

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 29, 2020

Via OPRA Machine: opra+request-18103-0a7c3027@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request – “Case Reports”
OCPO Case# 17003547
Kim Bogan

Dear Sir/Madam:

Enclosed please find the Complaint Summons, Affidavit of Probable Cause, Preliminary Law Enforcement Incident Report, Accusation, Waiver of Indictment, Plea Form, Judgment of Conviction, Criminal Information Forms and Supplemental Criminal Information Form. Redactions of personal identifying information have been made pursuant to N.J.S.A. 47:1A-1.1 et seq.

Please be advised that there is no arrest report or global subject activity report responsive to your request.

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 - SUMMONS

COMPLAINT NUMBER			
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
1506	S	2017	001037
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN			
# of CHARGES 1	CO-DEFTS 0	POLICE CASE #: 17-51645	
COMPLAINANT NAME: COURTNEY LAWRENCE 25 MARKET ST P O BOX 085 TRENTON NJ 08625		DEFENDANT INFORMATION SEX: F EYE COLOR: BROWN DOB: 07/05/1965 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] LIVESCAN PCN #: [REDACTED]	

THE STATE OF NEW JERSEY

VS.

KIM E BOGAN

ADDRESS: 540 ROBINHOOD ROAD

BRICK

NJ 08724-0000

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 **01/11/2011** in **BRICK TWP**, **OCEAN** County, **NJ** did: WITHIN THE JURISDICTION OF THIS COURT, IN THE COUNTY OF OCEAN, DID PURPOSELY OBTAIN THE PROPERTY OF ANOTHER IN AN AMOUNT OF \$75,000 OR MORE BY DECEPTION BY CREATING OR REINFORCING A FALSE IMPRESSION, IN VIOLATION OF NJSA 2C:20-4A AND NJSA 2C:2-6 (A CRIME OF THE SECOND DEGREE)

THIS COMPLAINT IS BEING PREPARED FOR THE PURPOSE OF COMPLYING WITH PROCEDURES REQUIRED UNDER CRIMINAL JUSTICE REFORM, SPECIFICALLY R. 3:7-8. TO BE PROSECUTED BY DAG THOMAS G. TRESANSKY

in violation of:

Original Charge	1) 2C:20-4A	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: COURTNEY LAWRENCE Date: 10/20/2017

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

100 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: 10/20/2017 Appearance Date: 10/24/2017 Time: 11:00AM Phone: 732-244-2121

Signature of Person Issuing Summons COURTNEY LAWRENCE Date 10/20/2017

☐ 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****2017****001037****STATE V.****KIM E BOGAN**

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: **10/24/2017**☐ 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:20-4A**

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			
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
1506	S	2017	001037
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN			
# of CHARGES 1	CO-DEFTS 0	POLICE CASE #: 17-51645	
COMPLAINANT NAME: COURTNEY LAWRENCE			
DEFENDANT INFORMATION SEX: F EYE COLOR: BROWN DOB: 07/05/1965 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] () LIVESCAN PCN #: [REDACTED]			

THE STATE OF NEW JERSEY
VS.
KIM E BOGAN
ADDRESS: 540 ROBINHOOD ROAD
BRICK NJ 08724-0000

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 **01/11/2011** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, IN THE COUNTY OF OCEAN, DID PURPOSELY OBTAIN THE PROPERTY OF ANOTHER IN AN AMOUNT OF \$75,000 OR MORE BY DECEPTION BY CREATING OR REINFORCING A FALSE IMPRESSION, IN VIOLATION OF NJSA 2C:20-4A AND NJSA 2C:2-6 (A CRIME OF THE SECOND DEGREE)

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in violation of:

Original Charge	1) 2C:20-4A	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: **COURTNEY LAWRENCE** Date: **10/20/2017**

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
100 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: **10/20/2017** Appearance Date: **10/24/2017** Time: **11:00AM** Phone: **732-244-2121**
Signature of Person Issuing Summons **COURTNEY LAWRENCE** Date **10/20/2017**

☐ 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)

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. KIM E BOGAN ADDRESS : 540 ROBINHOOD ROAD BRICK NJ 08724-0000	
1506	S	2017	001037		
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 0	POLICE CASE #: 17-51645		DEFENDANT INFORMATION SEX: F EYE COLOR: BROWN DOB: 07/05/1965 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: TELEPHONE #: () LIVESCAN PCN #:	
COMPLAINANT COURTNEY LAWRENCE NAME: 25 MARKET ST P O BOX 085 TRENTON NJ 08625					

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 **01/11/2011** in **BRICK TWP**, **OCEAN** County, **NJ** did:
 WITHIN THE JURISDICTION OF THIS COURT, IN THE COUNTY OF OCEAN, DID PURPOSELY OBTAIN THE PROPERTY OF ANOTHER IN AN AMOUNT OF \$75,000 OR MORE BY DECEPTION BY CREATING OR REINFORCING A FALSE IMPRESSION, IN VIOLATION OF NJSA 2C:20-4A AND NJSA 2C:2-6 (A CRIME OF THE SECOND DEGREE)

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in violation of:

Original Charge	1) 2C:20-4A	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: COMPLYING WITH R. 3:7-8
	I certify that I was unable to serve the complaint-summons.

Signed: **COURTNEY LAWRENCE NJ DIVISION OF CRIM JUSTICE** Date of Action: **10/20/2017**
Name, Title and Department of Officer

Affidavit of Probable Cause

COMPLAINT NUMBER

1506**S****2017****001037**

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 #:
17-51645

COMPLAINANT **COURTNEY LAWRENCE**
NAME: **25 MARKET ST**
P O BOX 085
TRENTON NJ 08625

THE STATE OF NEW JERSEY

VS.

KIM E BOGAN

ADDRESS :

540 ROBINHOOD ROAD**BRICK****NJ 08724-0000**

DEFENDANT INFORMATION

SEX: **F** EYE COLOR: **BROWN** DOB: **07/05/1965**

DRIVER'S LIC. #: [REDACTED]

DL STATE: **NJ**

SOCIAL SECURITY #: [REDACTED] SBI #:

TELEPHONE #: ()

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:

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1506

S

2017

001037

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

KIM E BOGAN

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: _____ Date: _____

Affidavit of Probable Cause

Page 6 of 7

1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER

1506**S****2017****001037**

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 #:
17-51645

COMPLAINANT **COURTNEY LAWRENCE**
NAME: **25 MARKET ST**
P O BOX 085
TRENTON NJ 08625

THE STATE OF NEW JERSEY

VS.

KIM E BOGAN

ADDRESS:

540 ROBINHOOD ROAD**BRICK****NJ 08724-0000**

DEFENDANT INFORMATION

SEX: **F** EYE COLOR: **BROWN**DOB: **07/05/1965**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

LIVESCAN PCN #:

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is designed to be appended to, and is expressly incorporated by reference in, the Affidavit of Probable Cause. It 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.

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: _____

Date: _____

Preliminary Law Enforcement Incident Report

Christopher S. Porrino

Attorney General of New Jersey

Attorney for Plaintiff

By: Thomas G. Tresansky, Jr.

Deputy Attorney General

Office of the Insurance Fraud Prosecutor

P.O. Box 094

Trenton, New Jersey 08625

(609) 984-1928

STATE OF NEW JERSEY,

Plaintiff,

v.

KIM E. BOGAN,

Defendant.

) SUPERIOR COURT OF NEW JERSEY
) LAW DIVISION, CRIMINAL PART
) OCEAN COUNTY

) ACCUSATION NO. 17-10-1661-A
) DCJ FILE NO. 2017-51645

) CRIMINAL ACTION

) ACCUSATION
)

Kim E. Bogan, having in writing waived indictment and trial by jury on the charge of second-degree Theft by Deception in violation of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:2-6 and having requested to be tried upon this charge by the Court and said request having been granted:

Thomas G. Tresansky, Jr., Deputy Attorney General, for the State of New Jersey alleges that:

COUNT ONE

(Theft by Deception - Second Degree)

On various dates between on or about January 1, 2011 and on or about April 30, 2017, at the Township of Brick, in the County of Ocean, and elsewhere, all within the jurisdiction of this Court,

KIM E. BOGAN

purposely did obtain the property of another in an amount of \$75,000.00 or more by deception, that is, the said KIM E. BOGAN purposely did obtain funds in the amount of \$75,000.00 or more from the Township of Brick located in the County of Ocean, State of New Jersey, by assisting a health care practitioner in creating or reinforcing the false impression that the health care practitioner was treating

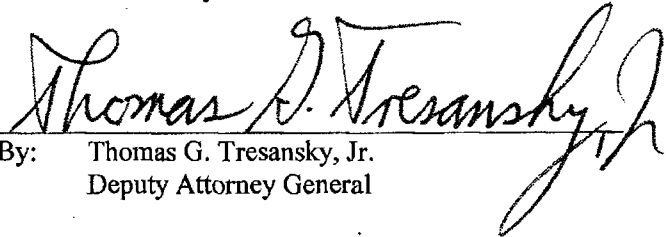
certain patients in order to receive payment for said treatments from the Township of Brick which payments the said KIM E. BOGAN did receive and then forwarded to the health care practitioner, whereas, in truth and in fact, the said KIM E. BOGAN well knew that the health care practitioner was not treating the patients and therefore the health care practitioner was not entitled to payment, reimbursement, or other benefit for treatments that the patients did not receive; contrary to the provisions of N.J.S.A. 2C:20-4a and N.J.S.A. 2C:2-6, and against the peace of this State, the government, and dignity of the same.

Christopher Iu
Acting Insurance Fraud Prosecutor
State of New Jersey

Dated: _____

10/24/17

By: Thomas G. Tresansky, Jr.
Deputy Attorney General

A handwritten signature in black ink, reading "Thomas G. Tresansky, Jr.", written over a horizontal line.

Christopher S. Porrino
Attorney General of New Jersey
Christopher S. Porrino
Attorney General of New Jersey
Attorney for Plaintiff
By: Thomas G. Tresansky, Jr.
Deputy Attorney General
Office of the Insurance Fraud Prosecutor
P.O. Box 094
Trenton, New Jersey 08625
(609) 984-1928

STATE OF NEW JERSEY,

Plaintiff,

v.

KIM E. BOGAN,

Defendant.

) SUPERIOR COURT OF NEW JERSEY
) LAW DIVISION, CRIMINAL PART
) OCEAN COUNTY

) ACCUSATION NO. 17-10-1661-A
) DCJ FILE NO. 2017-51645

) CRIMINAL ACTION

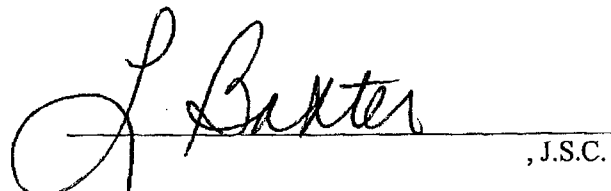
) WAIVER OF INDICTMENT
) AND TRIAL BY JURY
)

I, Kim E. Bogan the above named defendant, charged with one count of second-degree Theft by Deception in violation of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:2-6 in Accusation No. 17-10-1661-A and having been advised of the nature of the charge against me and of my right to indictment and trial by jury, hereby waive prosecution by indictment and trial by jury and request to be tried before this Court.

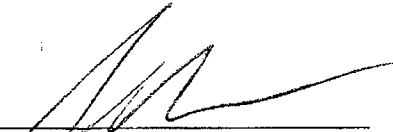
Signed in Ocean County, New Jersey, this 24th day of October, 2017 by:

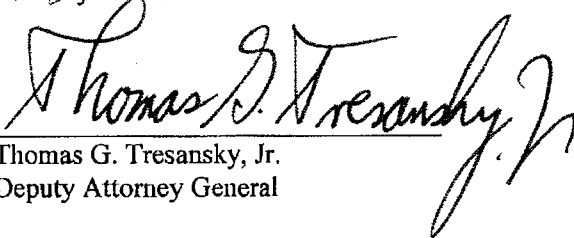

Kim E. Bogan, Defendant

Approved:


, J.S.C.

