

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
Court House Annex Building
110 Cooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027

October 15, 2020

Via OPRA Machine: opra+request-17213-43ff0c8d@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 95114140
Calvin Miller / Gerard Bornemann

Dear Sir/Madam:

Enclosed please find the Complaint Warrants, Indictment, Plea Form and Jury Verdict, pursuant to your request made under the New Jersey Open Public Records Act (OPRA). No documents were located within our files responsive to your request for arrest reports, criminal information forms or 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

Prestia , Donna

From: Khajezadeh, Dina
Sent: Thursday, October 8, 2020 9:05 AM
To: Prestia , Donna
Subject: FW: OPRA request - Case reports

-----Original Message-----

From: Resident <opra+request-17213-43ff0c8d@requests.opramachine.com>
Sent: Thursday, October 8, 2020 12:01 AM
To: Khajezadeh, Dina <DKhajezadeh@co.ocean.nj.us>
Subject: OPRA request - Case reports

Dear Ocean County Prosecutor's Office,

This is a request for public records made under OPRA and the common law right of access. I am not filling out an official form. Please acknowledge receipt of this message.

Records requested:

All reports/documents/records pertaining to the following two defendants. Please include arrest warrants, indictments, criminal information forms, sentencing information:

Calvin J. Miller (sentenced 2/20/98)
Gerard J. Bornemann (sentenced 2/27/98)

Thank you,

Resident

Please use deliver records electronically via email to the below UNIQUE address for all replies:
opra+request-17213-43ff0c8d@requests.opramachine.com

Is DKhajezadeh@co.ocean.nj.us the wrong address for OPRA requests to Ocean County Prosecutor's Office? If so, please contact us using this form:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fcounty_prosecutors_office&c=E,1,8Se4m_0-YR2AyTuC0xjY9LLjIwY3JhH2S2ADaJe5dsCIOZ3SmacQVEZfaGTZZuT7ecrhjigPQ4PH_hZOmbELWtBjIVkaB1&typo=1

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy policies:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fhelp%2fofficers_privacy_policy%2f
fCzeUbTXi5pve0zt-
_1Q6FBkej4qiqfS4FA6BkreEJ4cNb1QNiSJw1Iz8H4NrL4Qnxd0utMwGMKuXcNviW9BfmJ0k801

View this OPRA request & responses online:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2frequest%2fcase_reports_2&c=E,1,kl-tNzLSi_OoFjsCpqrnM5WOs3hF2j2bZgJCjKz5wvN6GBRNM09rvd0EOcWHyndepoOsC3m3x094Ewdy3ajgnNT-b0AATFbSo5YPI9ti6zYAaf8Gw-sJmzRn&typo=1

Please note that in some cases publication of requests and responses will be delayed.

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

POLICE CASE NO.

The State of New Jersey
vs.

W558213

COURT

SUPERIOR COURT

COUNTY OF

OCEAN

N.J.

COURT CODE NUMBER

COURT DOCKET NUMBER(S)

C—

Defendant / Alias GERARD G. BORNEMANN, JR.

Address 194 DRUM POINT ROAD

SS No.

City, State BRICK NJ

Date of birth 9/29/76

Date of arrest 02/15/96

Number of co-defendants

Dr. Lic.#

SBI No.

COMPLAINT

Complainant: SGT. CARDWELL
(NAME OF COMPLAINANT)

of

SEASIDE PARK POLICE DEPT.
(IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)

Residing at

(ADDRESS OF PRIVATE CITIZEN COMPLAINANT)

Upon oath says that, to the best of (his) (her) knowledge,
information and belief, the named defendant on or about the23RD day of NOV. 19 95, in the BOROUGH SEASIDE PARK
Municipality of

MUNICIPAL CODE NO.

County of OCEAN N.J.

did;

WITHIN THE JURISDICTION OF THIS COURT DID PURPOSELY OR KNOWINGLY CAUSE SERIOUS
BODILY INJURY TO FRANK McVEY, RESULTING IN HIS DEATH, IN VIOLATION OF NJS
2C:11-3 AND NJSA 2C:2-6.

Charge Number 1 N.J.S. X 2C:11-3	Charge Number 2 N.J.S. 2C:2-6	Charge Number 3 N.J.S.
Charge Number 1 As Amended N.J.S.	Charge Number 2 As Amended N.J.S.	Charge Number 3 As Amended N.J.S.

