

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

June 7, 2021

Via OPRA Machine: opra+request-23586-e2a955fd@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 20002636 – Daniel Kester

Dear Sir/Madam:

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

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

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

Yours very truly,

Dina R. Khajezadeh

Dina R. Khajezadeh
Assistant Prosecutor

DRK/dp

Enclosures

Prestia , Donna

From: Khajezadeh, Dina
Sent: Thursday, June 3, 2021 10:15 PM
To: Prestia , Donna
Subject: FW: OPRA request - Case reports

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Resident <opra+request-23604-acf17c8e@requests.opramachine.com>
Date: 6/3/21 10:10 PM (GMT-05:00)
To: "Khajezadeh, Dina" <DKhajezadeh@co.ocean.nj.us>
Subject: OPRA request - Case reports

Dear Ocean County Prosecutor's Office,

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

Records requested:

Any relevant arrest reports, global subject activity reports, preliminary law enforcement incident reports, complaint warrants, complaint summonses, affidavits, indictments, criminal information forms, plea forms, and sentencing information, where applicable, for the following defendants:

Michael Mattina (Case # 20002393)
Trevor Boullear (Case # 20002397)
Jessica McBride (Case # 20002470)
Cory Hogan (Case # 20002602)
Daniel Kester (Case # 20002636)

Yours sincerely,

Resident

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-23604-acf17c8e@requests.opramachine.com

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

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3docean_county_prosecutors_office&c=E.1.mJga-F7TVsKexHs-IJTj8awGPEMm97onRUU94mzErOHShA_YwYDJY3ONwnXKy3lVYT_0_NbMkiPFbRjBjLx88VPWQ8xmy99qr5VLT17JKug3B&typo=1

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



Point Pleasant Police Department
Arrest Report

Page: 1
09/24/2020

Arrest #: 20-214-AR
Call #: 20-21912

Date/Time Reported: 09/05/2020 @ 1913
Arrest Date/Time: 09/06/2020 @ 2201
Booking Date/Time: 09/06/2020 @ 2217
Involves: Juveniles, Domestic Violence

Court: Point Pleasant Municipal Ct
Court Date: 09/06/2020 @ 0114
Reporting Officer: OFFICER Robert Tobias
Assisting Officer: OFFICER Travis Popiel
Booking Officer: OFFICER Robert Tobias
Approving Officer: Lieutenant Christopher Leonhardt

Signature: _____
Released To: Ocean County Jail

Signature: _____

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
---	--------------	-----	------	-----	-----	-------

1	KESTER, DANIEL E. 15 HOMESTEAD DR BRICK TOWNSHIP NJ 08724	M	W	38		
---	---	---	---	----	--	--

Military Active Duty: N
HEIGHT: 601 WEIGHT: 180 HAIR: BROWN EYES: BROWN
BODY: SKINNY COMPLEXION: FAIR
DOB: 03/29/1982 PLACE OF BIRTH: , MD
STATE ID: 765401G FBI ID: 414422EC5
LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC
LOCAL ID: 16926

[CAUTIONS]

Caution Type	Start Date	End Date
Caution (Other/Unspecified)	10/21/2019	

[CONTACT INFORMATION]

Home Phone (Primary) 240-374-3672

[APPEARANCE]

GLASSES WORN: NO
TATTOOS: TAT BACK(SUN), TAT CHEST(LATIN PHRASE), TAT SHLD(), TAT BACK(SUN)
TAT CHEST(LATIN PHRASE), TAT SHLD()

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE

OCCUPATION: UNEMPLOYED

Point Pleasant Police Department
Arrest Report

Page: 2
09/24/2020

Arrest #: 20-214-AR
Call #: 20-21912

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
---	--------------	-----	------	-----	-----	-------

[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: OFFICER Robert J Tobias
PHONE USED: N
ARRESTEE SECURED: Y 09/07/2020 2135
ARRESTEE CELL #: 3

DATE/TIME: 09/05/2020 @ 2200

FINGERPRINTED: Y
PHOTOGRAPHED: Y
SUICIDE CHECK: Performed
PERSONS: State&Federal
NCIC VEHICLE CHECK: Not Performed
INJURY OR ILLNESS: N