Signed and delivered in
the presence of:



Steven Secare, Esquire
Attorney for Defendant

Thomas G. Tresansky, Jr.
Deputy Attorney General

OCEAN COUNTY SUPERIOR COURT - LAW DIVISION
CRIMINAL INFORMATION FORM

NAME Bogan, Kim DATE 10/24/17
IND. # _____ ACC.# M-10-1661 CASE # 17003547.001
WARRANT/COMPLAINT # S 2017-1037-1506 MUN. APP. # _____
CHARGES _____ MUNICIPALITY _____

BAIL: ☐ 1st APP ☐ INFRA ☐ FORMAL ☐ CONT'D ☐ REDUCED ☐ FORF'D ☐ REINSTATED ☐ DISCHRGD ☐ INCREASED
☐ AMOUNT _____ ☐ NO 10% ALTERNATIVE ☐ CASH ONLY ☐ ROR
☐ B/W ISSUED FOR FTA and BAIL FORFEITED ☐ B/W ISSUED FOR FTA AND BAIL NOT FORFEITED ☐ B/W VACATED

PLEA: ☐ NOT GUILTY ☐ READING WAIVED
☒ GUILTY TO: Theft By Deception 2nd Deg.
2C 20-4

☒ LR ATTACHED ☒ P.S.I. ORDERED ☒ BAIL CONT'D 16my
TO BE DISMISSED _____

VOP: GUILTY TO: _____ VERDICT: _____
☐ TERMINATE PROBATION ☐ PAY PAROLE ☐ DISMISSED _____

SENTENCE: OCJ _____ TERM _____ SUSP _____ WKNDG _____ COMMENCING _____
DOC _____ TERM _____ PAROLE INELIG _____ AVENEL _____ YOC _____
☐ CJC ☐ CJS CREDIT FOR TIME SERVED _____

PROBATION _____

☐ SUB ABUSE EVAL ☐ URINE TESTING ☐ PSYCH EVAL PROGRAM _____

PATIENT: ☐ IN ☐ OUT TRANSPORT BY _____ UPON COMPLETION _____

EMPLOYMENT - OBTAIN/MAINTAIN COMM SRVC HRS _____ FINE _____

☐ PAROLE SUPERVISION FOR LIFE ☐ DNA ORDERED RESTITUTION AMOUNT _____

V.C.C.B. _____ DEOR PENALTY _____ LAB FEE _____ LEOTEF PENALTY _____

S.N.S.F. _____ SUP FEEMO _____ ☐ D.L. REVOKED _____ MV THEFT FINE _____

S.A.N.E. _____ ☐ SEX ASSAULT SURCHARGE OF \$100 _____ INSURANCE FRAUD SURCHARGE _____

PAYMENT RATE _____ PER _____ COMMENCING _____

☐ BAIL DISCHARGED ☐ ORDERED RELEASED ☐ REMAND OCEAN COUNTY JAIL

DETAINERS: _____

DISMISSED: _____

JUDGE L. Foster

PROSECUTOR * Thomas C. Treacandy Jr

REPORTER Quintana

DEFT'S ATTY S. Secare

NOTES: _____

Sentence DATE Jan 2, 2018

CLERK'S SIGNATURE M. Remarid # 3732



New Jersey Judiciary
Plea Form

County OCEAN

Prosecutor File Number 2017-51645

Defendant's Name:

before Judge: BAXTER

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			VCCO Assmt*
					Time	Fine	
<u>17-10-1661-A</u>	<u>1</u>	<u>THEFT BY DECEPTION</u>	<u>2</u>	Max	<u>10</u>	<u>150,000</u>	<u>50</u>
		<u>accomplice liability</u>		Max			
		<u>2C:20-4, 2C:2-6</u>		Max			
				Max			
				Max			
Your total exposure as the result of this plea is:				Total	<u>10</u>	<u>150,000</u>	<u>50</u>

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 you guilty 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
- d. Do you understand that by pleading you are not waiving your right to appeal (1) the denial of a motion to suppress physical evidence (R. 3:5-7(d)) or (2) the denial of acceptance into a pretrial intervention program (PTI) (R. 3:28(g))? ☒ Yes ☐ No
- e. Do you further understand that by pleading guilty you are waiving your right to appeal the denial of all other pretrial motions except the following: ☒ Yes ☐ No
- _____
- _____
- _____

* Victims of Crime Compensation Office Assessment

KB

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 Victims of Crime Compensation Agency Assessment? ☒ [Yes] ☐ [No]

c. You must pay a minimum Victims of Crime Compensation Agency 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 but was before March 13, 1995, 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? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 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]

g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? ☒ [Yes] ☐ [No]

h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? ☒ [Yes] ☐ [No]

i. Computer Crime Prevention Fund Penalty, N.J.S.A. 2C:43-3.8 (L. 2009, c. 143). If the crime involves a violation of N.J.S.A. 2C:24-4b(5)(b) (knowingly possessing or knowingly viewing child pornography, N.J.S.A. 2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18) or an offense involving computer criminal activity in violation of any provision of Title 2C, chapter 20, you will be assessed a mandatory penalty as listed below for each offense for which you pled guilty? ☒ [Yes] ☐ [No] N/A

- (1) \$2,000 in the case of a 1st degree crime
- (2) \$1,000 in the case of a 2nd degree crime
- (3) \$ 750 in the case of a 3rd degree crime
- (4) \$ 500 in the case of a 4th degree crime
- (5) \$ 250 in the case of a disorderly persons or petty disorderly persons offense

Total CCPF Penalty \$ _____

KB

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]
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 ____ years and ____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be ____ years and ____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
- b. If you are pleading guilty to such a charge, the minimum mandatory extended term is ____ years and ____ months (fill in the number of years/months) and the maximum mandatory extended term can be ____ years and ____ months (fill in the number of years/months).
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 realize that a guilty plea may result in a violation of your probation or parole? ☐ [Yes] ☐ [No] ☒ [NA]
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] ☒ [NA]
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] ☒ [NA]

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

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

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

5 YEARS NJSP, NO OBJECTION TO LSP

[Signature]

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

- a. Speak at sentencing? [Yes] ☒ [No]
- b. Seek an extended term of confinement? ☒ [Yes] [No]
- c. Seek a stipulation of parole ineligibility? ☒ [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] [NA]

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] [NA]

17. a. Are you a citizen of the United States? ☒ [Yes] [No]

If you have answered "No" to this question, you must answer Questions 17b - 17f. If you have answered "Yes" to this question, proceed to Question 18

- b. Do you understand that if you are not a citizen of the United States, this guilty plea may result in your removal from the United States and/or stop you from being able to legally enter or re-enter the United States? [Yes] [No]
- c. Do you understand that you have the right to seek individualized advice from an attorney about the effect your guilty plea will have on your immigration status? [Yes] [No]
- d. Have you discussed with an attorney the potential immigration consequences of your plea? If the answer is "No," proceed to question 17e. If the answer is "Yes," proceed to question 17f. [Yes] [No]
- e. Would you like the opportunity to do so? [Yes] [No]
- f. Having been advised of the possible immigration consequences and of your right to seek individualized legal advice on your immigration consequences, do you still wish to plead guilty? [Yes] [No]

18. a. Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence? [Yes] [No]

b. Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender? [Yes] [No]

19. Have you discussed with your attorney the legal doctrine of merger? ☒ [Yes] [No] [NA]

LB

20. Are you giving up your right at sentence to argue that there are charges you pleaded [Yes] [No] [NA] guilty to for which you cannot be given a separate sentence?

21. 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:

FORFEIT PUBLIC OFFICE, NO FUTURE
PUBLIC EMPLOYMENT FULL RESTITUTION \$5,000
TO BE PAID AT TIME OF SENTENCE

in amount of
\$941,354.77

Defendant to execute consent judgment in amount of \$936,354.77

22. 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]

23. 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]

24. Are you satisfied with the advice you have received from your lawyer? [Yes] [No]

25. Do you have any questions concerning this plea? [Yes] [No]

Date _____ Defendant _____

Defense Attorney _____

Prosecutor _____

[] 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.

LB

at time of sentencing



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, OCEAN County

State of New Jersey**v.**

Last Name

BOGAN

First Name

KIM

Middle Name

E

Also Known As

Date of Birth

07/05/1965

SBI Number

787292G

Date(s) of Offense

01/11/2011

Date of Arrest

PROMIS Number

17 003547-001

Date Ind / Acc / Complt Filed

10/24/2017

Original Plea

☐ Not Guilty☒ Guilty

Date of Original Plea

10/24/2017

Adjudication By



Guilty Plea



Jury Trial Verdict



Non-Jury Trial Verdict



Dismissed / Acquitted

Date: 10/24/2017

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
17-10-01661-A	1	THEFT BY DECEPTION-VALUE \$75000+/EXTORTN/CDS>1KG ETC	2C:20-4	2

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
17-10-01661-A	1	THEFT BY DECEPTION-VALUE \$75000+/EXTORTN/CDS>1KG ETC	2C:20-4	2

Sentencing Statement

It is, therefore, on 01/02/2018 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:

Count 1: Defendant is sentenced to the custody of the Commissioner of the Department of Corrections for five (5) years and fines as herein listed on Page 2 of the JOC.

The monetary penalties are to be paid through the Department of Corrections.

The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for the testing of the sample.

Defendant is ordered to pay restitution in the amount of \$941,354.77, with \$5,000.00 paid at sentencing, leaving a balance of \$936,354.77.

Defendant is to forfeit her public office position and is prohibited from holding any public employment in the future.

Any bail that has been posted in this matter is discharged.

All remaining counts pertaining to this defendant as listed in the original charges herein are hereby dismissed.

☐ It is further **ORDERED** that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term

005 Years 00 Months 000 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)

A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)

☐ DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))

	Standard	Doubled
1st Degree	_____ @ \$	_____ @ \$
2nd Degree	_____ @ \$	_____ @ \$
3rd Degree	_____ @ \$	_____ @ \$
4th Degree	_____ @ \$	_____ @ \$
DP or	_____ @ \$	_____ @ \$
Petty DP	_____ @ \$	_____ @ \$

Total DEDR Penalty \$ _____

☐ The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)

Forensic Laboratory Fee (N.J.S.A. 2C:35-20)

Total Lab Fee

Offenses @ \$ _____

\$ _____

VCCO Assessment (N.J.S.A. 2C:43-3.1)

Counts	Number	Amount
1	1 @	\$ 50.00
	@	\$
	@	\$
	@	\$

Total VCCO Assessment \$ 50.00

Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)

Offense

Mandatory Penalty

\$ _____

Offense Based Penalties

Penalty

Amount

\$ _____

Other Fees and Penalties

Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)

☒ \$ 30.00

Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2)

☒ 1 Offenses @ \$ 75.00

Total: \$ 75.00

Probation Supervision Fee (N.J.S.A. 2C:45-1d)

☐ \$ _____

Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)

☐ Offenses @ \$ _____

Total \$ _____

Transaction Fee (N.J.S.A. 2C:46-1.1)

☐ \$ _____

Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)

☐ \$ _____

Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)

☐ \$ _____

Fine

\$ _____

Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)

☐ \$ _____

Restitution

Joint & Several

\$ 941,354.77

☐

Total Financial Obligation

\$ 941,509.77

Details

Additional Conditions

- ☒ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).
- ☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).
- ☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).
- ☐ The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).
- ☐ The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____
- ☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).
- ☐ The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).
- ☐ The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).

