

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 25, 2021

Via OPRA Machine: opra+request-24178-e7e8d43a@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 19001637 – John Destefano

Dear Sir/Madam:

Enclosed please find the Complaint Warrant, Affidavit, Preliminary Law Enforcement Incident Report, Indictment, Judgment of Conviction, Criminal Information Form 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. Criminal history record information has been redacted pursuant to N.J.A.C. 13:59-1.2. Additionally, redactions of medical history have been made under the Health Insurance Portability and Accountability Act (HIPAA) and general privacy concerns.

Please be advised that there are no responsive documents pursuant to your request for Global Subject Activity Reports and Arrest Reports.

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

19001637

COMPLAINT - WARRANT

COMPLAINT NUMBER

1512 **W** **2019** **000238**

COURT CODE PREFIX YEAR SEQUENCE NO.

LACEY TOWNSHIP MUNICIPAL COURT
818 WEST LACEY ROAD
FORKED RIVER NJ 08731-0000
609-693-1100 COUNTY OF: OCEAN

of CHARGES 1 CO-DEFTS POLICE CASE #: 19-14133

COMPLAINANT PTL J DALZIEL
NAME: 808 W LACEY ROAD
ATTN: WARRANTS
FORKED RIVER NJ 08731

THE STATE OF NEW JERSEY

VS.

JOHN A DESTEFANO

ADDRESS: 415 LAWRENCE DRIVE

LANOKA HARBOR

NJ 08731-0000

DEFENDANT INFORMATION

SEX: M EYE COLOR: BROWN DOB: 07/08/1990
DRIVER'S LIC. #. DL STATE:
SOCIAL SECURITY #: SBI #: 200460G
TELEPHONE #: ()
LIVSCAN PCN #: 151201007941

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 05/14/2019 in LACEY TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, COMMIT AGGRAVATED ASSAULT BY PURPOSELY OR KNOWINGLY OR UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE VALUE OF HUMAN LIFE RECKLESSLY OBSTRUCTS THE BREATHING OR BLOOD CIRCULATION OF A VICTIM OF DOMESTIC VIOLENCE, SPECIFICALLY BY PLACING HIS HANDS AROUND [REDACTED] THROAT AND APPLYING PRESSURE CAUSING HER TO BE UNABLE TO BREATHE AND STRIKING HER IN THE FACE CAUSING SIGNS OF INJURY TO HER NECK AND FACE WHILE INVOLVED IN A TWO DAY DISPUTE AT THEIR RESIDENCE LOCATED AT [REDACTED].

in violation of:

Original Charge	1) 2C:12-1B(13)	2)	3)
Amended Charge			

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: PTL J DALZIEL Date: 05/18/2019

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

100 HOOPER AVE TOMS RIVER NJ 08753-0000
Date of Arrest: 05/17/2019 Appearance Date: Time: Phone: 732-244-2121

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. LISA TATHAM JUDICIAL OFFICER 05/18/2019
Signature and Title of Judicial Officer Issuing Warrant Date

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

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

☒ Domestic Violence - Confidential ☐ Related Traffic Tickets or Other Complaints ☒ Serious Personal Injury/ Death Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

ORIGINAL

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1512**W****2019****000238****STATE V.****JOHN A DESTEFANO**

COURT CODE PREFIX YEAR SEQUENCE NO.

FTA Bail Information

Date Bail Set:

Amount Bail Set: \$

by:

☐ Bail Recog. AttachedReleased
on Bail
(✓)

R.O.R.

