

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# 20000823
Luis Rivas

Dear Sir/Madam:

Enclosed please find the Global Subject Activity Report/Arrest Report, Complaint Warrant, Affidavit of Probable Cause, Preliminary Law Enforcement Incident Report, Accusation, Waiver of Indictment, Plea Form, Supplemental Plea Form and Judgment of Conviction pursuant to your request.

Redactions of personal identifying information have been made pursuant to N.J.S.A. 47:1A-1.1 et seq. Redactions of juvenile records have been made pursuant to N.J.S.A. 2A:4A-60. Additionally, criminal history record information has been redacted pursuant to N.J.A.C. 13:59-1.2.

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



Global Subject Activity Report



Detail

Print Date/Time: 03/11/2020 14:54

Login ID: jsisco

Brick Township Police Department

ORI Number: NJ0150600

Rivas, Luis Lonso

Jacket: 16815 J

SSN:

Address:

Sex:

Male

Phone #:

Height:

5ft 3in to 5ft 9in

Weight:

120.0 lbs. to

130.0 lbs.

DOB:

Eyes:

Brown

Race:

White

Hair:

Brown

DL State:

DL#:

Physical Characteristics:

Appearance: Normal

Hair Style: Wavy / Curly

Hair Length: Short

Facial Shape: Oval

Complexion: Medium

Build: Thin

Glasses: No

Teeth: Normal

Speech: Normal

Voice: Medium Pitch

Mustache: None

DNA Collected: Yes

Wants and Warrants

Country/State of Birth: USA/NY

City of Birth: Brooklyn

County of Origin: Brooklyn

Ethnicity: Hispanic

Citizenship: US Citizen

Tribe: Not Applicable

Hate Group: Not Applicable

Military Service: Not Applicable

Military Discharge:

School: High School -

Completed 10

Beard: None

DNA Collected Date: 10/26/2019

Age Range: 16

Hand Preference: Right

Place of Birth: NEW YORK

Occupation: Student

of Dependents: 0

Primary Language: English

Second Language: Spanish

Gang Affiliation: Not Applicable

Marital Status: Single

Blood Type: Unknown

Religion: Christian

Illegal Alien: No

County of Conviction:

State Of Conviction:

Identifying Clothing:

Assaultive

Modus Operandi

Shot Victim

Crime Specialties

Aliases

Type	Alias	DOB	Race	Sex	SSN	Hair	Eyes	DL#	Height	Weight	Phone
AKA	Rivas, Louis Lonso	06/12/2003	White	Male		Brown	Brown		5ft 3in	120.0 lbs.	

Nicknames

Entered Date/Time	Nickname Type	Nickname
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Associated IDs

Issue Date	ID Type	Number	Issuing State	Start Date	Expire Date
	*FBI	HEWFR7LNA			
	*SBI	967732G			

Known Associates

Relationship	Name
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School/Employer Information

Relationship	School/Employer Name	Phone Type	Phone
School	Brick Memorial High School		

Scars, Marks, Tattoos

Type	Location	Scar, Mark or Tattoo Detail	Description
Tattoo	TAT R FOREARM	Animals/Land	2 Elephants
Tattoo	TAT R FOREARM	Animals/Air	2 Elephants

Handicap Information



Global Subject Activity Report

Detail



Print Date/Time: 03/11/2020 14:54
Login ID: jsisco
Handicap

Brick Township Police Department
ORI Number: NJ0150600

Current Address Information

Address Type	Address	City	State	Zip
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Prior Address Information

Address Type	Address	City	State	Zip	From Date	To Date
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
------------	------------	------------	------------	------------	--	--

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
------------	------------	------------	------------	------------	--	--

Contact Information

Date	Type	Phone	Extension
10/24/2019 09:25	Cell	[REDACTED]	
10/23/2019 11:28	Home	[REDACTED]	
10/24/2019 09:25	Cell	[REDACTED]	

Vehicle Information

Vehicle #	Role	Contact Date	Vehicle Type	Make	Model	Vehicle Year	Registration Number	State
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Activity

Type : Arrest

Date	Activity Reference	Description	ORI
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	
		[REDACTED]	
10/23/2019 10:45	1521	Arrest Type: Probable Cause Charge(s): 2C:12-1b(5)(a),Aggravated Assault - Commits a simple assault upon a law enforcement officer 2C:29-1a,Obstructing Administration of Law or other Governmental Function	NJ0150600
10/26/2019 15:00	1523	Arrest Type: Other Jurisdiction Warrant Charge(s): 2A:10-1,Contempt of Court 2C:5-1A(1),Criminal Attempt 2C:11-3a(1)(2),Murder	NJ0150600



Global Subject Activity Report

Detail



Print Date/Time: 03/11/2020 14:54
Login ID: jsisco
Type : Booking

Brick Township Police Department
ORI Number: NJ0150600

Date	Activity Reference	Description	ORI
10/23/2019 11:25	2019-00001256	Booking Charge(s): 2C:12-1b(5)(a),Aggravated Assault - Commits a simple assault upon a law enforcement officer 2C:29-1a,Obstructing Administration of Law or other Governmental Function	NJ0150600
10/26/2019 15:04	2019-00001275	Booking Charge(s): 2A:10-1,Contempt of Court 2C:5-1A(1),Criminal Attempt 2C:11-3a(1)(2),Murder	NJ0150600
03/03/2020 16:10	2020-00000246	Booking Charge(s): 2C:11-3a(1)(2),Murder 2C:39-4a(2),Possession of a Firearm for Unlawful Purpose (community gun) 2C:39-5b(1),Unlawful Possession of a Handgun	NJ0150600



Global Subject Activity Report

Detail



Print Date/Time: 03/11/2020 14:54
Login ID: jsisco
Type : Case

Brick Township Police Department
ORI Number: NJ0150600

Date	Activity Reference	Description	ORI
[REDACTED]			
10/22/2019 13:47	2019-00067020	Subject Type: Suspect, Incident Type: Assault - Aggravated Charge(s): 2C:11-3a(1),Murder - Purposely Cause Death 2C:39-4.1a,Possession of a Weapon while Committing a CDS Crime 2C:39-5b(1),Unlawful Possession of a Handgun	NJ0150600
10/23/2019 09:59	2019-00067170	Subject Type: Suspect, Incident Type: Assault - Aggravated Charge(s): 2C:12-1b(5)(a),Aggravated Assault - Commits a simple assault upon a law enforcement officer 2C:29-1a,Obstructing Administration of Law or other Governmental Function 2C:29-2a(1),Prevents or Attempts to Prevent a Law Enforcement Officer from Effecting an Arrest	NJ0150600
10/26/2019 15:00	2019-00067958	Subject Type: Suspect, Incident Type: Warrant Service - Arrest Charge(s): 2C:5-1A(1),Criminal Attempt 2C:11-3a(1),Murder - Purposely Cause Death 2C:39-4a(1),Possession of a Firearm for Unlawful Purpose 2C:39-5b(1),Unlawful Possession of a Handgun	NJ0150600
Type : Incident			
Date	Activity Reference	Description	ORI
10/23/2019 09:59	2019-00067170	Incident Type : Disorderly Person(s) - Adult, Role : Suspect Charge(s):	NJ0150600