Subscribed and sworn to before me this 15TH day of FEBRUARY 19 96

Signed

(NAME AND TITLE OF PERSON ADMINISTERING OATH)

Signed

(COMPLAINANT)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him)(her)
forthwith before this court to answer the foregoing complaint.

Bail has been fixed by in the amount of \$ 150,000

(Specify condition of release, e.g. R.O.R.)

Date Warrant Issued

Court Appearance Date

Time (AM) (PM)

SIGNATURE OF JUDGE OR CLERK

DATE OF FIRST APPEARANCE

COURT ACTION (Wherein judgment or Conditional Discharge is entered in this court)

CHARGES	WAIVER IND. JURY	PLEA	DATE OF PLEA	ADJUDICATION OR COND. DISCH.	DATE	COND. DISCHARGE TERM	JAIL TERM	SUSP.	FINE	SUSP.	COSTS	SUSP.	PROBATION TERM	SUSP.
Number 1														
Number 2														
Number 3														

OTHER COURT ACTION

Total DEDR Penalty Amount:

Total Violent Crimes Penalty Amount:

NOTE	DEFENDANT DISCHARGED AS TO PROBABLE CAUSE. PROSECUTOR GIVEN PRIOR NOTICE.	Total Lab Fee	Restitution	DL. Susp.	Institution to Which Sentenced
NOTE	COMPLAINT REFERRED TO PROSECUTOR.	Community Service	Conditional Disch. Fee		JAIL TIME CREDIT

Other (specify)

BAIL INFORMATION

DATE	AMOUNT BAIL SET	REL. ON BAIL	R - O - R	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	PLACE COMMITTED
		1	2	3	4	

SURETY COMPANY - PERSON POSTING BAIL - RELEASED IN CUSTODY OF - ADDRESS

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION

PROSECUTING ATTORNEY	NONE	STATE	COUNTY	MUNICIPAL	OTHER	DEFENSE COUNSEL	NONE	RETAINED	PUBLIC DEFENDER	ASSIGNED	OTHER
	1	2	3	4	5		1	2	3	4	5

MISCELLANEOUS INFORMATION

List Companion CDR numbers (Including Co-defendants).

JUDGE

DATE

ORIGINAL

COURT
Seaside Park
COUNTY OF Ocean N.J.
COURT CODE NUMBER 1527
COURT DOCKET NUMBER(S) C-

The State of New Jersey W062137

U.S.

Gerard G. Bonnemann, Jr.

Defendant / Alias
Address 194 Drum Point Rd
City, State Brick NJ
Date of birth 9/29/76 Date of arrest 11/23/95
SS No.

Number of co-defendants 1 Dr. Lic.# SBI No.

COMPLAINT

Complainant: Sgt. Cardwell of Seaside Park Police Dept.
(NAME OF COMPLAINANT) (IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)

Residing at 23rd day of Nov. 19 95, in the Boro of Seaside Park
(ADDRESS OF PRIVATE CITIZEN COMPLAINANT) Upon oath says that, to the best of (his) (her) knowledge, information and belief, the named defendant on or about the
MUNICIPAL CODE NO. 1527 County of Ocean N.J.

within the jurisdiction of this court the defendant did commit an act of aggravated assault upon Frank McVey, Jr. by causing such injury purposely and knowingly or under circumstances manifesting extreme indifference to the value of human life, in violation of NJS 2C:12-1(b)(1)

said incident did occur at 246 N Street in the Boro of Seaside Park at approximately 10:00 - 11:30 PM on the above date

Charge Number 1 J.S. 2C:12-1(b)(1)	Charge Number 2 N.J.S.	Charge Number 3 N.J.S.
Charge Number 1 As Amended J.S.	Charge Number 2 As Amended N.J.S.	Charge Number 3 As Amended N.J.S.

Subscribed and sworn to before me this 24th day of November 19 95
Signed (NAME AND TITLE OF PERSON ADMINISTERING OATH) Signed (COMPLAINANT)

any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him) (her) forthwith before this court to answer the foregoing complaint.

It has been fixed by Judge G. ovine J.S.C. in the amount of \$ 50,000.00 No 10% or (Specify condition of release, e.g. R.O.R.)