Committed
DefaultCommitted
w/o Bail

Place Committed:

Date Referred to

County Prosecutor:

Date of First
Appearance:☐ 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)

3)

Amended Charge

Waiver Indt/Jury

Plea/Date of Plea

Plea:

Date:

Plea:

Date:

Plea:

Date:

Adjudication (* see code)

Finding
Code:

Date:

Finding
Code:

Date:

Finding
Code:

Date:

Jail Term

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Probation Term

Susp. Imp

Susp. Imp

Susp. Imp

Cond. Discharge Term

Community Service

D/L Suspension Term

Fines/Costs

Fines:

Costs:

Fines:

Costs:

Fines:

Costs:

VCCB/SNSF

VCCB:

SNSF:

VCCB:

SNSF:

VCCB:

SNSF:

DEDR/Lab Fee

DEDR:

LAB:

DEDR:

LAB:

DEDR:

LAB:

CD Fee/Drug Ed Fnd

CD:

DAEF:

CD:

DAEF:

CD:

DAEF:

DV Surch/Other Fees

DV:

Other:

DV:

Other:

DV:

Other:

Restitution

Beneficiary:

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:*** Finding Codes**

- 1 – Guilty
- 2 – Not Guilty
- 3 – Dismissed – Other
- 4 – Guilty but Merged
- 5 – Dismissed-Rule
- 6 – Dismissed Lack of Prosecution
- 7 – Dismissed – Pros Motion/Vic Req
- 8 – Conditional Discharge
- D – Dismissed- Prosecutor Discretion
- M – Dismissed- Mediation
- P – Dismissed-Plea Agreement
- S – Disposed at Superior
- W – Dismissed-False ID

Related Traffic Tickets and Complaints:**COMPLAINT - WARRANT (Court Action)**

JUDGE'S SIGNATURE

DATE

Page 2 of 7

NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1512	W	2019	000238
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
LACEY TOWNSHIP MUNICIPAL COURT 818 WEST LACEY ROAD FORKED RIVER NJ 08731-0000 609-693-1100 COUNTY OF: OCEAN			
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 19-14133	
COMPLAINANT NAME: PTL J DALZIEL			
DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 07/08/1990 DRIVER'S LIC. #: SOCIAL SECURITY #: [REDACTED] SBI #: 200460G TELEPHONE #: () LIVESCAN PCN #: 151201007941		ADDRESS: 415 LAWRENCE DRIVE LANOKA HARBOR NJ 08731-0000	

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 **05/14/2019** in **LACEY TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, COMMIT AGGRAVATED ASSAULT BY PURPOSELY OR KNOWINGLY OR UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE VALUE OF HUMAN LIFE RECKLESSLY OBSTRUCTS THE BREATHING OR BLOOD CIRCULATION OF A VICTIM OF DOMESTIC VIOLENCE, SPECIFICALLY BY PLACING HIS HANDS AROUND **[REDACTED]** THROAT AND APPLYING PRESSURE CAUSING HER TO BE UNABLE TO BREATHE AND STRIKING HER IN THE FACE CAUSING SIGNS OF INJURY TO HER NECK AND FACE WHILE INVOLVED IN A TWO DAY DISPUTE AT THEIR RESIDENCE LOCATED AT **[REDACTED]**

in violation of:

Original Charge	1) 2C:12-1B(13)	2)	3)
Amended Charge			

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

Signed: **PTL J DALZIEL**

Date: **05/18/2019**

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**
100 HOOPER AVE TOMS RIVER NJ 08753-0000
Date of Arrest: **05/17/2019** Appearance Date: Time: Phone: **732-244-2121**

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. **LISA TATHAM JUDICIAL OFFICER** **05/18/2019**
Signature and Title of Judicial Officer Issuing Warrant Date

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

Bail Amount Set: by:

(if different from judicial officer that issued warrant)

☒ Domestic Violence – Confidential

☐ Related Traffic Tickets or Other Complaints

☒ Serious Personal Injury/ Death Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

COMPLAINT - WARRANT (DEFENDANT'S COPY)