#	OFFENSE(S)	ATTEMPTED	TYPE
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LOCATION TYPE: Residence/Home/Apt./Condo Zone: Zone B

1	CONTEMPT 2C:29 9B OCCURRED: 09/05/2020 SUSPECTED OF USING: Alcohol	N	Non Indictable
2	AGGRAVATED ASSAULT 2C:12 1B13 OCCURRED: 09/05/2020 SUSPECTED OF USING: Alcohol WEAPON/FORCED USED: Asphyxiation (Drown/Strangle/Suffocate/Gas) AGGR. ASSAULT/HOMICIDE: Argument	N	Indictable
3	CRIMINAL MISCHIEF W/DAMAGE 2C:17 3A1 OCCURRED: 09/05/2020 SUSPECTED OF USING: Alcohol	N	Indictable
4	THEFT BY UNLAWFUL TAKING OR DISPOSITION 2C:20 3A OCCURRED: 09/05/2020 SUSPECTED OF USING: Alcohol	N	Indictable
5	BURGLARY BY ENTERING STRUCTURE 2C:18 2A1 OCCURRED: 09/05/2020 SUSPECTED OF USING: Alcohol	N	Indictable

Point Pleasant Police Department
Arrest Report

Page: 3
09/24/2020

Arrest #: 20-214-AR
Call #: 20-21912

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED]	F	W	43	[REDACTED]	[REDACTED]
DOB: [REDACTED]						
INJURIES: Apparent Minor Injury						
ETHNICITY: Not of Hispanic Origin						
RESIDENT STATUS: Resident						
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 2 3 4 5						
RELATION TO: KESTER DANIEL Otherwise Known						
CONTACT INFORMATION:						
Home Phone (Primary) [REDACTED]						
CallBack Number (Primary) [REDACTED]						
CallBack Number [REDACTED]						

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED]	WITNESS	F	W	3	NOT AVAIL	[REDACTED]
CONTACT INFORMATION:							
Home Phone (Primary) [REDACTED]							
CallBack Number (Primary) [REDACTED]							
2	LOPES, JOSEPH A JR	OTHER	M	W	51	[REDACTED]	[REDACTED]
DOB: 02/14/1969							
CONTACT INFORMATION:							
CallBack Number (Primary) [REDACTED]							

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	SAMSUNG GALAXY S7		Recovered (Previously Stolen)
QUANTITY: 1 VALUE: \$499.99			
SERIAL #: NOT AVAIL			
DATE: 09/07/2020			
RECOVERED: 1 VALUE: \$499.99 DATE: 09/05/2020			
OWNER: [REDACTED]			
2	HONDA CAR KEY AND FOB		Recovered (Previously Stolen)
QUANTITY: 1 VALUE: \$100.00			
SERIAL #: NOT AVAIL			
DATE: 09/07/2020			
RECOVERED: 1 VALUE: \$100.00 DATE: 09/05/2020			
OWNER: [REDACTED]			
3	MODEM CABLES		Stolen
QUANTITY: 1 VALUE: \$10.00			
SERIAL #: NOT AVAIL			
DATE: 09/07/2020			
OWNER: [REDACTED]			

Point Pleasant Police Department
Arrest Report

Page: 4
09/24/2020

Arrest #: 20-214-AR
Call #: 20-21912

#	OTHER PROPERTIES	PROPERTY #	STATUS
4	ADT ALARM PANEL QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 09/07/2020 OWNER: [REDACTED]	VALUE: \$100.00	Suspected

ADDITIONAL ASSISTING OFFICERS

Officer Christopher Phillips
OFFICER Matthew Mergner
Lieutenant Christopher Leonhardt

