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

DANIEL P TESTA

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

I am aware of the facts above by being present at police headquarters during the processing of Daniel Testa, and by the statements of the arresting officers. I also reviewed the body worn camera footage of the incident.

3. If victim was injured, provide the extent of the injury:

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: HENRY DREW LT. LAW ENFORCEMENT OFFICER

Date: 08/19/2020

Affidavit of Probable Cause

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1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER

1506**S****2020****000618**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

BRICK TOWNSHIP MUNICIPAL COURT**401 CHAMBERS BRIDGE****BRICK NJ 08723-0000****732-262-1226** COUNTY OF: **OCEAN**

of CHARGES

1

CO-DEFTS

POLICE CASE #:

COMPLAINANT **HENRY DREW LT.**NAME: **401 CHAMBERS BRDG RD****ATTN WARRANTS****BRICK TOWN****NJ 08723***THE STATE OF NEW JERSEY*

VS.

DANIEL P TESTA

ADDRESS:

36 CATALINA DRIVE**BRICK****NJ 08723-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **09/18/1980**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

(C)

LIVESCAN PCN #:

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

-Another law enforcement officer(s) personally observed the offense, List the officer(s) and their badge#
303,210,228

-The charge was based on the observations/statements made by an eyewitness(es).
•The witness statement(s) were recorded via:
*Body-Worn Camera

-The offense/incident was recorded using electronic/surveillance via:
•Body-Worn Camera

-The defendant operated a motor vehicle in a manner that endangered public safety.

-Child(ren) were present at the time of the offense and:
•Child(ren) were placed at risk by the offense

-The defendant appeared to be under the influence of drugs or alcohol at the time of the offense.

-A member of the public provided information to a 9-1-1 call center or dispatcher (or similar).

-The police received relevant information via radio from a 911 dispatcher (or similar).

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: **HENRY DREW LT. LAW ENFORCEMENT OFFICER**Date: **08/19/2020****Preliminary Law Enforcement Incident Report****Page 7 of 7**

7/20/2018