COMMITMENT

COMPLAINT NUMBER

1512**W****2019****000238**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

LACEY TOWNSHIP MUNICIPAL COURT
818 WEST LACEY ROAD
FORKED RIVER NJ 08731-0000
609-693-1100 COUNTY OF: OCEAN

of CHARGES 1 CO-DEFTS POLICE CASE #:
19-14133

COMPLAINANT PTL J DALZIEL
NAME: 808 W LACEY ROAD
ATTN: WARRANTS
FORKED RIVER NJ 08731

THE STATE OF NEW JERSEY**VS.****JOHN A DESTEFANO**

ADDRESS: 415 LAWRENCE DRIVE

LANOKA HARBOR NJ 08731-0000

DEFENDANT INFORMATION

SEX: M EYE COLOR: BROWN DOB: 07/08/1990
DRIVER'S LIC. #. DL STATE:
SOCIAL SECURITY #: SBI #: 200460G
TELEPHONE #: ()
LIVESCAN PCN #: 151201007941

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.	2C:12-1B(13)			3	AGG ASSAULT - S
2.					
3.					
4.					

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
100 HOOPER AVE TOMS RIVER NJ 08753-0000

Date of Arrest: 05/17/2019

Phone: 732-244-2121

LISA TATHAM JUDICIAL OFFICER

05/18/2019

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER

1512**W****2019****000238**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

LACEY TOWNSHIP MUNICIPAL COURT
818 WEST LACEY ROAD
FORKED RIVER NJ 08731-0000
609-693-1100 COUNTY OF: OCEAN

of CHARGES
1

CO-DEFTS

POLICE CASE #:
19-14133

COMPLAINANT PTL J DALZIEL
NAME: 808 W LACEY ROAD
ATTN: WARRANTS
FORKED RIVER NJ 08731

THE STATE OF NEW JERSEY**VS.****JOHN A DESTEFANO**

ADDRESS: **415 LAWRENCE DRIVE**

LANOKA HARBOR**NJ 08731-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **07/08/1990**

DRIVER'S LIC. #

DL STATE:

SOCIAL SECURITY #:

SBI #: **200460G**

TELEPHONE #:

()

LIVESCAN PCN #: **151201007941**

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

On 5/17/2019, Officers from this agency responded to [REDACTED] to assist DCP&P. During the DCP&P investigation it was reported that John Destefano (John) physically assaulted the victim, [REDACTED] during the course of a two day dispute that took place between 5/14/2019 through 5/16/2019. Sgt. Resetar #90 and I spoke with [REDACTED] who reported that the dispute became physical on the evening of 5/14/2019. On that evening she reported that John struck her in the left side of the face with his hand causing her to fall to the ground. She further stated that on 5/15/2019 into 5/16/2019, John physically pushed her off of the bed, struck her, pulled her hair and then put his hands around her throat and applied pressure causing her to be unable to breath. As a result of the physical abuse, [REDACTED] had visible signs of injury, [REDACTED]. [REDACTED] provided a written statement of the incident and additional information is detailed in the police report.

Affidavit of Probable Cause**Page 5 of 7****1/1/2017**

Affidavit of Probable Cause

COMPLAINT NUMBER

1512

W

2019

000238

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

JOHN A DESTEFANO

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

I am aware of the facts because I observed visible signs of injury to the victim. Those signs of injury were consistent with what the victim reported to me verbally and in a written statement.

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

Visible signs of injury, [REDACTED]

[REDACTED]. During the incident the victim said she was unable to breath while being choked.

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: PTL J DALZIEL LAW ENFORCEMENT OFFICER

Date: 05/17/2019

Affidavit of Probable Cause

Page 6 of 7

1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER

1512**W****2019****000238**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

LACEY TOWNSHIP MUNICIPAL COURT
818 WEST LACEY ROAD
FORKED RIVER NJ 08731-0000
609-693-1100 COUNTY OF: **OCEAN**

ADDRESS:

415 LAWRENCE DRIVE**LANOKA HARBOR****NJ 08731-0000**

of CHARGES **1** CO-DEFTS **0** POLICE CASE #: **19-14133**

COMPLAINANT **PTL J DALZIEL**
NAME: **808 W LACEY ROAD**
ATTN: WARRANTS
FORKED RIVER NJ 08731

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **07/08/1990**

DRIVER'S LIC. #:

DL STATE:

SOCIAL SECURITY #: [REDACTED]

SBI #: **200460G**

TELEPHONE #:

LIVESCAN PCN #: **151201007941**

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.
•DVCR was checked.