Findings Per N.J.S.A. 2C:47-3

- ☐ The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.
- ☐ The court finds that the defendant is amenable to sex offender treatment.
- ☐ The court finds that the defendant is willing to participate in sex offender treatment.

License Suspension

- ☐ CDS / Paraphernalia (N.J.S.A. 2C:35-16) ☐ Waived
- ☐ Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)
- ☐ Eluding (N.J.S.A. 2C:29-2)
- ☐ Other

Number of Months

☐ Non-resident driving privileges revoked

Start Date

End Date

Details

Driver's License Number

Jurisdiction

If the court is unable to collect the license, complete the following:
Defendant's Address

City

State

Zip

Date of Birth

Sex

☐ M ☐ F

Eye Color

New Jersey Judiciary, Revised Form Effective August 1, 2017, CN: 10070 page 3 of 3
Copies to: County Probation Division Defendant Defense Counsel Prosecutor State Parole Board Dept of Corrections or County Penal Institution Juvenile Justice Commission

OCEAN COUNTY SUPERIOR COURT - LAW DIVISION
CRIMINAL INFORMATION FORM

NAME Boogan, Kim DATE 1-2-18
IND. # _____ ACC. # 17-10-11661 CASE # 17002547-001

WARRANT/COMPLAINT # _____ MUN. APP. # _____

CHARGES _____ MUNICIPALITY _____

BAIL: ☐ 1st APP ☐ INFRL ☐ FORMAL ☐ CONT'D ☐ REDUCED ☐ FORF'D ☐ REINSTATED ☐ DISCHRGD ☐ INCREASED
☐ AMOUNT _____ ☐ NO 10% ALTERNATIVE ☐ CASH ONLY ☐ ROR
☐ BAW ISSUED FOR FTA and BAIL FORFEITED ☐ BAW ISSUED FOR FTA AND BAIL NOT FORFEITED ☐ BAW VACATED

PLEA: ☐ NOT GUILTY ☐ READING WAIVED
☒ GUILTY TO: Cr 1 Theft by Deception 2nd deg
20:20-4 and 20:2-6

☐ LR ATTACHED ☐ P.S.I. ORDERED ☐ BAIL CONT'D

TO BE DISMISSED _____

VOP: GUILTY TO: _____ VERDICT: _____

☐ TERMINATE PROBATION ☐ PAY PAROLE ☐ DISMISSED _____

SENTENCE: OCJ _____ TERM 5 YRS SUSP _____ WKNS _____ COMMENCING _____
DOC ☒ TERM _____ PAROLE INELIG _____ AVENEL _____ YCIC _____
☐ C/C ☐ C/S CREDIT FOR TIME SERVED _____

PROBATION _____

☐ SUB ABUSE EVAL ☐ URINE TESTING ☐ PSYCH EVAL PROGRAM _____

PATIENT: ☐ IN ☐ OUT TRANSPORT BY _____ UPON COMPLETION _____

EMPLOYMENT - OBTAIN/MAINTAIN COMM SRVC HRS _____ FINE _____

☐ PAROLE SUPERVISION FOR LIFE ☒ DNA ORDERED RESTITUTION AMOUNT 941,354.77

V.C.C.B. 50.00 DEDR PENALTY _____ LAB FEE _____ LEOTEF PENALTY 30.00

S.N.S.F. 75.00 SUP FEEMO _____ ☐ D.I. REVOKED _____ MV THEFT FINE _____

S.A.N.E. _____ ☐ SEX ASSAULT SURCHARGE OF \$100 INSURANCE FRAUD SURCHARGE _____

PAYMENT RATE _____ PER _____ COMMENCING _____

☒ BAIL DISCHARGED ☐ ORDERED RELEASED ☒ REMAND DOC

DEFENDERS: Forfeir Public Lpice, NO Future Public Employment

\$5,000 to be paid today.

DISMISSED: Remainder 936,354.77

JUDGE L. Pastor PROSECUTOR *DAG T. TRSANSLEY

REPORTER Courtsmart DEFT'S ATTY S. Secane

NOTES: _____

45 Days to Appeal

Minimal weight on mit 8

Heavy/moderate weight on mit 6

moderate weight on mit 7 CLERK'S SIGNATURE Benavid # 3732

REV. 06/25/04 WHITE - COURT YELLOW - WARDEN PINK - DEFENDANT

Ocean County Superior Court.- Law Division
Supplement to Criminal Information Form

Page _____ of _____

Defendant Name: Bogan Kim Date: 9/3/19

Indictment No.: Acc: 17-10-01661 Judge: Baxter

Case 17003547 /001

Motion: Granted
Consent Order Restitution
Signed By Court

\$ 50,000 of Pension Funds of K. Bogan
payable to State of NJ Treasury:
towards restitution owed

atty: Pro-Se.
(DAG) pros: Leslie-Ann
Justus

Clerk: Kim R (64293)

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 29, 2020

Via OPRA Machine: opra+request-18103-0a7c3027@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request – “Case Reports”
Walter Uszenski

Dear Sir/Madam:

Please be advised there is no record information responsive to your request.

If you have any questions pertaining to this, please do not hesitate to contact me directly at 732-929-2027, x3135.

Very truly yours,
Dina R. Khajezadeh
Dina R. Khajezadeh
Assistant Prosecutor

DRK/dp

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 29, 2020

Via OPRA Machine: opra+request-18103-0a7c3027@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request – “Case Reports”
OCPO Case# 20002575
Jorge Santiago-Garcia

Dear Sir/Madam:

Enclosed please find the Complaint Warrant, Affidavit of Probable Cause and Preliminary Law Enforcement Incident Report pursuant to your request. Redactions of personal identifying information have been made pursuant to N.J.S.A. 47:1A-1.1 et seq.

Please be advised that there is no arrest report or global subject activity report responsive to your request. Please be further advised the above case is pending, therefore, no indictment, plea or sentencing information is in existence at this time.

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			
1514	W	2020	000724
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
LAKEWOOD MUNICIPAL COURT			
231 THIRD ST			
LAKEWOOD NJ 08701-0000			
732-364-2500 COUNTY OF: OCEAN			
# of CHARGES 3	CO-DEFTS 0	POLICE CASE #: 20-072318	
COMPLAINANT NAME: PTL M DENNIS JR #347		DEFENDANT INFORMATION	
231 THIRD STREET		SEX: M EYE COLOR: BROWN DOB: 09/20/1988	
ATTN WARRANTS		DRIVER'S LIC. #:	
LAKEWOOD NJ 08701		SOCIAL SECURITY #: () DL STATE: 823129G	
		TELEPHONE #:	
		LIVESCAN PCN #: 151402009739	

THE STATE OF NEW JERSEY

VS.

JORGE SANTIAGO-GARCIA

ADDRESS: HOMELESS

LAKEWOOD

NJ 08701-0000

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 **08/31/2020** in **LAKEWOOD TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY COMMIT THE CRIME OF MURDER SPECIFICALLY BY STABBING RODRIGO JIMENEZ-PAZ IN THE CHEST ONE TIME WITH A KNIFE WHICH RESULTED IN THE DEATH OF JIMENEZ IN VIOLATION N.J.S. 2C:11-3

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY HAVE IN HIS POSSESSION A WEAPON FOR AN UNLAWFUL PURPOSE SPECIFICALLY BY POSSESSING A KNIFE WHICH WAS USED TO COMMIT A STABBING WHICH RESULTED IN THE DEATH OF RODRIGO JIMENEZ-PAZ IN VIOLATION OF N.J.S. 2C:39-4D

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY COMMIT THE CRIME OF UNLAWFUL POSSESSION OF A WEAPON SPECIFICALLY BY HAVING IN HIS POSSESSION A KNIFE WHICH WAS USED TO STAB RODRIGO JIMENEZ-PAZ IN VIOLATION OF N.J.S. 2C:39-5D

in violation of:

Original Charge	1) 2C:11-3A(1)	2) 2C:39-4D	3) 2C:39-5D
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: **PTL M DENNIS JR #347**

Date: **08/31/2020**

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: **08/31/2020** 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. **LOURDES SERRANO JUDICIAL OFFICER** **08/31/2020**

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

1514**W****2020****000724**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**JORGE SANTIAGO - GARCIA****FTA Bail Information**

Date Bail Set: _____

Amount Bail Set: \$ _____

by: _____

☐ Bail Recog. AttachedReleased
on Bail
(v)

R.O.R.

Committed
DefaultCommitted
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:11-3A (1)**2) **2C:39-4D**3) **2C:39-5D**

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:*** 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:**COMPLAINT - WARRANT (Court Action)**

JUDGE'S SIGNATURE _____

DATE _____

Page 2 of 7

NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. JORGE SANTIAGO-GARCIA	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
1514	W	2020	000724		
LAKEWOOD MUNICIPAL COURT 231 THIRD ST LAKEWOOD NJ 08701-0000 732-364-2500 COUNTY OF: OCEAN				ADDRESS: HOMELESS LAKEWOOD NJ 08701-0000	
# of CHARGES 3	CO-DEFTS 0	POLICE CASE #: 20-072318	DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 09/20/1988 DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: SBI #: 823129G TELEPHONE #: () LIVESCAN PCN #: 151402009739		
COMPLAINANT NAME: PTL M DENNIS JR #347					
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 08/31/2020 in LAKEWOOD TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY COMMIT THE CRIME OF MURDER SPECIFICALLY BY STABBING RODRIGO JIMENEZ-PAZ IN THE CHEST ONE TIME WITH A KNIFE WHICH RESULTED IN THE DEATH OF JIMENEZ IN VIOLATION N.J.S. 2C:11-3 WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY HAVE IN HIS POSSESSION A WEAPON FOR AN UNLAWFUL PURPOSE SPECIFICALLY BY POSSESSING A KNIFE WHICH WAS USED TO COMMIT A STABBING WHICH RESULTED IN THE DEATH OF RODRIGO JIMENEZ-PAZ IN VIOLATION OF N.J.S. 2C:39-4D WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY COMMIT THE CRIME OF UNLAWFUL POSSESSION OF A WEAPON SPECIFICALLY BY HAVING IN HIS POSSESSION A KNIFE WHICH WAS USED TO STAB RODRIGO JIMENEZ-PAZ IN VIOLATION OF N.J.S. 2C:39-5D					
in violation of:					
Original Charge	1) 2C:11-3A(1)		2) 2C:39-4D		3) 2C:39-5D
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: PTL M DENNIS JR #347 Date: 08/31/2020					
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 TOMS RIVER NJ 08753-0000 Date of Arrest: 08/31/2020 Appearance Date: Time: 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. LOURDES SERRANO JUDICIAL OFFICER 08/31/2020 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)	
				Page 3 of 7 NJ/CDR2 1/1/2017	

COMMITMENT

COMPLAINT NUMBER

1514**W****2020****000724**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

LAKEWOOD MUNICIPAL COURT**231 THIRD ST****LAKEWOOD****NJ 08701-0000****732-364-2500**COUNTY OF: **OCEAN**# of CHARGES
3CO-DEFTS
0POLICE CASE #:
20-072318COMPLAINANT **PTL M DENNIS JR #347**NAME: **231 THIRD STREET****ATTN WARRANTS****LAKEWOOD****NJ 08701***THE STATE OF NEW JERSEY**VS.***JORGE SANTIAGO-GARCIA**

ADDRESS:

HOMELESS**LAKEWOOD****NJ 08701-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **09/20/1988**

DRIVER'S LIC. #:

DL STATE:

SOCIAL SECURITY #:

SBI #: **823129G**

TELEPHONE #:

