

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

April 28, 2021

Via OPRA Machine: opra+request-22470-97dca4df@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 21000950 – Frank Fandetta

Dear Sir/Madam:

Enclosed please find the Complaint Warrant, Affidavit and Preliminary Law Enforcement Incident Report pursuant to your request made under the New Jersey Open Public Records Act (OPRA). Personal identifying information has been redacted pursuant to N.J.S.A. 47:1A-1.1, et seq. Additionally, criminal history record information has been redacted pursuant to N.J.A.C. 13:59-1.2.

Please be advised that there are no responsive documents pursuant to your request for Global Subject Activity Reports, Arrest Report, Indictments, Plea Forms, Criminal Information Forms and Sentencing Information.

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

COMPLAINT - WARRANT

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> FRANK FANDETTA ADDRESS: 1 OVERTON STREET DEER PARK NY 11729-0000	
1506	W	2021	000260		
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 2	CO-DEFTS	POLICE CASE #: 22369-21		DEFENDANT INFORMATION	
COMPLAINANT JOSHUA PETERSON NAME: 570 ROUTE 70 BRICK NJ 08723				SEX: M EYE COLOR: DOB: 12/28/1988 DRIVER'S LIC. #. DL STATE: NY SOCIAL SECURITY #: SBI #: TELEPHONE #: () 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 **03/21/2021** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY COMMIT THE OFFENSE OF SHOPLIFTING, SPECIFICALLY BY CONCEALING \$903.26 OF MERCHANDISE FROM TARGET (570 ROUTE 70) ON 03/21/2021 BY COVERING THE STOLEN MERCHANDISE IN A SHOPPING CART WHILE AT THE POINT OF SALE TERMINAL NOT MAKING PAYMENT THEN LEAVING THE STORE.

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY COMMIT THE OFFENSE OF SHOPLIFTING, SPECIFICALLY BY PLACING \$1,264.88 OF MERCHANDISE IN A SHOPPING CART AT TARGET (570 ROUTE 70) ON 04/01/2021 AND EXITING THE STORE WITHOUT MAKING PAYMENT.

in violation of:

Original Charge	1) 2C:20-11B(2)	2) 2C:20-11B(1)	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: RYAN TALTY DET. Date: 04/13/2021

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of OCEAN at the following address: OCEAN SUPERIOR COURT
120 HOOPER AVE
Date of Arrest: Appearance Date: Time: TOMS RIVER NJ 08753-0000
Phone: 732-504-0700

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator _____ Date _____ Signature of Judge _____ Date _____

☒ Probable cause IS found for the issuance of this complaint. JOSEPH GRISANTI JUDICIAL OFFICER 04/13/2021
Signature and Title of Judicial Officer Issuing Warrant Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: _____ by: _____
(if different from judicial officer that issued warrant)

☐ 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 – WARRANT (Court Action)

COMPLAINT NUMBER										STATE V. FRANK FANDETTA									
1506		W		2021		000260													
COURT CODE		PREFIX		YEAR		SEQUENCE NO.													
FTA Bail Information				Date Bail Set: _____				Amount Bail Set: \$ _____				by: _____				☐ Bail Recog. Attached			
Released on Bail (✓)		R.O.R.		Committed Default		Committed w/o Bail		Place Committed: _____				Date Referred to County Prosecutor: _____							
Date of First Appearance: _____				☐ 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) 2C:20-11B (2)				2) 2C:20-11B (1)				3)									
Amended Charge																			
Waiver Indt/Jury																			
Plea/Date of Plea		Plea:		Date:		Plea:		Date:		Plea:		Date:		Plea:		Date:			
Adjudication (* see code)		Finding Code:		Date:		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:		Fines:		Costs:			
VCCB/SNSF		VCCB:		SNSF:		VCCB:		SNSF:		VCCB:		SNSF:		VCCB:		SNSF:			
DEDR/Lab Fee		DEDR:		LAB:		DEDR:		LAB:		DEDR:		LAB:		DEDR:		LAB:			
CD Fee/Drug Ed Fnd		CD:		DAEF:		CD:		DAEF:		CD:		DAEF:		CD:		DAEF:			
DV Surch/Other Fees		DV:		Other:		DV:		Other:		DV:		Other:		DV:		Other:			
Restitution Beneficiary: _____																			
Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:														* 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					
Related Traffic Tickets and Complaints:																			
JUDGE'S SIGNATURE _____										DATE _____									
										COMPLAINT - WARRANT (Court Action)									
										Page 2 of 7									
										NJ/CDR2 1/1/2017									

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1506	W	2021	000260
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 2	CO-DEFTS	POLICE CASE #: 22369-21	
COMPLAINANT NAME: JOSHUA PETERSON		DEFENDANT INFORMATION SEX: M EYE COLOR: [REDACTED] DOB: 12/28/1988 DRIVER'S LIC. #: [REDACTED] DL STATE: NY SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] LIVESCAN PCN #: [REDACTED]	

THE STATE OF NEW JERSEY

VS.

FRANK FANDETTA

ADDRESS: **1 OVERTON STREET**

DEER PARK

NY 11729-0000

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 **03/21/2021** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY COMMIT THE OFFENSE OF SHOPLIFTING, SPECIFICALLY BY CONCEALING \$903.26 OF MERCHANDISE FROM TARGET (570 ROUTE 70) ON 03/21/2021 BY COVERING THE STOLEN MERCHANDISE IN A SHOPPING CART WHILE AT THE POINT OF SALE TERMINAL NOT MAKING PAYMENT THEN LEAVING THE STORE.