Warrant Issued 11/24/95 To Be Set
Court Appearance Date Time (AM) (PM) SIGNATURE OF JUDGE OR CLERK

COURT ACTION (Wherein judgment or Conditional Discharge is entered in this court)														
ARGES	WAIVER IND. JURY	PLEA	DATE OF PLEA	ADJUDICATION OR COND. DISCH.	DATE	COND. DISCHARGE TERM	JAIL TERM	SUSP.	FINE	SUSP.	COSTS	SUSP.	PROBATION TERM	SUSP.
umber 1														
umber 2														
umber 3														

OTHER COURT ACTION	Total DEDR Penalty Amount:	Total Violent Crimes Penalty Amount:	
		Total Lab Fee	Restitution
DEFENDANT DISCHARGED AS TO PROBABLE CAUSE, PROSECUTOR GIVEN PRIOR NOTICE	Community Service	Conditional Disch. Fee	JAIL TIME CREDIT
	COMPLAINT REFERRED TO PROSECUTOR		

her (specify)

BAIL INFORMATION					
AMOUNT BAIL SET	REL. ON BAIL	R - O - R	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	PLACE COMMITTED

ETTY COMPANY - PERSON POSTING BAIL - RELEASED IN CUSTODY OF - ADDRESS

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION											
SECUTING ORNEY	NONE	STATE	COUNTY	MUNICIPAL	OTHER	DEFENSE COUNSEL	NONE	RETAINED	PUBLIC DEFENDER	ASSIGNED	OTHER

MISCELLANEOUS INFORMATION
Companion CDR numbers (Including Co-defendants).

JUDGE

DATE

COURT

Seaside Park

COUNTY OF

Ocean

N.J.

COURT CODE NUMBER

1527

COURT DOCKET NUMBER(S)

C-

Defendant / Alias Calvin J. Miller

Address 181 Van Cortland Drive

City, State Brick, NJ

SS No.

Date of birth 11/19/76

Date of arrest 11/23/95

Number of co-defendants 1

Dr. Lic.#

SBI No.

COMPLAINT

Complainant: Sgt. Cardwell

(NAME OF COMPLAINANT)

of Seaside Park Police Dept.

(IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)

Residing at

(ADDRESS OF PRIVATE CITIZEN COMPLAINANT)

Upon oath says that, to the best of (his) (her) knowledge, information and belief, the named defendant on or about the

23rd day of Nov., 19 95, in the Boro of Seaside Park

MUNICIPAL CODE NO. 1527

County of Ocean N.J.

did;

within the jurisdiction of this court the defendant did commit an act of aggravated assault upon Frank McVey, Jr. by causing such injury purposely and knowingly or under circumstances manifesting extreme indifference to the value of human life, in violation of NJS 2C:12-1(b) (1)

said incident did occur at 246 N Street in the Boro of Seaside Park at approximately 10:00 - 11:30 PM on the above date

Charge Number 1	Charge Number 2	Charge Number 3
J.J.S. 2C:12-1(b) (1)	N.J.S.	N.J.S.
Charge Number 1 As Amended	Charge Number 2 As Amended	Charge Number 3 As Amended
J.J.S.	N.J.S.	N.J.S.

Subscribed and sworn to before me this 24th day of November, 19 95

Signed

Kathy Smith, Judge

Signed

Sgt. J. Cardwell

(COMPLAINANT)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him) (her) forthwith before this court to answer the foregoing complaint.

Bail has been fixed by Judge Giovine, J.S.C. in the amount of \$ 50,000.00 No 10%

Warrant Issued 11/24/95

(Specify condition of release, e.g. R.O.R.)

Court Appearance Date To Be Set

Time (AM) (PM)

SIGNATURE OF JUDGE OR CLERK

DATE OF FIRST APPEARANCE

COURT ACTION (Wherein judgment or Conditional Discharge is entered in this court)

CHARGES	WAIVER IND. / JURY	PLEA	DATE OF PLEA	ADJUDICATION OR COND. DISCH.	DATE	COND. DISCHARGE TERM	JAIL TERM	SUSP.	FINE	SUSP.	COSTS	SUSP.	PROBATION TERM	SUSP.
Number 1														
Number 2														
Number 3														

OTHER COURT ACTION

Total DEDR Penalty Amount:

Total Violent Crimes Penalty Amount:

TE	DEFENDANT DISCHARGED AS TO PRIORABLE CAUSE PROSECUTOR GIVEN PRIOR NOTICE	Total Lab Fee	Restitution	DL. Susp.	Institution to Which Sentenced
TE	COMPLAINT REFERRED TO PROSECUTOR	Community Service	Conditional Disch. Fee		JAIL TIME CREDIT

other (specify)

BAIL INFORMATION

TE	AMOUNT BAIL SET	REL. ON BAIL	R - O - R	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	PLACE COMMITTED

BAIL COMPANY - PERSON POSTING BAIL - RELEASED IN CUSTODY OF - ADDRESS

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION											
PROSECUTING ATTORNEY	NONE	STATE	COUNTY	MUNICIPAL	OTHER	DEFENSE COUNSEL	NONE	RETAINED	PUBLIC DEFENDER	ASSIGNED	OTHER
	1	2	3	4	5		1	2	3	4	5

MISCELLANEOUS INFORMATION

List Companion CDR numbers (Including Co-defendants).

JUDGE

DATE

POLICE CASE NO.

The State of New Jersey
vs.

W558214

COURT

SUPERIOR COURT
COUNTY OF

OCEAN

N.J.

COURT CODE NUMBER

COURT DOCKET NUMBER(S)

C—

Defendant / Alias CALVIN J. MILLER

Address 181 VAN CORTLAND DRIVE

SS No.

City, State BRICK NJ

Date of birth 11/19/76 Date of arrest 02/15/96

Number of co-defendants

Dr. Lic.#

SBI No.

COMPLAINT

Complainant: SGT. CARDWELL
(NAME OF COMPLAINANT)of SEASIDE PARK POLICE DEPT
(IDENTIFY DEPARTMENT OR AGENCY REPRESENTED)Residing at
(ADDRESS OF PRIVATE CITIZEN COMPLAINANT)Upon oath says that, to the best of (his) (her) knowledge,
information and belief, the named defendant on or about the

23RD day of NOV., 19 95, in the BORO of SEASIDE PARK

MUNICIPAL CODE NO.

County of OCEAN N.J.

fid;

WITHIN THE JURISDICTION OF THIS COURT DID PURPOSELY OR KNOWINGLY CAUSE SERIOUS BODILY INJURY TO FRANK McVEY, RESULTING IN HIS DEATH IN VIOLATION OF NJS 2C:11-3 AND NJSA 2C:2-6.

Charge Number 1 N.J.S. 2C:11-3	Charge Number 2 N.J.S. 2C:2-6	Charge Number 3 N.J.S.
Charge Number 1 As Amended N.J.S.	Charge Number 2 As Amended N.J.S.	Charge Number 3 As Amended N.J.S.

Subscribed and sworn to before me this 15TH day of FEBRUARY, 19 96

Signed

Signed

(NAME AND TITLE OF PERSON ADMINISTERING OATH)

(COMPLAINANT)

to any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him)(her) forthwith before this court to answer the foregoing complaint.

all has been fixed by

In the amount of \$ 10,000.00

(Specify condition of release, e.g. R.O.R.)

ate Warrant Issued

ourt Appearance Date

Time

(AM) (PM)

SIGNATURE OF JUDGE OR CLERK

ITE OF FIRST APPEARANCE

COURT ACTION (Wherein judgment or Conditional Discharge is entered in this court)

CHARGES	WAIVER INJURY	PLEA	DATE OF PLEA	ADJUDICATION OR COND. DISCH.	DATE	COND. DISCHARGE TERM	JAIL TERM	SUSP.	FINE	SUSP.	COSTS	SUSP.	PROBATION TERM	SUSP.
Number 1														
Number 2														
Number 3														

OTHER COURT ACTION

Total DEDR Penalty Amount:

Total Violent Crimes Penalty Amount:

ITE	DEFENDANT DISCHARGED AS TO PROBABLE CAUSE. PROSECUTOR GIVEN PRIOR NOTICE.	Total Lab Fee	Restitution	DL. Susp.	Institution to Which Sentenced
ITE	COMPLAINT REFERRED TO PROSECUTOR.	Community Service	Conditional Disch. Fee		JAIL TIME CREDIT

Other (specify)

BAIL INFORMATION

ATE	AMOUNT BAIL SET	REL. ON BAIL	R - O - R	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	PLACE COMMITTED
		1	2	3	4	

SURETY COMPANY - PERSON POSTING BAIL - RELEASED IN CUSTODY OF - ADDRESS

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION

PROSECUTING ATTORNEY	NONE	STATE	COUNTY	MUNICIPAL	OTHER	DEFENSE COUNSEL	NONE	RETAINED	PUBLIC DEFENDER	ASSIGNED	OTHER
	1	2	3	4	5		1	2	3	4	5

MISCELLANEOUS INFORMATION

List Companion CDR numbers (Including Co-defendants).