()LIVSCAN PCN #: **151402009739**

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.	<u>2C:11-3A(1)</u>	<u> </u>	<u> </u>	<u>1</u>	<u>MURDER - PURPOS</u>
2.	<u>2C:39-4D</u>	<u> </u>	<u> </u>	<u>3</u>	<u>POSS OF WEAPON</u>
3.	<u>2C:39-5D</u>	<u> </u>	<u> </u>	<u>4</u>	<u>UNLAWFUL POSS W</u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Commitment Reason: **Criminal Justice Reform**

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**
120 HOOPER AVE

in the county of **OCEAN****TOMS RIVER****NJ 08753-0000**Date of Arrest: **08/31/2020**Phone: **732-504-0700****LOURDES SERRANO JUDICIAL OFFICER****08/31/2020**

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER

1514**W****2020****000724**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

LAKEWOOD MUNICIPAL COURT
231 THIRD ST
LAKEWOOD NJ 08701-0000
732-364-2500 COUNTY OF: **OCEAN**

ADDRESS:

HOMELESS**LAKEWOOD****NJ 08701-0000**# of CHARGES
3

CO-DEFTS

POLICE CASE #:
20-072318

COMPLAINANT **PTL M DENNIS JR #347**
NAME: **231 THIRD STREET**
ATTN WARRANTS
LAKEWOOD NJ 08701

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **09/20/1988**

DRIVER'S LIC. #:

DL STATE:

SOCIAL SECURITY #:

SBI #: **823129G**

TELEPHONE #:

()LIVESCAN PCN #: **151402009739**

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:

SEE ATTACHED APPENDIX A

Affidavit of Probable Cause**Page 5 of 7**

1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER

1514**W****2020****000724**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY**VS.****JORGE SANTIAGO-GARCIA**

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 DUE TO OBSERVING SURVEILLANCE VIDEO FROM THE SCENE, AND BEING PRESENT DURING THE INTERVIEWS OF THE WITNESS, AND THE SUSPECT.

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

VICTIM IS DECEASED AS A RESULT OF THIS CRIME.

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: PTL M DENNIS JR #347 LAW ENFORCEMENT OFFICER

Date: 08/31/2020

Affidavit of Probable Cause**Page 6 of 7**

1/1/2017

20-072318

On August 31, 2020 Lakewood Police responded to the Pine Cone Liquor Store located at 248 2nd Street, after multiple callers reported that an individual had been stabbed. Lakewood Police and Medic Unit 7224 and 1480 responded and the victim identified as Rodrigo Jimenez-Paz was transported to Jersey Shore University Medical Center. Lifesaving efforts were unsuccessful and the body of Rodrigo Jimenez-Paz was pronounced dead at 1744 hours by Dr. Shin. Video surveillance from the exterior of Pine Cone Liquors was obtained by Law Enforcement via consent. Officers viewed the surveillance video from the Pine Cone Liquors and observed outside the defendant to be a Hispanic male with bushy black hair, wearing a white tee shirt with lettering across the chest area, and blue jeans.

At this time, patrol officers broadcasted a description of the defendant via police radio, as well as distributed a photo of the defendant via cellular phone.

Further examination of the surveillance video from Pine Cone Liquors the victim was outside of the liquor store and appearing to have a conversation with the defendant at which time the defendant brandishes a knife lunging at the victim stabbing him once in the chest. The defendant is then seen fleeing the scene heading north into a municipal parking lot. At 1728 hours, the defendant was ultimately located by Lakewood Police at 1st Street and Madison Avenue in the "Muster Zone", wearing a white t-shirt and blue jeans which is consistent with what was observed in the surveillance video.

A witness, who was seen in the surveillance video from the Pine Cone Liquors was interviewed who indicated that he was familiar with both the defendant and the decedent. However, the witness did not recall the victim and the defendant's names. The witness stated that he never observed the knife, however did see the defendant appear to push or punch the decedent in the chest.

A DVD recorded statement of the defendant, Jorge Santiago-Garcia was recorded at the Lakewood Police Department. After being advised of his constitutional rights as per Miranda, Santiago-Garcia waived his rights and began to speak with Detectives. Detectives asked the defendant what started the argument between him and the victim at the Pine Cone Liquors? The defendant responded that you would need to ask the victim what he did to his daughter. Ultimately, the defendant denies being at the scene and further denies stabbing the victim due to the fact that he was not arrested with the murder weapon. At this time, Santiago-Garcia advised that he was finished answering question from law enforcement.

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> VS. JORGE SANTIAGO-GARCIA	
1514	W	2020	000724		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
LAKEWOOD MUNICIPAL COURT 231 THIRD ST LAKEWOOD NJ 08701-0000 732-364-2500 COUNTY OF: OCEAN				ADDRESS: HOMELESS LAKEWOOD NJ 08701-0000	
# of CHARGES 3	CO-DEFTS	POLICE CASE #: 20-072318		DEFENDANT INFORMATION	
COMPLAINANT PTL M DENNIS JR #347 NAME: 231 THIRD STREET ATTN WARRANTS LAKEWOOD NJ 08701				SEX: M EYE COLOR: BROWN DOB: 09/20/1988 DRIVER'S LIC. #: SOCIAL SECURITY #: TELEPHONE #: () LIVESCAN PCN #: 151402009739	
DL STATE: SBI #: 823129G					

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 offense/incident was recorded using electronic/surveillance via:
 •Surveillance Camera

-The defendant was known to the victim as:
 •Acquaintance

-The victim was injured and:
 •Victim transported to medical facility

-A weapon was involved in the incident:
 •Knife/Cutting Instrument

-The defendant attempted to conceal, discard or destroy evidence, DISCARDED KNIFE

-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).

-The investigation involved the seizure of one or more cellphones, computers or similar electronic devices.
 List the type of device(s) and total number of each recovered: CELLPHONE

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: PTL M DENNIS JR #347 LAW ENFORCEMENT OFFICER Date: 08/31/2020

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 29, 2020

Via OPRA Machine: opra+request-18103-0a7c3027@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request – “Case Reports”
OCPO Case# 20000212
Edgar Diaz

Dear Sir/Madam:

Enclosed please find the Complaint Warrant, Affidavit of Probable Cause, Preliminary Law Enforcement Incident Report, Accusation, Waiver of Indictment, Plea Form, Supplemental Plea Form, Judgment of Conviction, and Criminal Information Form. Redactions of personal identifying information have been made pursuant to N.J.S.A. 47:1A-1.1 et seq.

Please be advised that there is no arrest report or global subject activity report responsive to your request.

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			
1507	W	2020	000124
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN			
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 19-44317	
COMPLAINANT PTL D BRENNAN NAME: POBX876/2550AKAVE ATTN WARRANTS TOMS RIVER NJ 08753		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 01/04/2002 DRIVER'S LIC. #. SOCIAL SECURITY #: SBI #: 166160H TELEPHONE #: () LIVSCAN PCN #: 150703014078	
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 08/07/2019 in TOMS RIVER TWP , OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY CAUSE THE DEATH OF MARGARITA DIAZ, OR CAUSE SERIOUS BODILY INJURY RESULTING IN THE DEATH OF SPECIFICALLY BY STABBING AND STRIKING VICTIMS HEAD ON THE PAVEMENT CAUSING BLUNT FORCE TRAUMA CAUSING MRS. DIAZ'S DEATH IN VIOLATION OF N.J.S. 2C:11-3A(1) WITHIN THE JURISDICTION OF THIS COURT, POSSESS A WEAPON, OTHER THAN A FIREARM, NAMELY A CUSTOM FASHIONED KNIFE WITH A PURPOSE TO USE IT UNLAWFULLY AGAINST THE PERSON OR PROPERTY OF ANOTHER, SPECIFICALLY BY STABBING VICTIM ABOUT THE HEAD AND BODY IN VIOLATION OF N.J.S. 2C:39-4D WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY POSSESS A WEAPON, NAMELY A CUSTOM FASHIONED KNIFE, UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR LAWFUL USE, SPECIFICALLY BY STABBING MARGARITA DIAZ IN HEAD AND BODY IN VIOLATION OF N.J.S. 2C:39-5D in violation of:			
Original Charge	1) 2C:11-3A(1)	2) 2C:39-4D	3) 2C:39-5D
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: PTL D BRENNAN Date: 01/14/2020			
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: 01/14/2020 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. KELLY MAHONY JUDICIAL OFFICER 01/14/2020 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	
		Page 1 of 10 NJ/CDR2 1/1/2017	

COMPLAINT - WARRANT

COMPLAINT NUMBER

1507

W

2020

000124

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.

EDGAR U DIAZ

WITHIN THE JURISDICTION OF THIS COURT, HAVING CAUSE DD HARM THEREBY MAKING DD AN ABUSED OR NEGLECTED CHILD AS DEFINED IN CHAPTER 6 OF TITLE 9 OF THE NEW JERSEY STATUTES, SPECIFICALLY BY STABBING HIS MOTHER,MARGARITA DIAZ, IN THE HEAD AND BODY IN HIS PRESENCE.

Original Charge

4) **2C:24-4A(2)**

Amended Charge

COMPLAINT - WARRANT

COMPLAINT – WARRANT (Court Action)																			
COMPLAINT NUMBER					STATE V. EDGAR U DIAZ														
1507	W	2020	000124																
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:11-3A(1)				2) 2C:39-4D				3) 2C:39-5D									
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:										* 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 3 of 10						NJ/CDR2 1/1/2017							

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER										STATE V.											
1507		W		2020		000124		EDGAR U DIAZ													
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				4) 2C:24-4A(2)																	
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:			
DEDRLab Fee				DEDRL:		LAB:				DEDRL:		LAB:				DEDRL:		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:														* 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 4 of 10											
										NJ/CDR2 1/1/2017											

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1507	W	2020	000124
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN			
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 19-44317	
COMPLAINANT NAME: PTL D BRENNAN		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 01/04/2002 DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: SBI #: 166160H TELEPHONE #: () LIVSCAN PCN #: 150703014078	
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Original Charge	1) 2C:11-3A(1)	2) 2C:39-4D	3) 2C:39-5D
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: PTL D BRENNAN Date: 01/14/2020			
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 TOMS RIVER NJ 08753-0000 Date of Arrest: 01/14/2020 Appearance Date: Time: 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. KELLY MAHONY JUDICIAL OFFICER 01/14/2020 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) Page 5 of 10 NJ/CDR2 1/1/2017	

COMPLAINT - WARRANT

COMPLAINT NUMBER

1507

W

2020

000124

STATE V.

EDGAR U DIAZ

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

WITHIN THE JURISDICTION OF THIS COURT, HAVING CAUSE DD HARM THEREBY MAKING DD AN ABUSED OR NEGLECTED CHILD AS DEFINED IN CHAPTER 6 OF TITLE 9 OF THE NEW JERSEY STATUTES, SPECIFICALLY BY STABBING HIS MOTHER, MARGARITA DIAZ, IN THE HEAD AND BODY IN HIS PRESENCE.