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY COMMIT THE OFFENSE OF SHOPLIFTING, SPECIFICALLY BY PLACING \$1,264.88 OF MERCHANDISE IN A SHOPPING CART AT TARGET (570 ROUTE 70) ON 04/01/2021 AND EXITING THE STORE WITHOUT MAKING PAYMENT.

in violation of:

Original Charge	1) 2C:20-11B(2)	2) 2C:20-11B(1)	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: **RYAN TALTY DET.** Date: **04/13/2021**

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of **OCEAN**
at the following address: **OCEAN SUPERIOR COURT**
120 HOOPER AVE
Date of Arrest: **TOMS RIVER NJ 08753-0000**
Appearance Date: **Phone: 732-504-0700**

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator

Date

Signature of Judge

Date

☒ Probable cause IS found for the issuance of this complaint. **JOSEPH GRISANTI JUDICIAL OFFICER 04/13/2021**

Signature and Title of Judicial Officer Issuing Warrant

Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: _____ by: _____

(if different from judicial officer that issued warrant)

☐ 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 - WARRANT (DEFENDANT'S COPY)

COMMITMENT

COMPLAINT NUMBER

1506**W****2021****000260**

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 2 CO-DEFTS POLICE CASE #:
22369-21

COMPLAINANT JOSHUA PETERSON
NAME: 570 ROUTE 70

BRICK

NJ 08723

*THE STATE OF NEW JERSEY**VS.***FRANK FANDETTA**

ADDRESS: 1 OVERTON STREET

DEER PARK

NY 11729-0000

DEFENDANT INFORMATION

SEX: M EYE COLOR:

DOB: 12/28/1988

DRIVER'S LIC. #:

DL STATE: NY

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

LIVESCAN PCN #:

To any Law Enforcement Official of New Jersey, You are commanded to transport this defendant to the Warden of this county who is required to keep the defendant in custody until a release or detention decision is made.

Offense

Aux Offense

Drug Code

Degree

Offense Description

1.

2.

3.

4.

Commitment Reason:

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court
at the following address: OCEAN SUPERIOR COURT

in the county of OCEAN

120 HOOPER AVE

TOMS RIVER

NJ 08753-0000

Date of Arrest:

Phone: 732-504-0700

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER			
1506	W	2021	000260
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 2	CO-DEFTS	POLICE CASE #: 22369-21	
COMPLAINANT JOSHUA PETERSON NAME: 570 ROUTE 70 BRICK NJ 08723			
DEFENDANT INFORMATION SEX: M EYE COLOR: DOB: 12/28/1988 DRIVER'S LIC. #: DL STATE: NY SOCIAL SECURITY #: SBI #: TELEPHONE #: () LIVESCAN PCN #:			

THE STATE OF NEW JERSEY

VS.

FRANK FANDETTA

ADDRESS: 1 OVERTON STREET

DEER PARK

NY 11729-0000

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 03/21/2021, the defendant was observed by loss prevention and video surveillance entering Target (570 Route 70). The defendant is seen on camera placing hair care products and Legos inside a shopping cart. The defendant observed making a purchase of small hair care products at the self check out using a debit card belonging to the defendant. The defendant failed to make payment for \$903.92 of merchandise which was un scanned and left in the shopping cart. The defendant is observed entering a 2020 Hyundai Elantra (IL: [REDACTED] and leaving the parking lot.

On 04/01/2021, the defendant is observed by loss prevention and video surveillance entering Target (570 Route 70). The defendant is seen on camera placing Lego's in the amount of \$1,264.88 in a shopping cart, bypassing the self checkout and leaving the store. The defendant is observed entering the same vehicle mentioned above and exiting the parking lot.

Target advised officers during the initial report, Frank Fandetta, is located in there internal security database [REDACTED]. Target advised an open case with Stafford Township Police Department where Fandetta is a suspect on of (2) additional shopliftings. Det. Smithman of the Stafford Township Police Dept. was provided an ALPR hit of the suspect vehicle leaving the Stafford Township Target. Enterprise Rental Car provided the renter info for the time period is a Cynthia Romer [REDACTED]. I contacted Romer who advised Fandetta is her ex-boyfriend and confirmed they were at the Target in Brick where Fandetta shoplifted items.

I contacted Det. Alexander Santos of the Suffolk County Police Dept. (NY) [REDACTED]. Santos provided a recent photo of Fandetta confirming the Fandetta is the subject observed on surveillance video.

Affidavit of Probable Cause

Page 5 of 7

1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER

1506

W

2021

000260

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

FRANK FANDETTA

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

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: RYAN TALTY DET. LAW ENFORCEMENT OFFICER

Date: 04/13/2021

Affidavit of Probable Cause

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. FRANK FANDETTA ADDRESS: 1 OVERTON STREET DEER PARK NY 11729-0000	
1506	W	2021	000260		
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 2	CO-DEFTS	POLICE CASE #: 22369-21		DEFENDANT INFORMATION SEX: M EYE COLOR: [REDACTED] DOB: 12/28/1988 DRIVER'S LIC. #. [REDACTED] DL STATE: NY SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] () LIVESCAN PCN #:	
COMPLAINANT NAME: JOSHUA PETERSON					
570 ROUTE 70 BRICK NJ 08723					

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.

- The charge was based on the observations/statements made by an eyewitness(es).
- The offense/incident was recorded using electronic/surveillance via:
 - Surveillance Camera
- The defendant attempted to conceal, discard or destroy evidence, merchandise

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: **RYAN TALTY DET. LAW ENFORCEMENT OFFICER**

Date: **04/13/2021**

Preliminary Law Enforcement Incident Report

Page 7 of 7

7/20/2018