Total Activity : 13

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1506	W	2020	000180
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 6	CO-DEFTS	POLICE CASE #: 67020-19	
COMPLAINANT NAME: DANIEL WALESKI DET. 401 CHAMBERS BRDG RD ATTN WARRANTS BRICK TOWN NJ 08723		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 06/12/2003 DRIVER'S LIC. #: SOCIAL SECURITY #: TELEPHONE #: (C) LIVSCAN PCN #: 150603006109 DL STATE:	
ADDRESS: 187 BRIAR MILLS DR 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 10/22/2019 in BRICK TWP , OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY ATTEMPT TO CAUSE THE DEATH OF ANOTHER (N.W.) SPECIFICALLY BY FIRING A WEAPON IN THE DIRECTION OF (N.W.) WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN DEATH TO SAME IN VIOLATION OF 2C:5-1, 2C:11-3A(1). WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY ATTEMPT TO CAUSE THE DEATH OF ANOTHER (K.B.) SPECIFICALLY BY FIRING A WEAPON IN THE DIRECTION OF (K.B.) WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN DEATH TO SAME IN VIOLATION OF 2C:5-1, 2C:11-3A(1). WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY ATTEMPT TO CAUSE THE DEATH OF ANOTHER (K.W.) SPECIFICALLY BY FIRING A WEAPON IN THE DIRECTION OF (K.W.) WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN DEATH TO SAME IN VIOLATION OF 2C:5-1, 2C:11-3A(1). in violation of:			
Original Charge	1) 2C:5-1A(1) 2C:11-3A(1)	2) 2C:5-1A(1) 2C:11-3A(1)	3) 2C:5-1A(1) 2C:11-3A(1)
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: DANIEL WALESKI DET. Date: 03/03/2020			
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: 03/03/2020 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		Signature of Judge	
Date		Date	
☒ Probable cause IS found for the issuance of this complaint. JOSEPH GRISANTI JUDICIAL OFFICER 03/03/2020 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

1506**W****2020****000180**

STATE V.

LUIS L RIVAS

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY ATTEMPT TO CAUSE THE DEATH OF ANOTHER (Q.N.) SPECIFICALLY BY FIRING A WEAPON IN THE DIRECTION OF (Q.N.) WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN DEATH TO SAME IN VIOLATION OF 2C:5-1, 2C:11-3A(1).

WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY AND OR KNOWINGLY POSSES A FIREARM WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST A PERSON IN VIOLATION OF NJSCA 2C:39-4A.

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY AND OR PURPOSELY POSSES OR HAVE IN HIS CONTROL A WEAPON SPECIFICALLY A HANDGUN WITHOUT LICENSE TO DO SO IN VIOLATION OF NJSCA 2C:39-5B.

Original Charge

4) **2C:5-1A(1)**
2C:11-3A(1)5) **2C:39-4.1A**6) **2C:39-5B(1)**

Amended Charge

COMPLAINT - WARRANT

Page 2 of 10

NJ/CDR2 1/1/2017

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER										STATE V.									
1506		W		2020		000180		LUIS L RIVAS											
COURT CODE		PREFIX		YEAR		SEQUENCE NO.													
FTA Bail Information				Date Bail Set:				Amount Bail Set: \$				by:				☐ Bail Recog. Attached			
Released on Bail (v)		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:5-1A(1) 2C:11-3A(1)				2) 2C:5-1A(1) 2C:11-3A(1)				3) 2C:5-1A(1) 2C:11-3A(1)									
Amended Charge																			
Waiver Indt/Jury																			
Plea/Date of Plea		Plea:		Date:		Plea:		Date:		Plea:		Date:		Plea:		Date:			
Adjudication (* see code)		Finding Code:		Date:		Finding Code:		Date:		Finding Code:		Date:		Finding Code:		Date:			
Jail Term				Jail time credit		Susp. Imp				Jail time credit		Susp. Imp				Jail time credit		Susp. Imp	
Probation Term						Susp. Imp						Susp. Imp						Susp. Imp	
Cond. Discharge Term																			
Community Service																			
D/L Suspension Term																			
Fines/Costs		Fines:		Costs:		Fines:		Costs:		Fines:		Costs:		Fines:		Costs:			
VCCB/SNSF		VCCB:		SNSF:		VCCB:		SNSF:		VCCB:		SNSF:		VCCB:		SNSF:			
DEDRLab Fee		DEDRLab:		LAB:		DEDRLab:		LAB:		DEDRLab:		LAB:		DEDRLab:		LAB:			
CD Fee/Drug Ed Fnd		CD:		DAEF:		CD:		DAEF:		CD:		DAEF:		CD:		DAEF:			
DV Surch/Other Fees		DV:		Other:		DV:		Other:		DV:		Other:		DV:		Other:			
Restitution Beneficiary:																			
Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:														* Finding Codes 1 – Guilty 2 – Not Guilty 3 – Dismissed – Other 4 – Guilty but Merged 5 – Dismissed-Rule 6 – Dismissed Lack of Prosecution 7 – Dismissed – Pros Motion/Vic Req 8 – Conditional Discharge D – Dismissed- Prosecutor Discretion M – Dismissed- Mediation P – Dismissed-Plea Agreement S – Disposed at Superior W – Dismissed-False ID					
Related Traffic Tickets and Complaints:																			
JUDGE'S SIGNATURE										DATE									
COMPLAINT - WARRANT (Court Action)										Page 3 of 10 NJ/CDR2 1/1/2017									

COMPLAINT – WARRANT (Court Action)