Sergeant Joshua Gunnell
OFFICER Jesse Waterson

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1524	W	2020	000147
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
POINT PLEASANT BORO MUN CT P.O. BOX 25 PT PLEASANT NJ 08742-0000 732-899-1636 COUNTY OF: OCEAN			
# of CHARGES 5	CO-DEFTS	POLICE CASE #: 20-21912	
COMPLAINANT NAME: ROBERT TOBIAS 2233 BRIDGE AVE ATTN WARRANTS POINT PLEASANT NJ 08742		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 03/29/1982 DRIVER'S LIC. #. [REDACTED] DL STATE: FL SOCIAL SECURITY #: [REDACTED] SBI #: 765401G TELEPHONE #: [REDACTED] (c) LIVSCAN PCN #: 152401007192	
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 09/05/2020 in POINT PLEASANT BORO, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, COMMIT AGGRAVATED ASSAULT KNOWINGLY BY OBSTRUCTING THE BREATHING OR BLOOD CIRCULATION OF [REDACTED] A PERSON WHO, WITH RESPECT TO THE ACTOR, MEETS THE DEFINITION OF A VICTIM OF DOMESTIC VIOLENCE, BY APPLYING PRESSURE ON THE THROAT OR NECK OR BLOCKING THE NOSE OR MOUTH OF [REDACTED], THEREBY CAUSING BODILY INJURY, SPECIFICALLY BY GRABBING [REDACTED] BY BOTH HANDS AROUND HER NECK RESTRICTING HER AIR FLOW WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY RECKLESSLY OR NEGLIGENTLY DAMAGING PROPERTY BELONGING TO [REDACTED], CAUSING PECUNIARY LOSS IN THE AMOUNT OF \$100.00, SPECIFICALLY BY RIPPING THE ADT ALARM PANEL OF THE WALL IN FRONT LIVING ROOM WITHIN THE JURISDICTION OF THIS COURT, COMMIT BURGLARY BY ENTERING A STRUCTURE OF [REDACTED], WHICH WAS NOT OPEN TO THE PUBLIC AT THE in violation of:			
Original Charge	1) 2C:12-1B(13)	2) 2C:17-3A(1)	3) 2C:18-2A(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: ROBERT TOBIAS Date: 09/06/2020			
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: 09/05/2020 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. ROBERT MICHALKOWSKI JUDICIAL OFFICER 09/06/2020 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

1524**W****2020****000147****STATE V.****DANIEL E KESTER**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

TIME AND WHICH DEFENDANT WAS NOT LICENSED OR PRIVILEGED TO ENTER, WITH PURPOSE TO COMMIT AN OFFENSE THEREIN AGGRAVATED ASSAULT AND IN THE COURSE OF COMMITTING THE BURGLARY, DEFENDANT PURPOSELY, KNOWINGLY OR RECKLESSLY INFLICTED BODILY INJURY ON [REDACTED], SPECIFICALLY BY ENTERING THE RESIDENCE AND STRANGLING [REDACTED] AROUND HER NECK

WITHIN THE JURISDICTION OF THIS COURT, COMMIT THE OFFENSE OF THEFT BY UNLAWFULLY TAKING OR EXERCISING CONTROL OVER CERTAIN MOVEABLE PROPERTY, TO WIT, CELL PHONE AND CAR KEYS AND CABLE WIRES BELONGING TO [REDACTED] WITH THE INTENT TO DEPRIVE THE OWNER THEREOF, TAKING ITEMS DURING THE COURSE OF A DOMESTIC VIOLENCE ALTERCATION AND LEAVING THE RESIDENCE OF [REDACTED] WITH PROPERTY

WITHIN THE JURISDICTION OF THIS COURT, VIOLATE A PROVISION IN AN ORDER ENTERED UNDER THE PROVISIONS OF THE "PREVENTION OF DOMESTIC VIOLENCE ACT OF 1991" (DOCKET # FV-0CN-00132920) WITH SAID VIOLATION ALSO CONSTITUTING THE CRIME OF BURGLARY, AGGRAVATED ASSAULT, THEFT AND CRIMINAL MISCHIEF

Original Charge

4) 2C:20-3A

5) 2C:29-9B(1)

Amended Charge

COMPLAINT - WARRANT**Page 2 of 10**

NJ/CDR2 1/1/2017

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER**1524****W****2020****000147**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**DANIEL E KESTER****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:12-1B(13)**2) **2C:17-3A(1)**3) **2C:18-2A(1)**

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

COMPLAINT - WARRANT (Court Action)

JUDGE'S SIGNATURE _____

DATE _____

Page 3 of 10

NJ/CDR2 1/1/2017

COMPLAINT – WARRANT (Court Action)																						
COMPLAINT NUMBER				STATE V. DANIEL E KESTER																		
1524	W	2020	000147																			
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		4) 2C:20-3A			5) 2C:29-9B(1)																	
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										
Probation Term						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												
Related Traffic Tickets and Complaints:										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												
										JUDGE'S SIGNATURE										COMPLAINT - WARRANT (Court Action)		
										DATE										Page 4 of 10		
																				NJ/CDR2 1/1/2017		