JUDGE

DATE

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

THE STATE OF NEW JERSEY :

vs. :

GERARD G. BORNEMANN, JR. :
CALVIN JAMES MILLER :

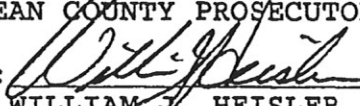
INDICTMENT

NO. I-96-04-CC367

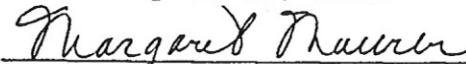
COUNT ONE
MURDER - FIRST DEGREE

The Grand Jurors of the State of New Jersey, for the County of Ocean, upon their oaths present that GERARD G. BORNEMANN, JR. and CALVIN JAMES MILLER, acting alone and with each other, on or about November 23, 1995, in the Borough of Seaside Park, County of Ocean, and within the jurisdiction of this Court did purposely or knowingly cause the death of FRANK MC VEY, JR. or did purposely or knowingly inflict serious bodily injury upon FRANK MC VEY, JR. resulting in his death, contrary to the provisions of N.J.S.A. 2C:11-3a (1) or (2), and against the peace of this State, the Government and dignity of the same.

DANIEL J. CARLUCCIO
OCEAN COUNTY PROSECUTOR

BY: 
WILLIAM J. HEISLER
ASSISTANT PROSECUTOR

Dated: April 17, 1996


FOREPERSON

1. As to the offense charging the defendant, Calvin Miller, with the murder of Frank McVey, we find the defendant, Calvin Miller:

 X NOT GUILTY GUILTY
of murder.

ANSWER THE FOLLOWING QUESTION (2) ONLY IF YOU FIND THE DEFENDANT, CALVIN MILLER, NOT GUILTY OF MURDER.

2. As to the offense charging the defendant, Calvin Miller, with the aggravated manslaughter of Frank McVey, we find the defendant, Calvin Miller:

 X NOT GUILTY GUILTY
of aggravated manslaughter.

ANSWER THE FOLLOWING QUESTION (3) ONLY IF YOU FIND THE DEFENDANT, CALVIN MILLER, NOT GUILTY OF MURDER AND AGGRAVATED MANSLAUGHTER UNDER QUESTIONS 1 AND 2.

3. As to the offense charging the defendant, Calvin Miller, with the reckless manslaughter of Frank McVey, we find the defendant, Calvin Miller:

 X NOT GUILTY GUILTY
of reckless manslaughter.

ANSWER THE FOLLOWING QUESTIONS (4A and 4B) ONLY IF YOU FIND THE DEFENDANT, CALVIN MILLER, ONLY IF YOU FIND THE DEFENDANT, CALVIN MILLER, NOT GUILTY UNDER QUESTIONS 1, 2 and 3 OF MURDER, AGGRAVATED MANSLAUGHTER AND RECKLESS MANSLAUGHTER.

- 4A. As to the offense charging the defendant, Calvin Miller, with aggravated assault by purposely attempting to cause serious bodily injury to Frank McVey, we find the defendant, Calvin Miller:

 NOT GUILTY X GUILTY
of aggravated assault.

- 4B. As to the offense charging the defendant, Calvin Miller, with aggravated assault by causing serious bodily injury to Frank McVey, we find the defendant, Calvin Miller:

 NOT GUILTY X GUILTY
aggravated assault.