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1506	W	2020	000180
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 6	CO-DEFTS	POLICE CASE #: 67020-19	
COMPLAINANT NAME: DANIEL WALESKI DET.		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 06/12/2003 DRIVER'S LIC. #. SOCIAL SECURITY #: TELEPHONE #: (C) LIVESCAN PCN #: 150603006109	
ADDRESS: 187 BRIAR MILLS DR BRICK NJ 08724-0000			
DL STATE:			
SBI #: 9677326			
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 10/22/2019 in BRICK TWP , OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY ATTEMPT TO CAUSE THE DEATH OF ANOTHER (N.W.) SPECIFICALLY BY FIRING A WEAPON IN THE DIRECTION OF (N.W.) WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN DEATH TO SAME IN VIOLATION OF 2C:5-1, 2C:11-3A(1). WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY ATTEMPT TO CAUSE THE DEATH OF ANOTHER (K.B.) SPECIFICALLY BY FIRING A WEAPON IN THE DIRECTION OF (K.B.) WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN DEATH TO SAME IN VIOLATION OF 2C:5-1, 2C:11-3A(1). WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY ATTEMPT TO CAUSE THE DEATH OF ANOTHER (K.W.) SPECIFICALLY BY FIRING A WEAPON IN THE DIRECTION OF (K.W.) WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN DEATH TO SAME IN VIOLATION OF 2C:5-1, 2C:11-3A(1). in violation of:			
Original Charge	1) 2C:5-1A(1) 2C:11-3A(1)	2) 2C:5-1A(1) 2C:11-3A(1)	3) 2C:5-1A(1) 2C:11-3A(1)
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: DANIEL WALESKI DET. Date: 03/03/2020			
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: 03/03/2020 Appearance Date: Time: Phone: 732-504-0700 TOMS RIVER NJ 08753-0000			
PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT			
☐ Probable cause IS NOT found for the issuance of this complaint.			
Signature of Court Administrator or Deputy Court Administrator		Date	
Signature of Judge		Date	
☒ Probable cause IS found for the issuance of this complaint. JOSEPH GRISANTI JUDICIAL OFFICER 03/03/2020 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

1506**W****2020****000180**

STATE V.

LUIS L RIVAS

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY ATTEMPT TO CAUSE THE DEATH OF ANOTHER (Q.N.) SPECIFICALLY BY FIRING A WEAPON IN THE DIRECTION OF (Q.N.) WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY INJURY RESULTING IN DEATH TO SAME IN VIOLATION OF 2C:5-1, 2C:11-3A(1).

WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY AND OR KNOWINGLY POSSES A FIREARM WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST A PERSON IN VIOLATION OF NJSCA 2C:39-4A.

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY AND OR PURPOSELY POSSES OR HAVE IN HIS CONTROL A WEAPON SPECIFICALLY A HANDGUN WITHOUT LICENSE TO DO SO IN VIOLATION OF NJSCA 2C:39-5B.

Original Charge

4) **2C:5-1A(1)**
2C:11-3A(1)5) **2C:39-4.1A**6) **2C:39-5B(1)**

Amended Charge

COMPLAINT - WARRANT (DEFENDANT'S COPY)**Page 6 of 10**

NJ/CDR2 1/1/2017

COMMITMENT

COMPLAINT NUMBER

1506**W****2020****000180**

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
6

CO-DEFTS

POLICE CASE #:
67020-19

COMPLAINANT **DANIEL WALESKI DET.**
NAME: **401 CHAMBERS BRDG RD**
ATTN WARRANTS
BRICK TOWN NJ 08723

THE STATE OF NEW JERSEY

VS.

LUIS L RIVAS

ADDRESS :

187 BRIAR MILLS DR**BRICK****NJ 08724-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **06/12/2003**

DRIVER'S LIC. #.

DL STATE:

SOCIAL SECURITY #:

SBI #: **967732G**TELEPHONE #: **(C)**LIVESCAN PCN #: **150603006109**

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:5-1A(1)</u>	<u>2C:11-3A(1)</u>	<u>1</u>	<u>CRIMINAL ATTEMP</u>
2.	<u>2C:5-1A(1)</u>	<u>2C:11-3A(1)</u>	<u>1</u>	<u>CRIMINAL ATTEMP</u>
3.	<u>2C:5-1A(1)</u>	<u>2C:11-3A(1)</u>	<u>1</u>	<u>CRIMINAL ATTEMP</u>
4.	<u>2C:5-1A(1)</u>	<u>2C:11-3A(1)</u>	<u>1</u>	<u>CRIMINAL ATTEMP</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: **03/03/2020**Phone: **732-504-0700****JOSEPH GRISANTI JUDICIAL OFFICER****03/03/2020**

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER			
1506	W	2020	000180
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 6	CO-DEFTS	POLICE CASE #: 67020-19	
COMPLAINANT DANIEL WALESKI DET.			
NAME: 401 CHAMBERS BRDG RD			
ATTN WARRANTS			
BRICK TOWN NJ 08723			
DEFENDANT INFORMATION			
SEX: M EYE COLOR: BROWN DOB: 06/12/2003			
DRIVER'S LIC. #.			
DL STATE:			
SOCIAL SECURITY #:			
SBI #: 967732G			
TELEPHONE #: (C)			
LIVESCAN PCN #: 150603006109			

THE STATE OF NEW JERSEY

VS.

LUIS L RIVAS

ADDRESS :

187 BRIAR MILLS DR

BRICK

NJ 08724-0000

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 attachment A.

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1506

W

2020

000180

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

LUIS L RIVAS

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

surveillance along with witness statements.

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

gunshot wound to right shoulder.

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: DANIEL WALESKI DET. LAW ENFORCEMENT OFFICER

Date: 03/03/2020

Affidavit of Probable Cause

Page 9 of 10

1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER			
1506	W	2020	000180
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 6	CO-DEFTS	POLICE CASE #: 67020-19	
COMPLAINANT NAME: DANIEL WALESKI DET.		DEFENDANT INFORMATION	
401 CHAMBERS BRDG RD		SEX: M EYE COLOR: BROWN DOB: 06/12/2003	
ATTN WARRANTS		DRIVER'S LIC. #.	
BRICK TOWN NJ 08723		SOCIAL SECURITY #: (C) SBI #: 967732G	
		TELEPHONE #: (C)	
		LIVESCAN PCN #: 150603006109	

THE STATE OF NEW JERSEY

VS.