COMPLAINT - WARRANT

COMPLAINT NUMBER

1524**W****2020****000147**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

POINT PLEASANT BORO MUN CT
P.O. BOX 25
PT PLEASANT NJ 08742-0000
732-899-1636 COUNTY OF: OCEAN

of CHARGES
5

CO-DEFTS

POLICE CASE #:
20-21912COMPLAINANT
NAME:

ROBERT

TOBIAS

*THE STATE OF NEW JERSEY**VS.***DANIEL E KESTER**

ADDRESS:

15 HOMESTEAD DR**BRICK****NJ 08724-0000**

DEFENDANT INFORMATION

SEX: M EYE COLOR: BROWN

DOB: 03/29/1982

DRIVER'S LIC. #:

DL STATE: FL

SOCIAL SECURITY #:

SBI #: 765401G

TELEPHONE #:

(c)

LIVSCAN PCN #: 152401007192

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 09/05/2020 in **POINT PLEASANT BORO**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, COMMIT AGGRAVATED ASSAULT KNOWINGLY BY OBSTRUCTING THE BREATHING OR BLOOD CIRCULATION OF [REDACTED], A PERSON WHO, WITH RESPECT TO THE ACTOR, MEETS THE DEFINITION OF A VICTIM OF DOMESTIC VIOLENCE, BY APPLYING PRESSURE ON THE THROAT OR NECK OR BLOCKING THE NOSE OR MOUTH OF [REDACTED], THEREBY CAUSING BODILY INJURY, SPECIFICALLY BY GRABBING [REDACTED] BY BOTH HANDS AROUND HER NECK RESTRICTING HER AIR FLOW

WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY RECKLESSLY OR NEGLIGENTLY DAMAGING PROPERTY BELONGING TO [REDACTED], CAUSING PECUNIARY LOSS IN THE AMOUNT OF \$100.00, SPECIFICALLY BY RIPPING THE ADT ALARM PANEL OF THE WALL IN FRONT LIVING ROOM

WITHIN THE JURISDICTION OF THIS COURT, COMMIT BURGLARY BY ENTERING A STRUCTURE OF [REDACTED], WHICH WAS NOT OPEN TO THE PUBLIC AT THE
in violation of:

Original Charge 1) 2C:12-1B(13) 2) 2C:17-3A(1) 3) 2C:18-2A(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: **ROBERT TOBIAS**

Date: 09/06/2020

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: 09/05/2020

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. **ROBERT MICHALKOWSKI JUDICIAL OFFICER 09/06/2020**

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)

COMPLAINT - WARRANT

COMPLAINT NUMBER

1524**W****2020****000147****STATE V.****DANIEL E KESTER**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

TIME AND WHICH DEFENDANT WAS NOT LICENSED OR PRIVILEGED TO ENTER, WITH PURPOSE TO COMMIT AN OFFENSE THEREIN AGGRAVATED ASSAULT AND IN THE COURSE OF COMMITTING THE BURGLARY, DEFENDANT PURPOSELY, KNOWINGLY OR RECKLESSLY INFLECTED BODILY INJURY ON [REDACTED], SPECIFICALLY BY ENTERING THE RESIDENCE AND STRANGLING [REDACTED] AROUND HER NECK

WITHIN THE JURISDICTION OF THIS COURT, COMMIT THE OFFENSE OF THEFT BY UNLAWFULLY TAKING OR EXERCISING CONTROL OVER CERTAIN MOVEABLE PROPERTY, TO WIT, CELL PHONE AND CAR KEYS AND CABLE WIRES BELONGING TO [REDACTED] WITH THE INTENT TO DEPRIVE THE OWNER THEREOF, TAKING ITEMS DURING THE COURSE OF A DOMESTIC VIOLENCE ALTERCATION AND LEAVING THE RESIDENCE OF [REDACTED] WITH PROPERTY