Original Charge

4) **2C:24-4A(2)**

Amended Charge

COMPLAINT - WARRANT (DEFENDANT'S COPY)

Page 6 of 10

NJ/CDR2 1/1/2017

COMMITMENT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. EDGAR U DIAZ ADDRESS : 901 NORTH HAMPTON BLVD MANCHESTER NJ 08759-0000 DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 01/04/2002 DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: SBI #: 166160H TELEPHONE #: () LIVESCAN PCN #: 150703014078	
1507	W	2020	000124		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN					
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 19-44317			
COMPLAINANT PTL D BRENNAN NAME: POBX876/2550AKAVE ATTN WARRANTS TOMS RIVER NJ 08753					

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.	<u>2C:11-3A(1)</u>	<u></u>	<u></u>	<u>1</u>	<u>MURDER - PURPOS</u>
2.	<u>2C:39-4D</u>	<u></u>	<u></u>	<u>3</u>	<u>POSS OF WEAPON</u>
3.	<u>2C:39-5D</u>	<u></u>	<u></u>	<u>4</u>	<u>UNLAWFUL POSS W</u>
4.	<u>2C:24-4A(2)</u>	<u></u>	<u></u>	<u>3</u>	<u>ENDANGERING-ABU</u>

Commitment Reason: **Criminal Justice Reform**

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 **TOMS RIVER** **NJ 08753-0000**

Date of Arrest: 01/14/2020

Phone: 732-504-0700

KELLY MAHONY JUDICIAL OFFICER

01/14/2020

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER			
1507	W	2020	000124
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
TOMS RIVER MUNICIPAL COURT			
255 OAK AVENUE			
TOMS RIVER NJ 08753-0000			
732-797-3914 COUNTY OF: OCEAN			
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 19-44317	
COMPLAINANT PTL D BRENNAN			
NAME: POBX876/2550AKAVE			
ATTN WARRANTS			
TOMS RIVER NJ 08753			
DEFENDANT INFORMATION			
SEX: M EYE COLOR: BROWN DOB: 01/04/2002			
DRIVER'S LIC. #.			
DL STATE:			
SOCIAL SECURITY #:			
SBI #: 166160H			
TELEPHONE #:			
()			
LIVESCAN PCN #: 150703014078			

THE STATE OF NEW JERSEY

VS.

EDGAR U DIAZ

ADDRESS :

901 NORTH HAMPTON BLVD

MANCHESTER

NJ 08759-0000

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:
see affidavit

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1507

W

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SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

EDGAR U DIAZ

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:

victim died as a result

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: PTL D BRENNAN LAW ENFORCEMENT OFFICER

Date: 01/14/2020

Affidavit of Probable Cause

Page 9 of 10

1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. EDGAR U DIAZ ADDRESS: 901 NORTH HAMPTON BLVD MANCHESTER NJ 08759-0000	
1507	W	2020	000124		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN					
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 19-44317		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 01/04/2002 DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: SBI #: 166160H TELEPHONE #: () LIVESCAN PCN #: 150703014078	
COMPLAINANT NAME: PTL D BRENNAN					
POBX876/2550AKAVE ATTN WARRANTS TOMS RIVER NJ 08753					

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 offense Involved domestic violence.
- The defendant was known to the victim as:
 - Family
- The victim was injured and:
 - Victim transported to medical facility
- A weapon was involved in the incident:
 - Knife/Cutting Instrument
- Physical evidence was seized/recovered:
 - Weapon(s)
- Child(ren) were present at the time of the offense and:
 - Child(ren) were placed at risk by the offense
- A member of the public provided information to a 9-1-1 call center or dispatcher (or similar).
- The case involves a search warrant(s).
- The case involves a consent search.
- The investigation involved the seizure of one or more cellphones, computers or similar electronic devices.
List the type of device(s) and total number of each recovered: multiple electronic device
- Additional information relevant to the offense(s) charged: The defendant stabbed and assaulted the victim resulting in her death

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: **PTL D BRENNAN LAW ENFORCEMENT OFFICER** Date: **01/14/2020**

Toms River Police Department

Ocean County Superior Court

FOR In the matter of
E.D. a juvenile DOB 1/04/02

AFFIDAVIT IN SUPPORT
PROBABLE CAUSE

Defendant(s)

State of New Jersey :
County of Ocean : ss.

Detective Dan Brennan, of full age, being duly sworn according to law upon his/her oath,
deposes and says:

1. I am employed as a **Detective** with the **Toms River Police Department**.
2. In the course of my duties I have had occasion to investigate(state all indictable charges you are signing for which this affidavit applies:

Murder 2C:11-3a, Endangering the Welfare of a child 2C:24-4a(2), possession of a weapon for an unlawful purpose 2C:39-4d and unlawful possession of a weapon 2C: 39-5d.
3. I have probable cause to believe **E.D., a juvenile DOB 1/04/02** committed the above offense.
4. I am charging the defendant based on the following proof.
5. On August 7, 2019 at 2042 hours, the Toms River Police Department received a 911 call from an individual named Marissa Margiano in reference to a dispute in a parking lot at the intersection of Shady Nook and Route 37 West. Ptl. Catalano and Ptl. Pelka of the Toms River Police Department responded to 150 Route 37 West, Deer Chase Professional Park Complex to discover an unresponsive female on the ground outside of a gray Honda Odyssey minivan. The victim was observed to be lying face up on the pavement of the parking lot, with severe head trauma. Ptl. Pelka of the Toms River Police Department was the first officer on scene and immediately began to administer medical treatment. Toms River Police Medic Unit and MONOC units arrived on scene thereafter to continue life saving measures and transported the victim to Community Medical Center Hospital. The victim was identified as Margarita Diaz and was subsequently pronounced dead at 2134 hours by Dr. Mohindroo.

6. On scene, located a search distance from the vehicle, were two young juvenile males, who were identified as E.D. (DOB: 01/04/02) and D.D. (DOB-06/13/16) Margarita Diaz's children. Ptl. Catalano advised that once on scene she was approached by E.D. and D.D., wherein E.D. stated that an unknown male wearing all black with a baseball hat and sweatshirt approached the vehicle. E.D. advised the unknown male was mumbling and then asked for help. The unknown male then proceeded to open the front driver's side door and dragged their mother from the vehicle. E.D. advised the unknown male was "beating her" and was carrying an unknown type of knife. Ptl. Catalano observed that E.D. and D.D. appeared upset and had blood on them.
7. Ptl. Pelka briefly spoke with E.D. on scene, who relayed to him the decedent was sitting in the front passenger seat of the vehicle when an unknown male approached asking for help and was mumbling. The unknown male opened the passenger door pulling the decedent out and began beating her. E.D. stated he then exited the vehicle in attempt to help the decedent by punching the unknown male several times with his fist. While on scene Edgar J. Diaz, later identified as Margarita Diaz' husband and E.D. and D.D.'s father, arrived on scene. Edgar Diaz advised officers that he was working at Toms River X-Ray in the Professional Park Complex cleaning. E.D, D.D. and Mr. Diaz were transported to Toms River Police Department pending interviews.
8. The Ocean County prosecutors Office was notified of the apparent homicide via telephone to Detective Sergeant Brian Haggerty of the Ocean County Prosecutors Office, Major Crime Unit and requested to respond to 150 Route 37 West to assist with a death investigation. Several other members of the Major Crime Unit also responded to assist.
9. Once on scene, Det. Carroll from the Ocean County Prosecutors office observed a 2008 Gray Honda Odyssey bearing New Jersey registration [REDACTED] in the parking lot of Deer Chase Professional Complex. There appeared to be a large amount of blood and medical waste on the ground outside the passenger side of the vehicle. This affiant also observed a metal can, placed due to inclement weather, approximately five feet behind the rear of the decedent's vehicle covering what appeared to be a knife. Also in the parking lot was a 1997 White Nissan Pathfinder with New Jersey Registration [REDACTED]. Mr. Diaz advised officers that he drove the Nissan Pathfinder to the location. Both vehicles were subsequently towed back to the Ocean County Sheriff's Department, Crime Scene Investigation Unit pending search warrants.
10. Detective Brant Uricks of the Ocean County Prosecutors Office, Major Crime Unit responded to Community Medical Center Hospital, emergency room number #21 to gather preliminary information regarding the victim's injuries. Detective Uricks, Detective Laudacina and Detective Chester, both of the Ocean County Sheriff's Department Crime Scene Investigation Unit, and Doctor Leslie Cauvin of the Ocean County Medical Examiner's Office were present during the initial examination.
11. Detective Uricks described the decedent to be laying supine on a hospital gurney. The decedent was clothed in a brown T-shirt and bra, both with dried red staining believed to be blood, a pair of cut pants, and a pair of white sneakers. The decedent's eyes were open and significant trauma could be observed to the face and neck. Under the forehead of the decedent was a relatively large quantity of blood. Both stab and slash wounds were observed to her neck and facial area, as well as a scrape to the left cheek. The decedent was covered in dried blood, which inhibited detectives from observing all of her injuries.

12. Detective John Carroll and Detective Denis Mitchell of the Ocean County Prosecutors Office, Major Crime's Unit and Detective Ted Malony of the Toms River Police Department responded to Community Medical Center Hospital to speak with several friends and family members of the decedent. In the course of speaking to those individuals, it was learned that Mr. Diaz was cleaning Toms River X-Ray office building and the decedent along with E.D. and D.D. were traveling to that location to assist him, as they do every Wednesday night. The friends and family member advised this affiant that E.D. and D.D. and the decedent did not attend their normal Jehovah Witness meeting at Kingston Hall at 1930 hours that evening.
13. In addition, the decedent's sister and brother in law, Maria and Felipe Andrade, advised the following information. Maria stated the decedent and she were cleaning houses throughout the day and the decedent did not feel good. After work, the decedent told her she was going to go home and lay down and that is why they did not attend the Jehovah Witness meeting. Felipe advised E.D. was working with him all day in Manahawkin painting at a residence. Felipe advised they finished work at approximately 1500 hours.

On August 8, 2019, at 0053 hours Det. John Carroll applied for two telephonic search warrants for a 2008 Gray Honda Odyssey (decedent's vehicle) and a 1997 White Nissan Pathfinder (Edgar Diaz' vehicle). Said warrants were granted by the Honorable Guy Ryan, J.S.C.

14. Lt. Carlos Trujillotovar of the Ocean County Prosecutors Office, Major Crime Unit interviewed Edgar Diaz, the decedent's husband. Mr. Diaz advised he was cleaning the office of Toms River X-Ray. Mr. Diaz stated he was in the lobby with his ear buds in, when he heard a knock on the window and observed E.D., a juvenile. Mr. Diaz stated he observed a red mark on the face of E.D. a juvenile. In opening the door, Mr. Diaz was advised by E.D., a juvenile, that they were attacked and pointed in the direction of the decedent. Mr. Diaz advised he then started to walk towards the grey Honda Odyssey when he observed police, who advised E.D., a juvenile and Mr. Diaz to stay where they were at.
15. On August 8, 2019, in the early morning hours, this affiant and Detective Lindsay Woodfield of the Ocean County Prosecutors Office, Major Crime Unit interviewed E.D., a juvenile, at the Toms River Police Department. Mr. Diaz and E.D., a juvenile, were escorted to interview room #2. Lt. Trujillotovar, Det. Woodfield and this affiant were present in the interview room. As Mr. Diaz's primary language is Spanish, Lt. TrujilloTovar explained the juvenile Miranda form to Mr. Diaz in Spanish. Mr. Diaz understood and consented to the interview of his son E.D., a juvenile. Det. Woodfield read the juvenile Miranda rights form to E.D., a juvenile. E.D., a juvenile, stated he understood rights, agreed to waive his rights, and provide a statement. Both Mr. Diaz and E.D., a juvenile, signed the juvenile Miranda Form. In the course of the interview E.D., a juvenile, stated that he woke up at approximately 05:00 am to work with his uncle Felipe. E.D. stated he rode his bicycle to his uncle's house and he traveled to Long Branch to perform painting work. E.D. and his uncle finished work in Long Branch at approximately 15:00 hrs. E.D. stated his uncle transported E.D. to his residence and E.D. rode his bicycle back home. E.D. stated he arrived home at approximately 16:00 hours where his mother, the decedent, was cooking dinner. Mr. Diaz arrived home at approximately 17:00. Mr. Diaz ate dinner and then soon left to clean the office of Toms River X-ray. E.D. advised that normally he and the decedent attend Jehovah Witness meetings on Wednesday but the decedent fell asleep and they did not attend the meeting. E.D. explained that the decedent and he would routinely visit Mr. Diaz at Toms River X-ray and assist him with cleaning. E.D. stated he, D.D., and the decedent left the residence at approximately 19:00 hours in the above-mentioned 2008 Honda Odyssey and traveled to

Toms River X-ray. E.D. advised the decedent was driving and he was sitting in the middle back seat next to D.D. who was in a car seat. E.D. stated that he put earphones in his ears and was listening to a music on Spotify through his cellphone during the car ride.