LUIS L RIVAS

ADDRESS: **187 BRIAR MILLS DR**

BRICK

NJ 08724-0000

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

- The charge was based on the observations/statements made by an eyewitness(es).
 - The witness statement(s) were recorded via:
 - *Audio recording only
- The defendant made statements/admissions.
 - It was recorded using:
 - *Stationhouse interview room 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:
 - Handgun
- Child(ren) were present at the time of the offense and:
 - Child(ren) were the victim
 - 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 police received relevant information via radio from a 911 dispatcher (or similar).
- The case involves a search warrant(s).
- 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 devices

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: **DANIEL WALESKI DET. LAW ENFORCEMENT OFFICER**

Date: **03/03/2020**

Preliminary Law Enforcement Incident Report

Page 10 of 10

7/20/2018

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

- A. On Saturday, October 19, 2019, Brick Township Police responded to [REDACTED] following a 9-1-1 call placed at 2336 hours by Justin Desiderio. Desiderio reported hearing shots fired in the parking lot of the complex.
- B. Upon arrival, police made contact with seven (7) male parties, four (4) of which are juveniles, at 187 Briar Mills Drive. Police subsequently identified J'Quill Johnson (DOB: [REDACTED]) inside of said apartment with an apparent gunshot wound to the leg. Johnson was transported to Jersey Shore University Medical Center where he was treated for his injuries.
- C. On Sunday, October 21, 2019, at approximately 0001 hours, Detective Mitchell, of the Ocean County Prosecutor's Office, was directed to respond to 187 Briar Mills Drive in Brick Township by Detective Sergeant Brian Haggerty to assist with the investigation. Detective Mitchell arrived on scene at approximately 0031 hours and was briefed on the known facts by Detective Greg Mullarkey of the Brick Township Police Department.
- D. In short, Detective Mitchell was advised that the seven (7) individuals were walking in the parking lot toward the apartment located at 187 Briar Mills Drive, when a vehicle pulled into the lot and approached the group. The vehicle slowed down as it passed the group of males and subsequently fired approximately five (5) rounds into the group of males, striking Johnson in the leg.
- E. Detective Cooney, of the Brick Township Police Department responded to Jersey Shore Medical Center to speak with the victim. Detective Cooney attempted to speak with Johnson in the presence of his parents. Detective Cooney advised that his interview did not produce any information to assist in the investigation as Johnson was uncooperative and unwilling to provide any details, suspects or vehicles he may have seen prior to being shot.
- F. Detective Mitchell and Detective Mullarkey spoke with juvenile Luis Rivas at 187 Briar Mills Drive in reference to the incident. Rivas stated that he resides at 187 Briar Mills Drive in Brick Township. Rivas related that the group was at a party earlier in the evening in Long Branch, New Jersey. On their way home from the party they stopped at Country Farms and subsequently found the store to be closed. The group then left Country Farms and drove back to Briar Mills, where Rivas stated he resides. While

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

walking toward the apartment located at 187 Briar Mills Drive, a vehicle approached them and began firing toward the group. They realized that Johnson was struck in the leg and waited for first aid arrival inside of the apartment. Rivas was unable to describe the suspect vehicle or the occupant(s).

- G. Detective Mullarkey asked Rivas if he knew of anyone that would want to hurt them or that would be capable of committing such an act to which Rivas replied "No." Detective Mullarkey then asked Rivas that if he did know who shot at them or who would be trying to hurt them if he would provide said information to the police. Rivas replied "No."
- H. Detective Mitchell subsequently spoke with Emanuel Ventura (DOB: [REDACTED]), Nkosi Jones (DOB: [REDACTED]), and juveniles [REDACTED] and [REDACTED] in reference to the aforementioned incident. Said individuals were unwilling to provide any additional information in regards to the events that occurred and who may have shot at them.
- I. [REDACTED] stated that he currently resides at [REDACTED]. This is the same address [REDACTED] provided to Asbury Park Police in May of 2019. Emanuel Ventura stated that he currently resides at [REDACTED].
- J. [REDACTED] can be described as a heavyset black male, approximately six (6) feet two (2) inches tall with an afro style haircut. LUIS RIVAS can be described as a thin Hispanic male with pale complexion, approximately five (5) feet ten (10) inches tall with short dark in color hair.
- K. Detective Ralph Laudicina of the Ocean County Sheriff's Office, Crime Scene Investigations, responded to photograph and process the scene. Detective Laudicina collected approximately four (4) 9mm shell casings in the roadway on Briar Mills Drive.
- L. Detective Mitchell was advised that there was video surveillance of the area located at [REDACTED]. Detective Mitchell subsequently went to [REDACTED] and spoke with Thomas Brennan, the occupant of the apartment. Brennan showed Detective Mitchell and officers from the Brick Township Police Department video of the incident. Upon reviewing the video, Detective Mitchell was able to identify a male group walking across the parking lot toward 187 Briar Mills Drive. Detective Mitchell was able

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

to identify the group of males, based on their physical appearance and clothing, as being the same group of individuals Detective Mitchell spoke with at 187 Briar Mills Drive. A vehicle is shown pulling into the parking lot and approaching the group of males. The vehicle slows down and drives passed the group and briefly come to a stop. The crowd is scene dispersing frantically, shortly thereafter, an individual is observed hopping on one leg and appears to be injured.

- M. Detective Mitchell was advised by Brick Police of an incident that occurred on Saturday, October 19, 2019, involving Tierra Jones, the mother of Nkosi Jones and her vehicle. Said incident involved Ms. Jones's Cadillac Escalade bearing New Jersey registration number [REDACTED]. The vehicle was vandalized while parked in front of Ms. Jones's residence at [REDACTED]. Detective Mitchell was advised that Tierra Jones informed Brick Township Police that Nkosi Jones's ex-girlfriend, Arlisha Randolph, was sending threatening messages to Nkosi via Facebook Messenger. Ms. Jones related that her son, Nkosi Jones, sent Ms. Jones a screenshot of said messages. Ms. Jones subsequently showed Brick Police Officers the screen shot of the messages on her cell phone.
- N. On Sunday, October 20, 2019, Detective Mitchell and Detective Mullarkey and the undersigned of the Brick Township Police Department responded to [REDACTED] to speak with Ms. Jones about the two incidents from October 19, 2019. Ms. Jones related that she received screenshots of messages between Nkosi and Arlisha from Nkosi. The two were apparently arguing via Facebook Messenger. Ms. Jones read Detective Mitchell a message sent from Arlisha Randolph to Nkosi Jones that stated "We on the way" and "I hope it was Louie that got shot."
- O. Detective Mitchell requested that Ms. Jones have Nkosi Jones come to the front door so we could speak with him. Jones stated that Arlisha texted him saying "Look at your mom's car." Jones subsequently showed Detective Mitchell the conversations between Arlisha Randolph and himself on his cell phone. Jones handed Detective Mitchell his cellular device to view the messages. Subsequent to seeing the messages, Detective Mitchell advised Jones that we would like to have his phone extracted. Detective Mitchell requested that Jones provide consent for us to perform the extraction to which he

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

denied. Jones was advised that we would only be seeking information pertaining to this investigation. Jones subsequently stated "Everything in my phone pertains to this bro."