-ODARA was completed and:
•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.

-Relationship changes include:
•Victim recently left defendant or informed defendant that he/she was ending the relationship
•Victim is with a new intimate partner

-The defendant was known to the victim as:
•Family
•Intimate Partner

-The victim was injured and:
•Victim refused treatment

-Child(ren) were present at the time of the offense and:
•Child(ren) were placed at risk by the offense

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: **PTL J DALZIEL LAW ENFORCEMENT OFFICER**Date: **05/17/2019****Preliminary Law Enforcement Incident Report****Page 7 of 7****7/20/2018**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

THE STATE OF NEW JERSEY :

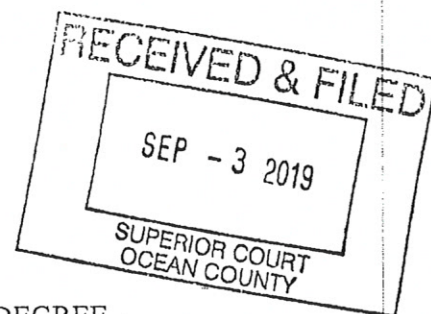
VS. :

JOHN A. DESTEFANO :

Defendant :

INDICTMENT

NO. 19-09-1359



COUNT ONE

AGGRAVATED ASSAULT - THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JOHN A. DESTEFANO, on or about May 16, 2019, in the Township of Lacey, County of Ocean, and within the jurisdiction of this Court, knowingly did obstruct the breathing or blood circulation of another, namely, [REDACTED] who, with respect to John A. Destefano, is a victim of domestic violence, by applying pressure on the throat or neck or blocking the nose or mouth of such person, thereby causing or attempting to cause bodily injury, contrary to the provisions of N.J.S.A. 2C:12-1b(13), and against the peace of this State, the Government and dignity of the same.

BRADLEY D. BILLHIMER
OCEAN COUNTY PROSECUTOR

DATED: 9-3-2019

BY: T. Toscano
TAYLOR E. TOSCANO
ASSISTANT PROSECUTOR

ENDORSED: Carol Krust
Foreperson

GJ Docket # : 19001637

Superior Court of New Jersey
Law Division, Ocean County

THE STATE

VS.

JOHN A. DESTEFANO

INDICTMENT NO.

19-09-1359

INDICTMENT FOR

AGGRAVATED ASSAULT

BRADLEY D. BILLHIMER
Ocean County Prosecutor

A TRUE BILL

Carl Kunst

Foreperson

ELIGIBLE
DEFENDANT
UNDER BAIL
REFORM

Bail

ROR

Condition Of Bail



Judgment of Conviction

Superior Court of New Jersey, OCEAN County

State of New Jersey

v.

Last Name

DESTEFANO

First Name

JOHN

Middle Name

A

Also Known As

Date of Birth

07/08/1990

SBI Number

200460G

Date(s) of Offense

05/14/2019

Date of Arrest

PROMIS Number

19 001637-001

Date Ind / Acc / Complt Filed

09/03/2019

Original Plea

☒ Not Guilty

☐ Guilty

Date of Original Plea

09/23/2019

Adjudication By

☒

Guilty Plea

☐

Jury Trial Verdict

☐

Non-Jury Trial Verdict

☐

Dismissed / Acquitted

Date: 01/06/2020

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
19-09-01359-I	1	AGG ASSAULT - STRANGLE DOMESTIC VIOLENCE VICTIM	2C:12-1B(13)	3

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
19-09-01359-I	AMENDED 1	DISORDERLY CONDUCT-OFFENSIVE LANGUAGE	2C:33-2B	PDP

Sentencing Statement

It is, therefore, on 01/06/2020 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:
This is a simultaneous sentencing.