16. Upon arrival at the parking lot of Toms River X-ray, E.D. stated he felt the vehicle stop by the dumpster and he looked up, at which time he saw an “all black person” standing at the driver side window asking for help. E.D. stated the decedent did not understand the unknown male as he started to “mumble”. The decedent then lowered the driver’s window, when the unknown male reached through the window and began striking the decedent. The unknown male then reached one arm into the vehicle and opened the door from the inside and forcefully pulled the decedent from the vehicle. E.D. stated he panicked and could not open the sliding car door so he exited the vehicle through the front driver’s door.
17. Once outside the vehicle, E.D. advised the decedent and the unknown male suspect were located to the rear driver side of the vehicle. E.D. stated after exiting the vehicle he ran to the rear of the vehicle, to see the unknown male suspect holding the decedent from behind as the decedent is holding her throat with her own hand. E.D. stated the unknown male suspect was striking the decedent in a stabbing motion with his right hand. E.D. attempted to help the decedent by running up to the unknown male suspect, from behind, and punched him in the lower back numerous times. E.D. stated that he has “never been in a fight” before but thought punching the unknown male suspect in that area of the body would hurt more. The unknown male suspect then pushed E.D. in his stomach, causing E.D. to fall down on his stomach. The unknown male suspect then began to drag the decedent by her hair to the passenger side of the vehicle. E.D. stated he then followed the unknown male suspect to the passenger side of the vehicle and saw the suspect bang the decedent’s face into the pavement by her hair. E.D. heard the unknown male suspect yell “Fuck you, Fuck you”. E.D. stated he never saw the suspect before. E.D. described the unknown male suspect as a black male wearing all black clothing. E.D. explained that he usually wears glasses and needs them to see clearly. E.D. advised he was not wearing his glasses during attack. E.D. added that the unknown male suspect was also wearing black sneakers. E.D. stated that he then attempted to help the decedent a second time by approaching the unknown male suspect and striking him in the lower back again. E.D. advised the unknown male suspect pushed him again, causing him to fall to the ground.
18. During the second engagement, E.D. advised he heard a “crack” and thought the unknown male suspect had a knife. E.D. then described the knife as a custom made black knife. E.D. stated after getting up off the ground the unknown male suspect fled on foot. E.D. stated the unknown male suspect fled through the office complex on the northside of Shady Nook, known as the Commons Medical Facility, past the rear white fence. E.D. was asked again to describe the unknown male suspect and described him as wearing a baseball style cap, black sweatpants with light skin color by calling him “caramel”. E.D. advised the unknown male suspect was black with no Hispanic accent. E.D. advised the unknown male suspect did not take any items from the decedent, himself or the vehicle. E.D. stated he did not call anyone during this incident.
19. E.D. advised after the unknown male suspect fled the scene, he went to check on the decedent. In checking the decedent, E.D. advised he grabbed her “palm” (wrist) and neck for a pulse. E.D. stated the decedent did not have a pulse. E.D. then heard his little brother, D.D. crying inside the vehicle. E.D. then went to retrieve D.D. by entering the vehicle through the front driver’s side door. Upon being asked again about his actions after the suspect fled, E.D. repeated he approached the decedent and felt for her pulse on her palm and neck, and again

felt no pulse. E.D. stated that he “had never had a dead person in front of me.” E.D. then stated he got D.D. out of the vehicle to begin to walk to “get his dad.” As E.D. and D.D. walked away E.D. felt he should not leave the decedent alone so they walked back.

20. E.D. advised when walking back to the decedent, the police arrived. E.D. then spoke with the police officers and stated he told the officers that D.D. and he went to Toms River X-ray to get his father, Mr. Diaz. E.D. was then questioned about the noticeable scratches on his face, he advised he did not recall how he got them. E.D. advised that the clothing he was wearing that evening was a thin black jacket, with a shirt underneath.
21. E.D. was asked to recount the incident again in order to clarify the sequence of events. E.D. stated that he did not see the unknown male suspect reach in the vehicle and open the door. E.D. stated he looked down to unfasten his seat belt and when he looked up, the door was open and the decedent was being pulled out of the vehicle. E.D. was positive the decedent lowered the driver’s side window and the interior dome light was off. E.D. made an unsolicited comment that he heard stories like this but never thought he would experience it. E.D. was again asked how he got the cuts to his hands and he stated he got the cuts when the unknown male suspect pushed him to the ground. E.D. again stated he checked the decedent for a pulse. E.D. was asked if he moved the decedent at which time he stated after feeling the decedent for a pulse, he flipped her over on to her back. E.D. then went to the vehicle to get D.D. After getting D.D. out of vehicle he returned to check on the decedent. E.D. was again asked about the description of the knife. E.D. stated he thought the knife broke and he heard the knife fall on the concrete. E.D. remembers seeing the knife on the ground behind the vehicle. E.D. went on to describe the knife as being small and black with two points. E.D. was asked how bloodstains would have gotten on the shoulders of the shirt he was wearing under his jacket during the attack. E.D. added that he leaned over the top of the decedent after flipping her over. E.D. was asked about his actions as the decedent was being pulled from the vehicle. E.D. advised when the decedent was pulled from the vehicle, he took off his ear buds and placed them in his jacket pocket with his cell phone and zipped up the pocket to secure his cell phone.
22. E.D. advised while being seated in the vehicle, he was wearing his glasses and they fell off while exiting the vehicle. E.D. was then asked to explain how he checked on the condition of the decedent after the unknown male suspect fled the scene. E.D. now stated he checked the decedent’s “palms” and neck for a pulse. E.D. then flipped the decedent over, to lean over her in an attempt to see if she was breathing by utilizing his right ear. E.D. then switched and leaned over the decedent utilizing his left ear to see if she was breathing. E.D. believes that is how he may have gotten blood on himself. E.D. was then confronted with the fact that the driver side window was found to be in the closed position after he stated the decedent had lowered the window. E.D. then admitted he closed the driver side window. E.D. explained, after he got D.D. out of the vehicle, he closed the driver’s side window because the interior was getting wet due to rain.
23. Due to inconsistencies in E.D.’s version of events, he was asked to re-tell the incident one more time. E.D. stated he was seated in the rear seat with his ear buds in his ears listening to Spotify. E.D. stated the vehicle stopped and he saw an unknown male suspect at the driver side window. The decedent opened the driver side window and the unknown male suspect asked for help. E.D. removed his ear buds at this time because the decedent does not speak English and he acts as her interpreter. The decedent stated “me in hurry” to the unknown male suspect, at which time the unknown male suspect reached through the open window. E.D. began to have a panic attack. The decedent was then pulled from the vehicle. E.D.

unfastened his seatbelt and tried to exit the sliding door. The sliding door did not open so he exited through the driver's door by stepping on the driver's side seat. E.D. stated he tripped and fell while exiting the vehicle. E.D. approached the rear of the vehicle to observe the decedent being physically assaulted by the unknown male suspect. E.D. approached the unknown male suspect from behind and punched him in the ribs. E.D. then heard the knife break and fall to the ground. The unknown male suspect pushed E.D. causing him to fall. The unknown male suspect walked the decedent to the passenger's side of the vehicle. E.D. stated the decedent was yelling for help. E.D. stated the decedent was on the ground with the unknown male suspect on top of her. The unknown male suspect was slamming the decedent's head into the pavement. E.D. advised he approached the unknown male suspect from behind and again punched him in the ribs. E.D. stated the unknown male suspect pushed E.D. again which caused E.D. to fall to the ground. E.D. stated at that point the suspect fled the scene. E.D. stated he then checked the victim for a pulse on her palms and neck and then flipped the decedent over and leaned over her twice to listen for breathing. After hearing nothing, E.D. stated he got D.D. out of the vehicle through the rear driver side sliding door. E.D. stated he noticed the driver's side window lowered and the driver's side door open. E.D. stated he then closed the window and shut the driver's door. E.D. said he walked over to the decedent, who was lying on the pavement of the passenger side and touched her chest getting no response. E.D. then began to walk, with D.D., to get their father, but did not want to leave the decedent alone so they returned to scene. E.D. was asked if there was a reason why his skin would be under the decedent's fingernails. E.D. stated that during the physical altercation the decedent might have "got him" and scratched him but he was not sure. E.D. was asked if he ever touched the knife. E.D. stated he may have touched the knife and moved it. E.D. explained that he may have touched the knife because he was pushing pooling water away from the decedent's body. The detectives explained to E.D. that the knife was not next to the decedent's body. E.D. then stated he did not know if he touched the knife.

24. At this point, Mr. Diaz waived his right to be in the interview room during further questioning but did monitor the interview via digital monitoring equipment outside of the room. Detective Woodfield asked E.D. if he would agree to talk without his father being present to which E.D. agreed. E.D. was asked as to why blood would be inside the vehicle. E.D. explained that he got into the vehicle to get D.D. after the attack. E.D. stated after he got D.D. out of the vehicle, he sat in the driver seat and raised the driver side window. Mr. Diaz was then brought back into the interview room and both E.D. and Mr. Diaz were asked for consent to search E.D.'s cellular telephone, which they gave. Both were read the Ocean County Prosecutors Office Digital Consent Form in its entirety at which time, E.D. and Mr. Diaz signed said form authorizing a complete forensic examination of E.D.'s cellular telephone. E.D. was then asked for his consent from the detectives for his consent to obtain his major case fingerprints and DNA via buccal via a consent form. E.D. asked the detectives what the word refuse meant and E.D. was advised he could say no. At that point E.D. stated he wished to refuse. E.D. was then asked about his relationship with his mother, which he depicted as normal. The interview was terminated at this time and Mr. Diaz and E.D. were escorted to the lobby.
25. On August 8, 2019, at 1037 hours, Det. Strodel of the Ocean County Sheriff's Department, Crime Scene Investigation Unit and this affiant executed the court authorized search warrant on the 2008 Gray Honda Odyssey at the Ocean County Sheriff's Department, Crime Scene Investigation Unit. During said search, Det. Strodel collect numerous swabs of red staining believed to be blood from the exterior and interior of vehicle, more specifically the front driver side interior and exterior door, front dashboard and steering wheel to include the gear

shift, center console, passenger front door (interior and exterior), passenger floor mat, decedent's purse, and the undercarriage of vehicle. Also collected from the vehicle was a metal type sharp object in the shape of a knife found on the floor near the front driver seat appearing similar to the blade of the knife recovered from outside the vehicle at the scene. Said metal object also had a hand drawn diamond on one side. The decedent's purse was also recovered on the passenger front seat of vehicle, which contained several items to include the decedent's cellular telephone, described as a White Apple iPhone in a gold case that had two pockets on the back of the holder with the words "Michael Kors" imprinted on it.