- P. Jones's cell phone was subsequently seized by police pending the application of a Search Warrant. Said phone is described as a white in color Apple iPhone with rose gold backing and a case covering the back and sides with blue and gold coloring on the backing. The phone was subsequently secured at the Ocean County Prosecutor's Office in temporary evidence.
- Q. On Tuesday, October 22, 2019, at approximately 1347 hours, Brick Township Police responded to Brick Memorial High School at 2001 Lanes Mill Road, following a 9-1-1 call reporting shots fired. Members of the Ocean County Prosecutor's Office, Ocean County Sheriff's Office, New Jersey State Police, Toms River Police Department, Bay Head Police, Monmouth County Sheriff's Department, and Lakewood Township Police responded to the school to assist with the investigation.
- R. The victim, juvenile [REDACTED] was located on the gymnasium floor with an apparent gunshot wound to the shoulder and was being treated by medics and subsequently transported to Ocean Medical Center in Brick Township. Juvenile [REDACTED] was located attempting to run out from the school and subsequently detained by Sergeant Jensen, of the Brick Township Police Department. Investigation revealed that the victim was in the company of juveniles [REDACTED] [REDACTED] and [REDACTED] at the time of the shooting.
- S. Detective Mitchell and the undersigned responded to Ocean Medical Center in Brick Township to speak with the victim in regards to the incident. [REDACTED] related that he was on Lanes Mills Road walking home from the school to his residence at [REDACTED] after school. [REDACTED] related that he noticed two individuals a significant distance in front of him dressed in black walking toward him and his three friends while walking on Lanes Mill Road. [REDACTED] described the two individuals to Detective Mitchell. [REDACTED] described the individual he saw shoot as a tall, heavyset black male with a high afro style hair cut dressed in black. [REDACTED] state that this individual was wearing a hooded sweatshirt with the hood pulled up. [REDACTED] further stated that do to the hair style the hood was unable to cover the hair in its entirety. [REDACTED] further

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

related that he saw said black male pull an object from his pocket utilizing his right hand just prior to hearing the shots. [REDACTED] described the other individual as a light skinned male with thin build. [REDACTED] was unable to determine the race of the other individual.

T. The investigation revealed that the shooting had occurred near Lanes Mill road and New York Avenue with the victim and [REDACTED] running into the school screaming for police and help as [REDACTED] stated that he was shot. The school was placed on lockdown and an extensive search/clearing was conducted, as was an extensive canvass including K9 track was conducted in the area of the shooting. Video obtained from the area revealed that the suspects involved approached the group in the area of Lanes Mill Road and New York Avenue.

U. [REDACTED] [REDACTED] and [REDACTED] were transported to the Brick Township Police Department where interviews were conducted. The three individuals were not able to provide any additional details. The cell phone belonging to [REDACTED] was seized by police from his person. The cell phone belonging to [REDACTED] was recovered from his book bag. The cell phone seized from [REDACTED] can be described as a black in color Apple iPhone with blue backing and a clear case covering the back and sides. The cell phone belonging to [REDACTED] can be described as a black in color Apple iPhone with a turquoise case covering the back and sides.

V. A canvass of the area for video was conducted by responding officers. Said canvass yielded video surveillance at [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

W. Video surveillance recovered from [REDACTED] yielded the following. At approximately 1313 hours a gold in color Nissan sedan pulls in to the parking lot and parks near [REDACTED]. Said vehicle has a crooked black frame around the front license plate. At approximately 1314 hours, a heavysset black male with an afro style hair cut clad in a red long sleeve shirt, black pants, and black shoes with white base exits the front passenger side door. A thin build light skin, possibly Hispanic, male clad in tan pants, a black shirt, and white shoes exits the front driver's side of the vehicle. Both males walk toward the apartment located at 187 Briar Mills Drive. Detective

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

Mitchell is aware of the location of 187 Briar Mills Drive in relation to the viewing angle due to the incident that occurred on Saturday, October, 19, 2019.

- X. At approximately 1332, the two aforementioned individuals are seen walking toward the car with a third male. Said male is described as a thin build, light skin male, clad in a black shirt, black pants and white shoes. The male clad in black pants, a black shirt and white shoes enters the rear passenger seat of the gold in color Nissan sedan. The male clad in a red sweatshirt, black pants, and black and white shoes enters the front passenger side of the vehicle. The male entering the front passenger side of the vehicle reaches in and pulls out what appears to be a black and white colored garment as he enters the vehicle. The male clad in a black shirt, tan pants and white shoes enters the front driver's seat of the aforementioned vehicle. Based on Detective Mitchell's previous interactions with [REDACTED] and Luis Rivas on the early morning hours of October 201, 2019, Detective Mitchell recognized the individuals on the surveillance videos as [REDACTED] the individual entering the individual entering the front passenger seat and Rivas as the individual entering the rear passenger seat.
- Y. Video surveillance from [REDACTED] showed the following. At approximately 1313 hours a gold in color Nissan sedan pulls in to the parking lot and parks near [REDACTED]. Said vehicle has a crooked black frame around the front license plate. At approximately 1314 hours, a heavyset black male with an afro style hair cut clad in a red long sleeve shirt, black pants, and black shoes with white base exits the front passenger side door. A thin build light skin, possibly Hispanic, male clad in tan pants, a black shirt, and white shoes exits the front driver's side of the vehicle. At approximately 1315 hours, both males approach 187 Briar Mills Drive and wait at the door. The two males enter the address at approximately 1317 hours.
- Z. At approximately 1332 hours, the two aforementioned individuals exit the residence and begin walking toward the car with a third male. Said male is described as a thin build, light skin male, clad in a black shirt, black pants and white shoes. The male clad in black pants, a black shirt and white shoes enters the rear passenger seat of the gold in color Nissan sedan. The male clad in a red sweatshirt, black pants, and black and white shoes with the afro style hair cut enters the front passenger side of the vehicle. The male

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

entering the front passenger side of the vehicle reaches in and pulls out what appears to be a black and white colored garment as he enters the vehicle. The male clad in a black shirt, tan pants and white shoes enters the front driver's seat of the aforementioned vehicle.

AA. Shortly thereafter, the male wearing black pants, a black sweatshirt and white shoes, exits the rear passenger side of the vehicle and runs back toward 187 Briar Mills Drive. The male returns approximately five (5) minutes later and enters the rear passenger side of the aforementioned vehicle. At approximately 1339 hours, the vehicle leaves the area.