C - 1-EVO
m
1-21-98

PLEA FORM

Ocean County

DEFENDANT'S NAME GERARD BORNEMANN

JUDGE VINCENT GRASSO, J

1. List the charges to which you are pleading guilty:

Prosecutor's Case Number	Ind./Acc./ Compl.	Count	Nature of Offense and Degree	STATUTORY MAXIMUM Time	Fine	VCCB Assmt*
95-11-4140	I96-04-0367	I (AMENDED)	AGG. MANSLAUGHTER	MAX 30yrs	\$100,000	\$10,000
				MAX		
				MAX		
				MAX		
				MAX		

Your total exposure as a result of this plea is:

TOTAL:

30yrs \$100,000 \$10,000

PLEASE CIRCLE
APPROPRIATE ANSWER

2. a. Did you commit the offense(s) to which you are pleading guilty? ☒ [YES] ☐ [NO]
b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? ☒ [YES] ☐ [NO]
3. Do you understand what the charges mean? ☒ [YES] ☐ [NO]
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
a. The right to a jury trial in which the State must prove your guilt beyond a reasonable doubt? ☒ [YES] ☐ [NO]
b. The right to remain silent? ☒ [YES] ☐ [NO]
c. The right to confront the witnesses against you? ☒ [YES] ☐ [NO]
5. Do you understand that if you plead guilty:
a. You will have a criminal record? ☒ [YES] ☐ [NO]
b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Violent Crimes Compensation Board Assessment? ☒ [YES] ☐ [NO]
c. You must pay a minimum Violent Crimes Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) ☒ [YES] ☐ [NO]
d. If the offense occurred on or after February 1, 1993 and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? ☒ [YES] ☐ [NO]
e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? ☒ [YES] ☐ [NO]
f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? ☒ [YES] ☐ [NO]

*VIOLENT CRIMES COMPENSATION BOARD ASSESSMENT

Defendant's Initials

G.B.

6. Do you understand that the court could in its discretion impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed?

[YES] [NO] (N/A)

7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term?

[YES] (NO)

a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is N/A years and N/A months (fill in the number of years/months) and the maximum period of parole ineligibility can be N/A years and N/A months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.

8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison?

(YES) [NO]

9. Are you presently on probation or parole?

[YES] (NO)

a. Do you understand that a guilty plea may result in a violation of your probation or parole?

[YES] [NO] (N/A)

10. Are you presently serving a custodial sentence on another charge?

[YES] (NO)

a. Do you understand that a guilty plea may affect your parole eligibility?

[YES] [NO] (N/A)

11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively?

[YES] [NO] (N/A)

12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.# Count Nature of Offense and Degree

196-04-0037 1 MURDER (TO BE AMENDED TO AGG. MANSL.)

13. Specify any sentence the prosecutor has agreed to recommend:

ANY SENTENCE OF IMPRISONMENT SHALL NOT EXCEED
20 YRS. NO PERIOD OF PAROLE INELIGIBILITY SHALL BE
IMPOSED. THE "85 PERCENT" LAW FOR PAROLE ELIGIBILITY DOES
NOT APPLY IN THIS CASE.

14. Has the prosecutor promised that he or she will NOT:

- a. Speak at sentencing?
b. Seek an extended term of confinement?
c. Seek a stipulation of parole ineligibility?

[YES] (NO)
(YES) [NO]
(YES) [NO]

15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?

(YES) [NO] [N/A]

Defendant's Initials

G.B.

16. Do you understand that if you are a public office holder or employee, You can be required to forfeit your office or job by virtue of your plea of guilty? [YES] [NO] ☒ [N/A]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty? [YES] [NO] ☒ [N/A]
18. Have you discussed with your attorney the legal doctrine of merger? [YES] [NO] ☒ [N/A]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? [YES] [NO] ☒ [N/A]
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

I AGREE TO GIVE THE OCEAN COUNTY PROSECUTOR'S
OFFICE A TRUTHFUL STATEMENT ABOUT THIS MATTER.

I ALSO AGREE TO TESTIFY TRUTHFULLY ABOUT THIS MATTER
AT THE TRIAL OF STATE V. CALVIN MILLER.

21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [YES] ☒ [NO]
22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? ☒ [YES] [NO]
- b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? ☒ [YES] [NO]
- c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? ☒ [YES] [NO]
23. Are you satisfied with the advice you have received from your lawyer? ☒ [YES] [NO]
24. Do you have any questions concerning this plea? [YES] ☒ [NO]

DATE: 10/2/97 DEFENDANT Herard Banemaum

DEFENSE ATTORNEY Edmund C. Bertuccio

PROSECUTOR William J. Hester

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.