26. Det. A. Scheuermann of the Ocean County Sheriff's Department, Crime Scene Investigation Unit processed the knife recovered from scene. This affiant was able to observe the knife, which appeared to be homemade and in the shape of a "V" with two sharp points at the top. The handle of the knife was wrapped in black tape. The knife and handle appeared to have red staining believed to be blood.
27. A canvass of the neighborhood directly behind crime scene was conducted consisting of Sandy Nook Drive, Mitchell Drive, Cedar Inn Drive and Boxwood Terrace. Additionally a canvass for surveillance footage was conducted Route 37 East & West bound from Oak Ridge Parkway to Garden State Parkway entrance ramps. This affiant is aware that during the canvass of the Commons Medical Facility, Detective Lou Santora of the Toms River Police Department located a motion activated surveillance camera attached to the business of The Whitlin Center located in building "H", #886. This affiant reviewed said footage, which showed activation at 2117 hours and 2216 hours. The camera captured law enforcement officers searching the area. No other activity was recorded on the camera from the time of the event up to the captured footage.
28. On August 8, 2019, members of the Ocean County Prosecutors Office and the Toms River Police Department responded to the decedent's address of 901 North Hampton Ave, Manchester to meet with Mr. Diaz and a Carlos Benitez-Panova. Mr. Diaz and Mr. Benitez-Panova were read an Ocean County Prosecutors Office Consent to Search form for the residence and shed on said property. Both Mr. Diaz and Mr. Benitez-Panova were read the forms due to Mr. Benitez-Panova renting out the first floor and Mr. Diaz renting out the basement of residence. During the search of Mr. Diaz's basement residence, in E.D.'s bedroom, officers located and collected a black roll of tape. Said tape resembles the same style tape found wrapped around the knife located on scene.
29. On August 8, 2019, Dr. Ragasa, a forensic pathologist, performed an autopsy of Margarita Diaz at Community Medical Center Hospital. During the autopsy Dr. Ragasa determined the preliminary cause of the decedent's death was blunt force trauma to the head and the manner was homicide.
30. On August 12, 2019 Det. John Carroll applied for and was granted a search warrant to obtain buccal swabs, hair, fingerprints and major case prints from a juvenile E.D. DOB 1/4/02. Sheriff's Department detective Mike Senger along with Lieutenant Jamie Phillips and latent examiner Caitlin McQuade obtained said exemplars.
31. On August 9, 2019, Det. Lesnikowski from the Ocean County Sheriff's Department found a fingerprint which was located on the inside of the tape which was wrapped around the handle of the weapon found at the scene. On August 12, 2019, latent print examiner, Caitlin McQuade observed the above mentioned latent fingerprint and made a positive identification to juvenile E.D. Specifically, the #6 finger, identified as the thumb finger on his left hand.

32. On August 12, 2019, this affiant along with Det. Woodfield and Lieutenant Carlos Trujillo Tovar interviewed the juvenile E.D. in the presence of his father Edgar Diaz. The Miranda rights were read in English as well as Spanish. Both the juvenile E.D. and his father Edgar Diaz acknowledged that they understood and signed both forms. Initially, detectives requested juvenile E.D. recount the events again as they were familiar to him. During questioning, Edgar Diaz invoked his Rights for juvenile E.D. and the interview was stopped.
33. After exiting the interview, Senior Assistant Prosecutor Kristin Pressman approved charges for Murder 2C:11-3a, Endangering the Welfare of a child 2C:24-4a(2), possession of a weapon for an unlawful purpose 2C:39-4d and unlawful possession of a weapon 2C: 39-5d. E.D. was processed at the Toms River Police Department pending transported to the Ocean County Juvenile Detention Center.

Date 08/12/2019

Detective Dan Brennan

Officer Signature

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-OCEAN COUNTY**

THE STATE OF NEW JERSEY

VS.

EDGAR U. DIAZ

DEFENDANT

ACCUSATION

NO. 20-01-123 A

having been charged upon oath, before a Magistrate in the said County of Ocean with:

AGGRAVATED MANSLAUGHTER – FIRST DEGREE

And having in writing, addressed to the County Prosecutor, waived indictment and trial by jury, and said request having been duly reported and granted:

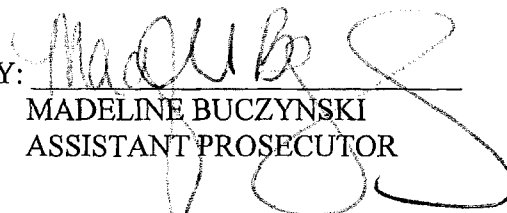
COUNT ONE

AGGRAVATED MANSLAUGHTER – FIRST DEGREE

THE COUNTY PROSECUTOR of the said County of Ocean, ALLEGES that the said **EDGAR U. DIAZ**, on or about August 7, 2019, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, did recklessly cause the death of MARGARITA DIAZ under circumstances manifesting extreme indifference to the value of human life, contrary to the provisions of N.J.S.A. 2C:11-4a(1), and against the peace of this State, the government and dignity of the same.

BRADLEY D. BILLHIMER
OCEAN COUNTY PROSECUTOR

DATED: January 17, 2020

BY: 
MADELINE BUCZYNSKI
ASSISTANT PROSECUTOR

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-OCEAN COUNTY**

THE STATE OF NEW JERSEY

VS.

EDGAR U. DIAZ

DEFENDANT

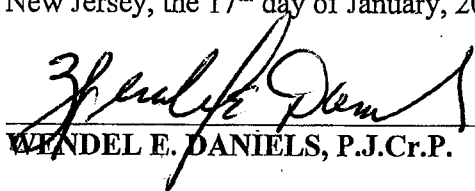
**WAIVER OF INDICTMENT
AND TRIAL BY JURY**

ACCUSATION NO. 20-01-123A

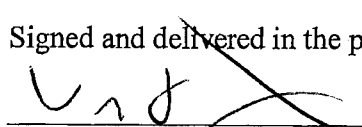
TO THE COUNTY PROSECUTOR:

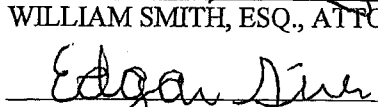
The above named defendant who is charged with one count of Aggravated Manslaughter in violation of N.J.S.A. 2C:11-4a(1), being advised of the nature of the charge against him and of his right to indictment and trial by jury, hereby waives prosecution by indictment and trial by jury and requests to be tried before this Court.

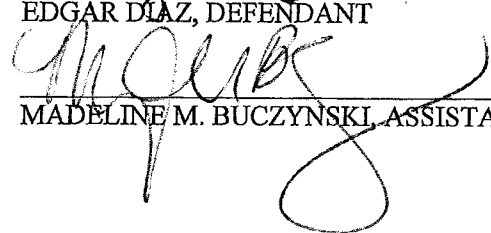
Dated in Toms River, New Jersey, the 17th day of January, 2020


WENDEL E. DANIELS, P.J.Cr.P.

Signed and delivered in the presence of


WILLIAM SMITH, ESQ., ATTORNEY FOR THE DEFENDANT


EDGAR DIAZ, DEFENDANT


MADELINE M. BUCZYNSKI, ASSISTANT PROSECUTOR

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.



**New Jersey Judiciary
Plea Form**

County OCEAN
Prosecutor File Number 20000212

Defendant's Name: EDGAR V. DIAZ
before Judge: DANIELS

List the charges to which you are pleading guilty:

Ind. (Acc.) Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			VCCO Assmt*
					Time	Fine	
20-01-123A1		AGGRAVATED	1 st	Max	30 yrs.	20,000	100 HC
		MANSLAUGHTER		Max			
		2C:11-4a(1)		Max			
				Max			
				Max			
Your total exposure as the result of this plea is:				Total	30 yrs.	20,000	100

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 you guilty 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]
 - d. Do you understand that by pleading **you are not waiving** your right to appeal (1) the denial of a motion to suppress physical evidence (R. 3:5-7(d)) or (2) the denial of acceptance into a pretrial intervention program (PTI) (R. 3:28(g))? ☒ [Yes] ☐ [No]
 - e. Do you further understand that by pleading guilty **you are waiving** your right to appeal the denial of all other pretrial motions except the following: ☒ [Yes] ☐ [No]

* Victims of Crime Compensation Office Assessment

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 Victims of Crime Compensation Office Assessment? ☒ [Yes] ☐ [No]
- c. You must pay a minimum Victims of Crime Compensation Office 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 but was before March 13, 1995, 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? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 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]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? ☒ [Yes] ☐ [No]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? ☒ [Yes] ☐ [No]
- i. Computer Crime Prevention Fund Penalty, *N.J.S.A. 2C:43-3.8* (L. 2009, c. 143). If the crime involves a violation of *N.J.S.A. 2C:24-4b(3)* (causes or permits child to engage in sexual act that is to be photographed or exhibited), if the crime was committed on or after February 1, 2018, *N.J.S.A. 2C:24-4b(4)* (photographs or films a child in sexual act), if the crime was committed on or after February 1, 2018, *N.J.S.A. 2C:24-4b(5)(b)* (knowingly possessing or knowingly viewing child pornography), *N.J.S.A. 2C:24-4.1* (leader of a child pornography network), if the crime was committed on or after February 1, 2018, *N.J.S.A. 2C:34-3* (selling, distributing or exhibiting obscene material to a person under age 18) or an offense involving computer criminal activity in violation of any provision of Title 2C, chapter 20, you will be assessed a mandatory penalty as listed below for each offense for which you pled guilty?
- (1) \$2,000 in the case of a 1st degree crime
 - (2) \$1,000 in the case of a 2nd degree crime
 - (3) \$ 750 in the case of a 3rd degree crime
 - (4) \$ 500 in the case of a 4th degree crime
 - (5) \$ 250 in the case of a disorderly persons or petty disorderly persons offense

Total CCPF Penalty \$ _____

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]
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 8 years and 6 months (fill in the number of years/months) and the maximum period of parole ineligibility can be 25 years and 6 months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
- b. If you are pleading guilty to such a charge, the minimum mandatory extended term is _____ years and _____ months (fill in the number of years/months) and the maximum mandatory extended term can be _____ years and _____ months (fill in the number of years/months).
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 realize that a guilty plea may result in a violation of your probation or parole? [Yes] ☐ [No] ☒ [NA]
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] ☒ [NA]
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] ☐ [NA]

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

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
1507-W-2020-124	1	1st DEGREE BURGLARY
"	2	POSSESSION OF WEAPON FOR UNLAWFUL PURPOSE - 3 rd
"	3	UNLAWFUL POSSESSION OF WEAPON - 4 th
"	4	ENDANGERING WELFARE OF A CHILD - 3 rd

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

20 YEARS NJSP WITH 85% TO BE SERVED BEFORE PAROLE ELIGIBILITY (NERA)

14. Has the prosecutor promised that he or she will NOT:
- a. Speak at sentencing? [Yes] ☒ [No]
 - b. Seek an extended term of confinement? ☒ [Yes] [No]
 - c. Seek a stipulation of parole ineligibility? [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] [NA]
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] [NA]
17. a. Are you a citizen of the United States? [Yes] ☒ [No]
- If you have answered "No" to this question, you must answer Questions 17b – 17f. If you have answered "Yes" to this question, proceed to Question 18
- b. Do you understand that if you are not a citizen of the United States, this guilty plea may result in your removal from the United States and/or stop you from being able to legally enter or re-enter the United States? ☒ [Yes] [No]
 - c. Do you understand that you have the right to seek individualized advice from an attorney about the effect your guilty plea will have on your immigration status? ☒ [Yes] [No]
 - d. Have you discussed with an attorney the potential immigration consequences of your plea? If the answer is "No," proceed to question 17e. If the answer is "Yes," proceed to question 17f. [Yes] [No]
 - e. Would you like the opportunity to do so? [Yes] [No]
 - f. Having been advised of the possible immigration consequences and of your right to seek individualized legal advice on your immigration consequences, do you still wish to plead guilty? [Yes] [No]
18. a. Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence? ☒ [Yes] [No]
- b. Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender? ☒ [Yes] [No]
19. Have you discussed with your attorney the legal doctrine of merger? ☒ [Yes] [No] [NA]
20. 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] [NA]

21. 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:

22. 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]

23. 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]

24. Are you satisfied with the advice you have received from your lawyer? ☒ [Yes] [No]

25. Do you have any questions concerning this plea? [Yes] ☒ [No]

Date 11/7/2020 Defendant Edgar Dine

Defense Attorney [Signature]

Prosecutor [Signature]

[] 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.