BB. Video recovered from [REDACTED] yielded the following. At approximately 1341 hours, a gold in color Nissan sedan is travelling eastbound on New York Avenue. Said vehicle is observed multiple times until approximately 1343 hours. At approximately 1343, a thin build male, wearing black pants, a black hooded sweatshirt with the hood up, and white shoes is observed running eastbound on New York Avenue. A view from a different camera at the same residence, at approximately 1343 hours, depicts the same male running eastbound on New York Avenue with his hands in the pockets of the sweatshirt. Detective Mitchell recognized this individual Luis Rivas. The shoes, which are more visible in said clip, can be described as white in color low top sneakers with a black Nike check mark. At approximately 1344 hours, a heavyset black male afro style hair cut is observed walking Eastbound on New York Avenue. Said male is clad in black pants, a white and black sweatshirt and dark in color shoes. Detective Mitchell recognized this individual as [REDACTED] At approximately 1345 hours, said male is seen walking across the yard between New York Avenue and Michigan Avenue and proceeded to walk westbound on Michigan Avenue toward Lanes Mill Road. Within seconds, the aforementioned gold in color Nissan is seen travelling westbound on New York Avenue and subsequently bears right onto Michigan Avenue. At approximately 1345 hours, the gold Nissan comes to a rest in the roadway in front of 535 Michigan Avenue and the aforementioned heavyset black male enters the front passenger side door.

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

CC. Video surveillance recovered from [REDACTED] yielded the following. A gold in color sedan travelling eastbound on New York Avenue, then westbound on New York Avenue, and again eastbound on New York Avenue. Said vehicle is substantially similar to the vehicle observed in the prior video.

DD. Video surveillance recovered from [REDACTED] showed the following. It should be noted that the date and time on the camera is incorrect due to the camera having been reset recently. The date and time reset to eight years prior, March 3, 2011. A gold in color Nissan sedan is observed travelling eastbound on New York Avenue from Lanes Mill Road. The vehicle is observed to have a crooked black license plate frame. The vehicle is observed travelling westbound on New York Avenue and stopping at the intersection at Lanes Mill Road. The vehicle slowly enters the intersection and subsequently begins to travel eastbound in reverse, coming to rest near 540 New York Avenue. The vehicle can be described as a gold in color Nissan sedan with apparent damage to the driver's side rear bumper. The vehicle then pulls off and drives northbound on Lanes Mill Road.

EE. A short time later, a thin male, possibly Hispanic with pale complexion, is observed running eastbound into the frame. Detective Mitchell was able to identify the male on the video as Luis Rivas. The individual is observed with his left hand in his sweatshirt pocket. Said male stops and turns around to travel westbound on New York Avenue. Shortly thereafter he is again observed running eastbound on New York Avenue with the right hand in his sweatshirt pocket appearing to be carrying something. The left hand appeared to be supporting the object from outside of the sweatshirt. The male is again observed wearing black pants, a black hooded sweat shirt and white low top sneakers with a Nike check mark on the side. Behind the aforementioned male, a heavysset black male with an afro style hair cut is seen walking in the roadway. Detective Mitchell recognized this male as [REDACTED]. The male is described as a heavysset black male, clad in a sweatshirt with dark in color sleeves and a white front with the hood up and afro style hair protruding from the front of the hood, black pants and black shoes with a white base.

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

FF. On Wednesday, October 23, 2019, Detective Mitchell was forwarded information from Jessica Butts, of the New Jersey Regional Operations and Intelligence Center. Ms. Butts stated that she researched all of the individuals present for the shooting that occurred on October 19, 2019. Ms. Butts' research revealed that on June 26, 2019, Emanuel Ventura was ticketed in Long Branch in a beige 2003 Nissan Altima registered to Patti Soterio (DOB [REDACTED] of [REDACTED]). A DMV look up yielded a 2003 beige in color Nissan Altima bearing New Jersey Registration number [REDACTED] registered to Patti Soterio.

GG. Detective Janine Kaiser of the Ocean County Prosecutor's Office forwarded Detective Mitchell a Vigilant look up of the aforementioned vehicle. Said look up yielded that the vehicle was located several times in May of 2019 in Monmouth County. The associated photos from the look up show damage to the rear driver side bumper of the vehicle, consistent with the damage and vehicle seen in the aforementioned surveillance videos.

HH. On October 23, 2019, at approximately 1834 hours, Detective Mitchell was advised by Detective Sergeant Jim Burgess that Detectives conducting surveillance on the residence observed an individual matching the description of [REDACTED] at the residence.

II. On October 23, 2019 at 2051 hours Detective Denis Mitchell #183 of the Ocean County Prosecutors Office and I, Detective Daniel Waleski #157 interviewed Emanuel Ventura at Brick Police Headquarters in reference to the shooting incident that took place on Lanes Mill Road near the Brick Memorial High School.

JJ. Prior to speaking with Emanuel Ventura, he was presented and read a copy of the Brick Twp Miranda Rights Waiver Form. Ventura stated that he understood his rights and signed the copy of the Miranda Form. Ventura agreed to voluntarily answer our questions reference his involvement in the shooting incident on October 22, 2019.

KK. Ventura stated that on October 22, 2019, he left his residence in [REDACTED] and picked up [REDACTED]. Ventura stated that they both traveled to Brick Twp. to visit Luis Rivas, 187 Briar Mills Drive Brick NJ 08724 and arrived a little after 1:00 pm. Ventura stated that after meeting up with Luis

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

Rivas all three individuals left 187 Briar Mills Drive and were heading to the store. Ventura stated that while traveling down Lanes Mill Road, they told Ventura to pull over in the area of Lanes Mill Road and New York Ave Brick NJ. Ventura stated that both [REDACTED] and Rivas jumped out of his Nissan Altima to talk to some subjects walking North on Lanes Mill Road. Ventura was told by [REDACTED] to pull down the block and wait. Ventura stated that while he was waiting for [REDACTED] and Rivas to return to the vehicle he heard several bangs which he believed to be gunshots. Ventura stated that Rivas responded back to his vehicle and both traveled north on New York Ave and on to Michigan Ave. Ventura stated that he observed [REDACTED] walking on Michigan Ave and picked him up. Ventura stated that all three subjects left the area and traveled back to Ventura's residence in [REDACTED]. Ventura stated that all three individuals engaged in a conversation. Ventura stated that during the conversation [REDACTED] stated "WE EVENED THE SCORE". Detective Mitchell asked Ventura to explain what that comment actually meant and Ventura stated "SOMEONE WAS SHOT". We asked Ventura about the whereabouts of the gun and Ventura stated that he was not sure who had it or where it was. Ventura was adamant that the gun was not in his vehicle.