WITHIN THE JURISDICTION OF THIS COURT, VIOLATE A PROVISION IN AN ORDER ENTERED UNDER THE PROVISIONS OF THE "PREVENTION OF DOMESTIC VIOLENCE ACT OF 1991" (DOCKET # FV-0CN-00132920) WITH SAID VIOLATION ALSO CONSTITUTING THE CRIME OF BURGLARY, AGGRAVATED ASSAULT, THEFT AND CRIMINAL MISCHIEF

Original Charge

4) 2C:20-3A

5) 2C:29-9B(1)

Amended Charge

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

NJ/CDR2 1/1/2017

COMMITMENT

COMPLAINT NUMBER

1524**W****2020****000147**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

*THE STATE OF NEW JERSEY**VS.***DANIEL E KESTER**

ADDRESS:

15 HOMESTEAD DR**BRICK****NJ 08724-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **03/29/1982**

DRIVER'S LIC. #:

DL STATE: **FL**

SOCIAL SECURITY #:

SBI #: **765401G**

TELEPHONE #:

(c)LIVESCAN PCN #: **152401007192****POINT PLEASANT BORO MUN CT****P.O. BOX 25****PT PLEASANT****NJ 08742-0000****732-899-1636**COUNTY OF: **OCEAN**# of CHARGES
5

CO-DEFTS

POLICE CASE #:
20-21912COMPLAINANT
NAME:**ROBERT TOBIAS****2233 BRIDGE AVE****ATTN WARRANTS****POINT PLEASANT****NJ 08742**

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:12-1B(13)</u> | <u> </u> | <u> </u> | <u>3</u> | <u>AGG ASSAULT - S</u> |
| 2. | <u>2C:17-3A(1)</u> | <u> </u> | <u> </u> | <u>D</u> | <u>CRIMINAL MISCHI</u> |
| 3. | <u>2C:18-2A(1)</u> | <u> </u> | <u> </u> | <u>2</u> | <u>BURGLARY-ENTERI</u> |
| 4. | <u>2C:20-3A</u> | <u> </u> | <u> </u> | <u>4</u> | <u>THEFT BY UNLAWF</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: **09/05/2020**Phone: **732-504-0700****ROBERT MICHALKOWSKI JUDICIAL OFFICER****09/06/2020**

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> DANIEL E KESTER ADDRESS: 15 HOMESTEAD DR BRICK NJ 08724-0000	
1524	W	2020	000147		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
POINT PLEASANT BORO MUN CT P.O. BOX 25 PT PLEASANT NJ 08742-0000 732-899-1636 COUNTY OF: OCEAN					
# of CHARGES 5	CO-DEFTS	POLICE CASE #: 20-21912		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 03/29/1982 DRIVER'S LIC. #. [REDACTED] DL STATE: FL SOCIAL SECURITY #: [REDACTED] SBI #: 765401G TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #: 152401007192	
COMPLAINANT ROBERT TOBIAS NAME: 2233 BRIDGE AVE ATTN WARRANTS POINT PLEASANT NJ 08742					

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:

THE VICTIM STATED THE DEFENDANT CAME TO HER HOUSE UNINVITED. THE VICTIM AND DEFENDANT HAVE ONE CHILD IN COMMON. THE VICTIM STATED SHE WAS IN THE REAR LIVING ROOM AREA AND THE DEFENDANT GRABBED HER AROUND THE FRONT OF HER NECK WITH BOTH HANDS. THE VICTIM STATED SHE WAS UNABLE TO BREATHE. I DID OBSERVE A FRESH RED MARK AROUND THE FRONT OF THE VICTIM'S NECK. THE VICTIM STATED SHE ATTEMPTED TO PRESS THE PANIC BUTTON ON THE ALARM PANEL IN THE FRONT LIVING ROOM AREA, HOWEVER, THE DEFENDANT RIPPED IT OFF THE WALL. THE VICTIM ATTEMPTED TO EXIT THROUGH THE FRONT DOOR. THE DEFENDANT GRABBED THE VICTIM AROUND HER NECK AGAIN. THE VICTIM STATED THE DEFENDANT SUBSEQUENTLY LEFT THE RESIDENCE WITH THE HER CELL PHONE AND CAR KEYS, AS WELL AS THE WIRES TO THE MODEM AND THE ALARM PANEL. I DID OBSERVE WIRES EXPOSED, HANGING OUT OF THE WALL WHERE THE ALARM PANEL WAS LOCATED. I ALSO OBSERVED THE MODEM CABLES WERE MISSING. WHEN THE DEFENDANT WAS PLACED UNDER ARREST, HE POSSESSED A HONDA CAR KEY, WHICH WAS LATER FOUND TO BELONG TO THE VICTIM'S VEHICLE. ALSO, I SPOKE WITH THE DEFENDANT'S ROOMMATE, JOSEPH LOPES, WHO ADMITTED THE DEFENDANT ALWAYS TALKS ABOUT HOW HE GOES AND VISITS HIS DAUGHTER IN POINT PLEASANT. JOSEPH STATED ON 9/2/20 HE WAS IN A VEHICLE WITH THE DEFENDANT IN THE PARKING LOT OF THE QUICK CHECK LOCATED IN POINT PLEASANT. JOSEPH STATED THE DEFENDANT TOLD HIM HE WAS GOING TO VISIT HIS DAUGHTER ACROSS THE STREET. FINALLY, THE DEFENDANT EVENTUALLY ADMITTED HE GOES TO 507 MAXSON AVENUE ON A REGULAR BASIS TO VISIT THE VICTIM AND THEIR DAUGHTER.