On Amended Count 1 of 19-9-1359-I, Defendant is sentenced to pay the following: VCCO - \$50; SNSF - \$75. The monetary penalties and fines are to be paid in full today.

No contact with [REDACTED] except as permitted by DCP&P and/or Family Court.

Any bail posted in this matter is discharged.

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

Total Custodial Term

00 Years 00 Months 00 Days

Institution Name

Total Probation Term

00 Years 00 Months

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

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

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

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

Total DEDR Penalty \$

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

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

Total Lab Fee

Offenses @ \$

\$

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

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

Total VCCO Assessment \$ 50.00

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

Offense

Mandatory Penalty

\$

Offense Based Penalties

Penalty

Amount

\$

Other Fees and Penalties

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

☐ \$

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

☒ 1 Offenses @ \$ 5.00

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

\$ 125.00

Details
See page 1.

Additional Conditions

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

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

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

License Suspension

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

Number of Months

☐ Non-resident driving privileges revoked

Start Date

End Date

Details

Driver's License Number

Jurisdiction

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

City

State

Zip

Date of Birth

Sex

☐ M ☐ F

Eye Color

Time Credits

Time Spent in Custody	Gap Time Spent in Custody	Prior Service Credit
R. 3:21-8	N.J.S.A. 2C:44-5b(2)	
Date: From _____ To _____ _____ _____ _____ _____ _____ _____ _____	Date: From _____ To _____ _____ _____ _____ _____	Date: From _____ To _____ _____ _____ _____ _____ _____ _____ _____
Total Number of Days _____	Total Number of Days _____	
	Rosado Time	
	Date: From _____ To _____ _____ _____ _____ _____	
	Total Number of Days _____	Total Number of Days _____

Statement of Reasons - Include all applicable aggravating and mitigating factors

AGGRAVATING FACTORS

9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS

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

10. The defendant is particularly likely to respond affirmatively to probationary treatment.

The Court is clearly convinced that the aggravating factors outweigh the mitigating factors in this matter.

The Court adopts and incorporates as part of the reasons for sentence herein all matters set forth on the record at the time of sentencing.

Attorney for Defendant at Sentencing MICHEL A PAULHUS	Public Defender ☐ Yes ☒ No
Prosecutor at Sentencing TERRY ANN LINARDAKIS	Deputy Attorney General ☐ Yes ☒ No
Judge at Sentencing Rochelle Gizinski	
Judge (Signature) /s Rochelle Gizinski	Date 01/08/2020

OCEAN COUNTY SUPERIOR COURT - LAW DIVISION

CRIMINAL INFORMATION FORM

NAME De Stefano, John DATE 1/6/20
IND.# B-9-1359 ACC.# _____ CASE# 19001637-001
WARRANT/COMPLAINT# _____ CJR/Eligible Def. _____
CHARGES Count 1 as amended to Disorderly Conduct 2C:33-2B-PDP

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

VOP: GUILTY TO: _____ ☐ TERMINATE PROBATION

P.O. _____

SENTENCE:

OCJ _____ TERM _____ SUSP _____ WKND _____ COMMENCING _____

DOC _____ TERM _____ PAROLE INELIG _____ AVENEL _____ YCIC _____

☐ C/C to _____ ☐ C/S to _____

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

PROBATION _____

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

EMPLOYMENT - OBTAIN/MAINTAIN COMM SRVC HRS _____ FINE _____

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

RESTITUTION AMOUNT _____ PAYABLE TO: _____

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

S.N.S.F. 75.00 SUP FEE/MO _____ ☐ D.L. REVOKED _____ MV THEFT FINE _____

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

PAYMENT RATE _____ PER _____ COMMENCING _____

☒ BAIL DISCHARGED ☐ ORDERED RELEASED ☐ REMAND OCEAN COUNTY JAIL

DISMISSED _____

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

A AGGRAVATING FACTORS: 9

M MITIGATING FACTORS: 10, 7

JUDGE Rochelle Glinzinski

PROSECUTOR Linardakis, T.