LL. On October 23, 2019, members of the Brick Township Police Department, Ocean County Prosecutor's Office and Ocean County Sheriff's Department executed a search warrant at [REDACTED] the residence of [REDACTED]. During the course of the search several items of evidential value were seized. Specifically: a red Aeropostale sweatshirt that was being worn by [REDACTED] at the time of the execution of the search warrant similar to that being worn by the heavy set suspect in the surveillance video, a white sweatshirt with blue hood and blue sleeves similar to that being worn by the heavy set suspect in the surveillance video, 2 pair of black sneaker with white base similar to those being worn by the heavy set suspect in the surveillance video, and numerous electronic devices.

MM. On October 23, 2019, members of the Brick Township Police Department, Ocean County Prosecutor's Office and Ocean County Sheriff's Department executed a search warrant at 187 Briar Mills, Brick Township NJ, the residence of Luis Rivas. During the execution of the search warrant the following items of evidential value were seized: one

ATTACHMENT A
AFFIDAVIT OF PROBABLE CAUSE

pair of white sneaker with a black Nike symbol similar to those being worn by the thin build suspect in the surveillance video, several articles of black colored clothing similar to those being worn by the thin build suspect in the surveillance video, and numerous electronic devices

NN. On October 23, 2019 at 2347 hours Detective Denis Mitchell #183 of the Ocean County Prosecutors Office and I, Detective Daniel Waleski #157 Brick Police Dept. interviewed [REDACTED] in the presence of his mother [REDACTED] Prior to speaking with [REDACTED] and his mother, both were read a copy of the Brick Twp. Juvenile Rights Form. Both [REDACTED] stated they understood their Rights and agreed to sign the Rights Waiver Form.

OO. [REDACTED] stated that he was picked up by Ventura yesterday and traveled to 187 Briar Mills Road to visit Luis Rivas. [REDACTED] at first denied multiple times being in Bricktown or being in the area of Lanes Mill Road and New York Ave. [REDACTED] finally admitted to being with Rivas and Ventura in Bricktown in the area of New York Ave. [REDACTED] was shown a picture of himself while walking on New York Ave wearing a hooded sweatshirt with dark color sleeves and identified himself in the picture. [REDACTED] stated first that he was by himself but then admitted to being picked up by Ventura and Rivas on Michigan Ave Brick. [REDACTED] started to become visibly upset and started to cry after seeing himself in the still picture. The picture was placed into Brick Property for future evidence. [REDACTED] stated that he got upset over his Uncle, J'quill Johnson getting shot in the leg on Saturday night October 19, 2019 in Brick. [REDACTED] became quiet and stated he wanted to go home. No further statements were made by [REDACTED]

X  157

DETECTIVE DAN WALESKI #157
BRICK TOWNSHIP POLICE DEPARTMENT

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 20000823-001

Defendant's Name: Luis L. Rivas
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	
<u>20-03-438</u>	<u>1</u>	<u>(Conspiracy to Commit) App.</u>	<u>2^o</u>	Max	<u>10 yrs.</u>	<u>150K</u>	<u>50</u>
		<u>NSA 2 C.5-2 (a)(1) 1st</u>		Max			
		<u>2C:12-1b(1) 2nd</u>		Max			
				Max			
				Max			
Your total exposure as the result of this plea is:				Total	<u>10 yrs.</u>	<u>150K</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

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?

☒ [Yes] ☐ [No]

(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 4 years and 3 months (fill in the number of years/months) and the maximum period of parole ineligibility can be 5 years and 0 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

Balance of charges

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

I to be sentenced as a third degree offense
State will be recommended a 5 year sentence
subject to NERA (85%) I shall reserve
the right to argue for less. Fines and Costs

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

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

[Yes] [No]

[Yes] [No]

[Yes] [No]

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

[Yes] [No] [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 3/6/20 Defendant Lois Pivars

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]

Conspiracy to Commit Agg Assault
(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 3 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: 3/6/20

Defendant: Luis Mivias

Defense Attorney: _____

Prosecutor: _____

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

THE STATE OF NEW JERSEY

VS.

LUIS L. RIVAS

DEFENDANT

ACCUSATION

NO. 20 - 03 - 438

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

CONSPIRACY TO COMMIT AGGRAVATED ASSAULT – SECOND 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

CONSPIRACY TO COMMIT AGGRAVATED ASSAULT – SECOND DEGREE

THE COUNTY PROSECUTOR of the said County of Ocean, ALLEGES that the said **LUIS L. RIVAS**, on or about October 22, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did with the purpose of promoting or facilitating the crime of Aggravated Assault, did agree with another person that they or one or more of them would knowingly engage in conduct which would constitute the aforementioned, contrary to the provisions of N.J.S.A. 2C:5-2(a)(1) and N.J.S.A. 2C:12-1(b)(1) and against the peace of this State, the government and dignity of the same.

The COUNTY PROSECUTOR for the County of Ocean, FURTHER ALLEGES that in pursuance of the said conspiracy, the following OVERT ACT, among others, was committed:

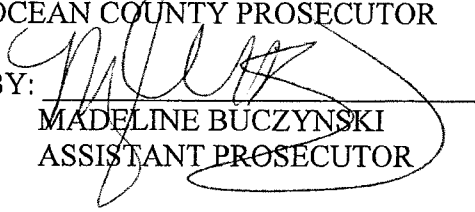
1.) **LUIS L. RIVAS** and a co-conspirator did proceed to a location within the Township of Brick, exit a motor vehicle and walk to where the aggravated assault was to occur.

All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the Government and dignity of the same.

**BRADLEY D. BILLHIMER
OCEAN COUNTY PROSECUTOR**

DATED: March 6, 2020

BY:


**MADELINE BUCZYNSKI
ASSISTANT PROSECUTOR**

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

THE STATE OF NEW JERSEY

VS.

LUIS L. RIVAS

DEFENDANT

**WAIVER OF INDICTMENT
AND TRIAL BY JURY**

ACCUSATION NO. 20-03-438

TO THE COUNTY PROSECUTOR:

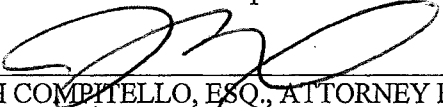
The above named defendant who is charged with one count of Conspiracy to Commit Aggravated Assault in violation of N.J.S.A. 2C:5-2(a)(1) and N.J.S.A. 2C:12-1(b)(1) being advised of the nature of the charge against him and of his right to indictment and trial by jury, hereby waives prosecution by indictment and trial by jury and requests to be tried before this Court.