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.



New Jersey Judiciary
Supplemental Plea Form for *No Early Release Act*
(NERA) Cases (N.J.S.A. 2C:43-7.2)

The following questions need to be answered only if you are pleading guilty to one of the following first or second degree crimes, or an attempt or conspiracy to commit such crime, that occurred **on or after June 29, 2001**: murder, aggravated manslaughter or manslaughter, vehicular homicide, aggravated assault, disarming a law enforcement officer, kidnapping, aggravated sexual assault, sexual assault, robbery, carjacking, aggravated arson by placing another person in danger of death or serious bodily injury, burglary, theft by extortion by obtaining property of another by threatening to inflict bodily injury on, or physically confine or restrain anyone or commit another offense, booby traps in manufacturing or distributing of CDS facilities, or strict liability for drug induced deaths; or that **occurred on or after June 18, 2002**: terrorism, or producing or possessing chemical weapons, biological agents or nuclear or radiological devices; or that **occurred on or after January 13, 2008**: first degree racketeering; or that **occurred on or after August 14, 2013**: child pornography; or that **occurred on or after November 1, 2013**: firearms trafficking;

1. Do you understand that because of your plea of guilty to

☒ [Yes] ☐ [No]

AGGRAVATED MANSLAUGHTER - 1st

(List First or Second Degree Violent Crime(s) to Which NERA Applies)

you will be required to serve 85% of the sentence imposed for that offense(s)
before you will be eligible for parole on that offense(s)?

2. Do you understand that because you have pled guilty to these charges the court must impose a 5 year term of parole supervision and that term will begin as soon as you complete the sentence of incarceration?

☒ [Yes] ☐ [No]

First Degree Term of Parole Supervision - 5 years

Second Degree Term of Parole Supervision - 3 years

3. Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed?

☒ [Yes] ☐ [No]

Date: 11/17/2020

Defendant: Edgar Sin

Defense Attorney: [Signature]

Prosecutor: [Signature]



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, OCEAN County

State of New Jersey

v.

Last Name
DIAZ

First Name
EDGAR

Middle Name
U

Also Known As

Date of Birth
01/04/2002

SBI Number
166160H

Date(s) of Offense
08/07/2019

Date of Arrest

PROMIS Number
20 000212-001

Date Ind / Acc / Complt Filed
01/17/2020

Original Plea
☐ Not Guilty ☒ Guilty

Date of Original Plea
01/17/2020

Adjudication By ☒ Guilty Plea ☐ Jury Trial Verdict ☐ Non-Jury Trial Verdict ☐ Dismissed / Acquitted Date: 01/17/2020

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
20-01-00123-A	1	AGGRAVATED MANSLAUGHTER-EXTREME INDIFFERENCE HUMAN LIFE	2C:11-4A(1)	1
W-2020-000124-1507	1	MURDER - PURPOSELY	2C:11-3A(1)	1
W-2020-000124-1507	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-OTHER WEAPON	2C:39-4D	3
W-2020-000124-1507	3	UNLAWFUL POSS WEAP - OTHER WEAPONS	2C:39-5D	4
W-2020-000124-1507	4	ENDANGERING-ABUSE/NEGLECT OF A CHILD BY NON-CARETAKER	2C:24-4A(2)	3

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
20-01-00123-A	1	AGGRAVATED MANSLAUGHTER-EXTREME INDIFFERENCE HUMAN LIFE	2C:11-4A(1)	1

Sentencing Statement

It is, therefore, on 03/06/2020 **ORDERED and ADJUDGED** that the defendant is sentenced as follows:
Count 1: The defendant is committed to the custody of the Commissioner of the Department of Corrections for a term of eighteen (18) years. Pursuant to NERA, the defendant must serve 85% of the maximum term before being eligible for parole and five (5) years of parole supervision.

Defendant is to receive Credit for Time Served of 207 days.

Defendant is hereby ordered to provide a DNA sample and pay the costs for testing.

Defendant is ordered to pay \$1000 Restitution to VCCO.

Defendant is assessed the fines, fees, penalties as set forth on page two hereof. The superintendent of the institution shall withdraw sufficient monies in an amount not to exceed one-third of the inmates total income as may be required to satisfy any monetary obligation ordered.

Any bail posted in this matter is discharged.

The following are dismissed: Counts 1, 2, 3 and 4 of W-2020-124-1507.

☐ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term
018 Years 00 Months 000 Days

Institution Name
CARE COMMISS/CORR

Total Probation Term
00 Years 00 Months

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)

A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)

☐ DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))

	Standard	Doubled
1st Degree	_____ @ \$	_____ @ \$
2nd Degree	_____ @ \$	_____ @ \$
3rd Degree	_____ @ \$	_____ @ \$
4th Degree	_____ @ \$	_____ @ \$
DP or	_____ @ \$	_____ @ \$
Petty DP	_____ @ \$	_____ @ \$

Total DEDR Penalty \$ _____

☐ The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)

Forensic Laboratory Fee (N.J.S.A. 2C:35-20)

Total Lab Fee

Offenses @ \$ _____

\$ _____

VCCO Assessment (N.J.S.A. 2C:43-3.1)

Counts	Number	Amount
1	2 @	\$ 50.00
	@	\$ _____
	@	\$ _____
	@	\$ _____

Total VCCO Assessment \$ 100.00

Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)

Offense

Mandatory Penalty

\$ _____

Offense Based Penalties

Penalty

Amount

\$ _____

Other Fees and Penalties

Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)

☒ \$ 30.00

Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2)

☒ 1 Offenses @ \$ 75.00

Total: \$ 75.00

Probation Supervision Fee (N.J.S.A. 2C:45-1d)

☐ \$ _____

Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)

☐ Offenses @ \$ _____

Total \$ _____

Transaction Fee (N.J.S.A. 2C:46-1.1)

☐ \$ _____

Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)

☐ \$ _____

Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)

☐ \$ _____

Fine

\$ _____

Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)

☐ \$ _____

Restitution

Joint & Several

\$ 1,000.00

☐

Total Financial Obligation

\$ 1,205.00

Details

See Page 1. Restitution is payable to VCCO.

Additional Conditions

- ☒ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).
- ☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).
- ☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).
- ☒ The defendant is hereby ordered to serve a 5 year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).
- ☐ The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____
- ☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).
- ☐ The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).
- ☐ The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).

Findings Per N.J.S.A. 2C:47-3

- ☐ The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.
- ☐ The court finds that the defendant is amenable to sex offender treatment.
- ☐ The court finds that the defendant is willing to participate in sex offender treatment.

License Suspension

- ☐ CDS / Paraphernalia (N.J.S.A. 2C:35-16) ☐ Waived
- ☐ Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)
- ☐ Eluding (N.J.S.A. 2C:29-2)
- ☐ Other

Number of Months

☐ Non-resident driving privileges revoked

Start Date

End Date

Details

Driver's License Number

Jurisdiction

If the court is unable to collect the license, complete the following:
Defendant's Address

City

State

Zip

Date of Birth

Sex

☐ M ☐ F

Eye Color

Time Spent in Custody <i>R. 3:21-8</i> Date: From - To 08/12/2019 - 03/05/2020 - - - - - - - - Total Number of Days 207	Gap Time Spent in Custody <i>N.J.S.A. 2C:44-5b(2)</i> Date: From - To - - - Total Number of Days _____ Rosado Time Date: From - To - - - Total Number of Days _____	Prior Service Credit Date: From - To - - - - - - - - Total Number of Days _____
--	---	---

AGGRAVATING FACTORS

3. The risk that the defendant will commit another offense.

6. The extent of the defendant's prior criminal record and the seriousness of the offenses of which he/she has been convicted.

MITIGATING FACTORS

6. The defendant has compensated or will compensate the victim of his/her conduct for the damage or injury that he/she sustained, or will participate in a program of community service.

7. The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense.

The court gives moderate weight to aggravating factor #3 and heavy weight to aggravating factor #9. The court gives moderate weight to mitigating factor #6 and heavy weight to mitigating factor #7. The court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors in this matter. The court adopts and incorporates as part of the reason for sentence herein all matters set forth on the record at the time of sentencing.

Attorney for Defendant at Sentencing WILLIAM F SMITH	Public Defender ☒ Yes ☐ No
Prosecutor at Sentencing MADELINE BUCZYNSKI	Deputy Attorney General ☐ Yes ☒ No
Judge at Sentencing WENDEL E. DANIELS	
Judge (Signature) /s WENDEL E. DANIELS	Date 03/12/2020

OCEAN COUNTY SUPERIOR COURT - LAW DIVISION

CRIMINAL INFORMATION FORM

NAME DIAZ, Edgar U. DATE 3/6/20
 IND.# _____ ACC.# 20-01-123 A CASE# 20000212-001

WARRANT/COMPLAINT# _____ CJR/Eligible Def. _____

CHARGES CT 1 - Aggravated Manslaughter
2C:11-4A(1) 1st Degree

☐ B/W ISSUED FOR FTA and BAIL FORFEITED ☐ B/W ISSUED FOR FTA AND BAIL NOT FORFEITED ☐ B/W VACATED

VOP: GUILTY TO: _____ ☐ TERMINATE PROBATION

P.O. _____

SENTENCE: OCJ _____ TERM _____ SUSP _____ WKND _____ COMMENCING _____
 DOC 1 TERM 18 yrs PAROLE INELIG 85% NERA AVENEL _____ YCIC _____

☐ C/C to _____ ☐ C/S to _____

CREDIT FOR TIME SERVED 207 days GAP TIME _____ PRIOR SERVICE _____ ROSADO CREDIT _____

PROBATION _____

☐ SUB ABUSE EVAL ☐ URINE TESTING ☐ PSYCH EVAL PROGRAM _____

EMPLOYMENT - OBTAIN/MAINTAIN COMM SRVC HRS _____ FINE _____

☐ COMMUNITY SUPERVISION FOR LIFE ☐ PAROLE SUPERVISION FOR LIFE ☒ DNA ORDERED

RESTITUTION AMOUNT 1000 - VCCO PAYABLE TO: VCCO

V.C.C.B. 100 - DEDR PENALTY _____ LAB FEE _____ LEOTEF PENALTY 30 -

S.N.S.F. 75 - SUP FEE/MO _____ ☐ D.L. REVOKED _____ MV THEFT FINE _____

S.A.N.E. _____ ☐ SEX ASSAULT SURCHARGE OF \$100 DOMESTIC VIOLENCE SURCHARGE _____

PAYMENT RATE 1/3 PER month COMMENCING _____

☒ BAIL DISCHARGED ☐ ORDERED RELEASED ☒ REMAND OCEAN COUNTY JAIL

DISMISSED CTS 1, 2, 3 & 4 of W-2020-124-1507 DOC

APPEAL RIGHTS FORM SIGNED Yes No 20 DAYS TO APPEAL _____ 45 DAYS TO APPEAL ✓

AGGRAVATING FACTORS: 3, 9

MITIGATING FACTORS: 6, 7, 9

JUDGE Wendel E. Daniels PJCr PROSECUTOR M. Buczynski

REPORTER cts DEFT'S ATTY W. Smith

NOTES: _____

* Parole Supervision 5 yrs

NERA

CLERK'S NAME Rita F # 64303

(PLEASE PRINT FULL NAME)

WHITE - COURT

YELLOW - WARDEN

PINK - DEFENDANT