REPORTER Courtsmart

DEFT'S ATTY Paulus, M.

NOTES:

* Fines to be paid in full today

* No contact with [REDACTED] (except as permitted by DCPP and/or Family Court)

CLERK'S NAME

Lisa (x64302)

(PLEASE PRINT FULL NAME)

WHITE - COURT

YELLOW - WARDEN

PINK - DEFENDANT

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 001637
Prosecutor File Number 19-9-1359

Defendant's Name: John A. DeStefano
before Judge: Gizinski

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			VCCO Assmt*
				Time	Fine		
<u>19-9-1359</u>	<u>1</u>	<u>Agg. Assault - 3rd</u>	<u>P.D.P.</u>	<u>Max</u>	<u>30 days</u>	<u>\$500.00</u>	<u>\$50.00</u>
		<u>is amended to</u>		<u>Max</u>			
		<u>2C:33-2b</u>		<u>Max</u>			
		<u>Disorderly Conduct</u>		<u>Max</u>			
				<u>Max</u>			
Your total exposure as the result of this plea is:				<u>Total</u>	<u>30 days</u>	<u>\$500.00</u>	<u>\$50.00</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 ____ years and ____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be ____ years and ____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
- b. If you are pleading guilty to such a charge, the minimum mandatory extended term is ____ years and ____ months (fill in the number of years/months) and the maximum mandatory extended term can be ____ years and ____ months (fill in the number of years/months).
8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [Yes] [No]
9. Are you presently on probation or parole? [Yes] [No]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? [Yes] [No] [NA]
10. Are you presently serving a custodial sentence on another charge? [Yes] [No]
- a. Do you understand that a guilty plea may affect your parole eligibility? [Yes] [No] [NA]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [Yes] [No] [NA]

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

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

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

State to seek fines only - no probationary term.

No contact w/ [redacted] except as permitted as by DCP+P and/or Family CR

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

a. Speak at sentencing?

[Yes] ☒ [No]

b. Seek an extended term of confinement?

[Yes] ☒ [No]

c. Seek a stipulation of parole ineligibility?

[Yes] ☒ [No]

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

☒ [Yes] [No] [NA]

16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?

[Yes] [No] [NA]

17. a. Are you a citizen of the United States?

☒ [Yes] [No]

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

b. Do you understand that if you are not a citizen of the United States, this guilty plea may result in your removal from the United States and/or stop you from being able to legally enter or re-enter the United States?

[Yes] [No]

c. Do you understand that you have the right to seek individualized advice from an attorney about the effect your guilty plea will have on your immigration status?

[Yes] [No]

d. Have you discussed with an attorney the potential immigration consequences of your plea? If the answer is "No," proceed to question 17e. If the answer is "Yes," proceed to question 17f.

[Yes] [No]

e. Would you like the opportunity to do so?

[Yes] [No]

f. Having been advised of the possible immigration consequences and of your right to seek individualized legal advice on your immigration consequences, do you still wish to plead guilty?

[Yes] [No]

18. a. Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence?

[Yes] [No]

b. Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender?

[Yes] [No]

19. Have you discussed with your attorney the legal doctrine of merger?

[Yes] [No] ☒ [NA]

20. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?

[Yes] [No] ☒ [NA]

21. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

22. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [Yes] ☒ [No]

23. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? ☒ [Yes] [No]

b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? ☒ [Yes] [No]

c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? ☒ [Yes] [No]

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

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

Date 1/6/20 Defendant John DeStefano Jr

Defense Attorney MA Paulino

Prosecutor Angela Smith

[] 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.