Dated in Toms River, New Jersey, the 6th day of March, 2020

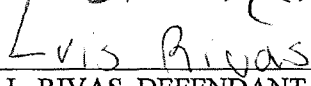


WENDEL E. DANIELS, P.J.Cr.P.

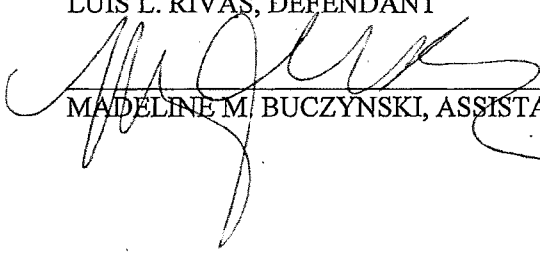
Signed and delivered in the presence of



JOSEPH COMPITELLO, ESQ., ATTORNEY FOR THE DEFENDANT



LUIS L. RIVAS, DEFENDANT



MADELINE M. BUCZYNSKI, ASSISTANT PROSECUTOR



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, OCEAN County

State of New Jersey
v.

 Last Name
RIVAS

 First Name
LUIS

 Middle Name
L

Also Known As

 Date of Birth
06/12/2003

 SBI Number
967732G

 Date(s) of Offense
10/22/2019

Date of Arrest

 PROMIS Number
20 000823-001

 Date Ind / Acc / Complt Filed
03/06/2020

Original Plea

☐ Not Guilty

☒ Guilty

 Date of Original Plea
03/06/2020

Adjudication By

☒ Guilty Plea

☐ Jury Trial Verdict

☐ Non-Jury Trial Verdict

☐ Dismissed / Acquitted

Date: 03/06/2020

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
20-03-00438-A	1	CONSPIRACY - AGREE/ENGAGE IN CONDUCT CONSTITUTE A CRIME	2C:5-2A(1)	2
		AGG ASSAULT-ATTEMPT/CAUSE SBI PURP/KNOW/RECKLESS	2C:12-1B(1)	
W-2020-000180-1506	1	CRIMINAL ATTEMPT - PURPOSELY ENGAGES IN CONDUCT	2C:5-1A(1)	1
		MURDER - PURPOSELY	2C:11-3A(1)	
W-2020-000180-1506	2	CRIMINAL ATTEMPT - PURPOSELY ENGAGES IN CONDUCT	2C:5-1A(1)	1
		MURDER - PURPOSELY	2C:11-3A(1)	
W-2020-000180-1506	3	CRIMINAL ATTEMPT - PURPOSELY ENGAGES IN CONDUCT	2C:5-1A(1)	1
(Cont...)				

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
20-03-00438-A	1	CONSPIRACY - AGREE/ENGAGE IN CONDUCT CONSTITUTE A CRIME	2C:5-2A(1)	2
		AGG ASSAULT-ATTEMPT/CAUSE SBI PURP/KNOW/RECKLESS	2C:12-1B(1)	

Sentencing Statement

It is, therefore, on 10/02/2020 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:
In accordance with the plea agreement, the defendant is sentenced in the third degree as follows:

Count 1: The defendant is committed to the custody of the Executive Director of the Juvenile Justice Commission (JJC) for a term of 4 years to be served in a state juvenile facility operated by the JJC until the defendant reaches the age of 21. Pursuant to NERA, the defendant must serve 85% of the maximum term before being eligible for parole and 3 years of parole supervision after release.

Defendant is to receive Credit for Time Served of 343 days.

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.

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

Any bail posted in this matter is discharged.

The following are dismissed: Counts 1, 2, 3, 4, 5, and 6 of W-2020-180-1506.

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

 Total Custodial Term
004 Years 00 Months 000 Days

 Institution Name
JUVENILE FACILITY

 Total Probation Term
00 Years 00 Months

State of New Jersey v.
RIVAS, LUIS L

S.B.I. # 967732G Ind / Acc / Compl # 20-03-00438-A

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																									
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)) <table style="width:100%;"> <tr> <th></th> <th style="text-align: center;">Standard</th> <th></th> <th style="text-align: center;">Doubled</th> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>DP or Petty DP</td> <td style="text-align: center;">_____ @ \$</td> <td></td> <td style="text-align: center;">_____ @ \$</td> </tr> </table> 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)			Standard		Doubled	1st Degree	_____ @ \$		_____ @ \$	2nd Degree	_____ @ \$		_____ @ \$	3rd Degree	_____ @ \$		_____ @ \$	4th Degree	_____ @ \$		_____ @ \$	DP or Petty DP	_____ @ \$		_____ @ \$	☒ 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 <u>3</u> 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)).	
	Standard		Doubled																								
1st Degree	_____ @ \$		_____ @ \$																								
2nd Degree	_____ @ \$		_____ @ \$																								
3rd Degree	_____ @ \$		_____ @ \$																								
4th Degree	_____ @ \$		_____ @ \$																								
DP or Petty DP	_____ @ \$		_____ @ \$																								
Forensic Laboratory Fee (N.J.S.A. 2C:35-20) _____ Offenses @ \$ _____		Total Lab Fee _____ \$ _____																									
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 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 \$ _____ ☐		Total Financial Obligation \$ 155.00																									
Details See Page 1.																											

Time Credits

[illegible]

Statement of Reasons - Include all applicable aggravating and mitigating factors

AGGRAVATING FACTORS

3. The risk that the defendant will commit another offense.
9. The need for deterring the defendant and others from violating the law.

The court gives moderate weight to aggravating factor #3 and heavy weight to aggravating factor #9. The court found no mitigating factors in this matter and 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 JOSEPH J COMPITELLO	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 10/07/2020

State of New Jersey v.
RIVAS, LUIS L

S.B.I. #967732G Ind / Acc / Complt # 20-03-00438-A

Continuation

ORIGINAL CHARGES (Cont.)

Ind / Acc / Complt	Count	Description	Statute	Degree
W-2020-000180-1506	4	MURDER - PURPOSELY CRIMINAL ATTEMPT - PURPOSELY ENGAGES IN CONDUCT	2C:11-3A(1) 2C:5-1A(1)	1
W-2020-000180-1506	5	MURDER - PURPOSELY POSSESSION OF FIREARM WHILE COMMITTING CDS/BIAS CRIME	2C:11-3A(1) 2C:39-4.1A	2
W-2020-000180-1506	6	UNLAWFUL POSS WEAPON-HANDGUNS WITHOUT PERMIT	2C:39-5B(1)	2