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1524**W****2020****000147**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY**VS.****DANIEL E KESTER**

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

I OBSERVED A FRESH RED MARK ON THE FRONT OF THE DEFENDANTS NECK. THE ALARM PANEL WAS MISSING FROM THE WALL. THE MODEM CABLES WERE MISSING, AS WELL AS THE DEFENDANTS CELL PHONE AND CAR KEYS. JOSEPH LOPES HEARD THE DEFENDANT TALK ABOUT HOW HE GOES AND VISITS HIS DAUGHTER IN POINT PLEASANT. JOSEPH STATED ON 9/2/20 HE WAS IN A VEHICLE WITH THE DEFENDANT IN THE PARKING LOT OF THE QUICK CHECK LOCATED IN POINT PLEASANT. JOSEPH STATED THE DEFENDANT TOLD HIM HE WAS GOING TO VISIT HIS DAUGHTER ACROSS THE STREET. THE DEFENDANT ADMITTED HE WAS AT [REDACTED] THE DEFENDANT POSSESSED HONDA CAR KEYS IN HIS POCKET WHEN HE WAS PLACED UNDER ARREST.

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

FRESH RED MARKS AROUND THE FRONT OF THE VICTIMS NECK.

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: ROBERT TOBIAS LAW ENFORCEMENT OFFICER

Date: 09/05/2020

Affidavit of Probable Cause**Page 9 of 10**

1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER

1524**W****2020****000147**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

*THE STATE OF NEW JERSEY**VS.***DANIEL E KESTER**

ADDRESS:

15 HOMESTEAD DR**BRICK****NJ 08724-0000****POINT PLEASANT BORO MUN CT****P.O. BOX 25****PT PLEASANT****NJ 08742-0000****732-899-1636** COUNTY OF: **OCEAN**

of CHARGES

5

CO-DEFTS

POLICE CASE #:

20-21912

COMPLAINANT

ROBERT**TOBIAS**

NAME:

2233 BRIDGE AVE**ATTN WARRANTS****POINT PLEASANT****NJ 08742**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **03/29/1982**

DRIVER'S LIC. #:

DL STATE: **FL**

SOCIAL SECURITY #:

SBI #: **765401G**

TELEPHONE #:

(C)LIVSCAN PCN #: **152401007192**

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.

-ODARA was completed and:

- Confinement of the Victim at the Index Assault
- Victim concern about future assaults
- Victim and/or Defendant have more than 1 child altogether
- Two or more indicators of substance abuse
- Victim faces at least 1 barrier to support

-The defendant attempted to or did strangle the victim during this incident or at any time prior thereto.

-The defendant made statements/admissions.

- It was recorded using:
*Audio recording only

-The defendant was known to the victim as:

- Intimate Partner

-The victim was injured and:

- Victim refused treatment

-The case involved theft and/or stolen property. The property which was stolen and/or possessed is CELL PHONE

-The case involved burglary of an occupied structure. The victim(s) were:

- Assaulted/Injured

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: **ROBERT TOBIAS LAW ENFORCEMENT OFFICER**Date: **09/06/2020****Preliminary Law Enforcement Incident Report****Page 10 of 10****7/20/2018**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-OCEAN COUNTY

THE STATE OF NEW JERSEY	:	
	:	
VS.	:	ACCUSATION
	:	
DANIEL E. KESTER,	:	NO. _____
	:	
DEFENDANT	:	
_____	:	

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

CONTEMPT

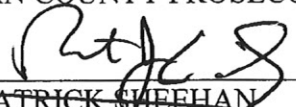
and having in writing addressed to the County Prosecutor, waived prosecution by indictment, and said request having been duly reported and granted:

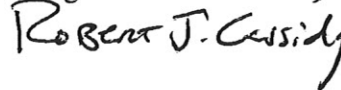
**COUNT ONE – FOURTH DEGREE
CONTEMPT**

THE COUNTY PROSECUTOR for the said County of Ocean, alleges that **DANIEL E. KESTER**, on or about September 5, 2020, in the Borough of Point Pleasant, in the County of Ocean aforesaid, and within the jurisdiction of this Court, did purposely or knowingly violate a judicial order entered in the Ocean County Superior Court, under the provisions of the "Prevention of Domestic Violence Act of 1991" Docket No. FV-OCN-0013290 by contacting [REDACTED] in violation of such order, contrary to the provisions of N.J.S.A. 2C:29-9.b.(1)a, and against the peace of this State, the Government and dignity of the same.

BRADLEY D. BILLHIMER
OCEAN COUNTY PROSECUTOR

By: _____


PATRICK SHEEHAN
Supervising Assistant Prosecutor


Robert J. Cassidy

DATED: _____

11/9/20

△ pled guilty to 11/9/20

RJC

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.

Sent. → 1/8/21



New Jersey Judiciary
Plea Form

County Ocean

Prosecutor File Number 20002636-001

Defendant's Name: Daniel E. Kester

before Judge: Michael T. Collins, J.S.C.

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			
					Time	Fine	VCCO Assmt*
20-11-902	1	Contempt	4	Max	18 months	\$10,000	\$50.00
		N.J.S.A. 2C: 29-9(b)(1)(a)		Max			
				Max			
				Max			
				Max			
Your total exposure as the result of this plea is:				Total	18 months	\$10,000	\$50.00

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 guilty 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. 3:28-6(d))? ☒ 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

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 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 \$ N/A

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 0 years and 0 months (fill in the number of years/months) and the maximum period of parole ineligibility can be 0 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 0 years and 0 months (fill in the number of years/months) and the maximum mandatory extended term can be 0 years and 0 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
W-2020-147-1524	1	Aggravated Assault, Third Degree, 2C: 12-1(b)(3)
W-2020-147-1524	2	Criminal Mischief, Disorderly Persons, 2C: 17-3(a)(1)
W-2020-147-1524	3	Burglary, Second Degree, 2C: 18-2(a)(1)
W-2020-147-1524	4	Theft by Unlawful Taking, Fourth Degree, 2C: 20-3(a)

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

State will seek 180 days in the OCI as a condition of probation. Defense reserves the right to argue for less and to argue the length of probation at the time of sentencing. Sentence to run concurrent to Ocean County Accusation 20-07-640-A and Ocean County VOP (19-08-1226-A & W-2019-91-1524) and to also run concurrent to Monmouth County VOP.

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 *N/A*

- 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 *N/A*

- 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 *N/A*

- e. Would you like the opportunity to do so? ☒ Yes ☒ No *N/A*

- 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 *N/A*

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, or upon entry of a guilty plea if a guilty plea is a condition of admission to the Pretrial Intervention Program, 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, or upon entry of a guilty plea if a guilty plea is a condition of admission to the Pretrial Intervention Program, 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:

N/A

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

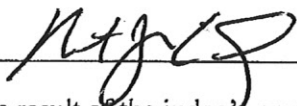
24. Are you satisfied with the advice you have received from your lawyer? ☒ Yes ☐ No

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

Date 11/09/2020 Defendant s/ Daniel E. Kester (signed with client consent)

Defense Attorney s/ Aram D. Karabulut

Prosecutor s/



☐ 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.