

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

July 8, 2021

Via OPRA Machine: opra+request-244254-a8e5de45@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 19003231 – Jeray Melton

Dear Sir/Madam:

Enclosed please find the Global Subject Activity Report, Complaint Warrant, Affidavit, Preliminary Law Enforcement Incident Report, Indictment 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.

Please be advised that there are no responsive documents pursuant to your request for Arrest Reports, 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, x3623.

Yours very truly,

Shiraz I. Deen
Assistant Prosecutor

SID/dp

Enclosures

Prestia , Donna

From: Khajezadeh, Dina
Sent: Monday, July 5, 2021 8:10 PM
To: Prestia , Donna
Subject: FW: [EXTERNAL] OPRA request - Case reports

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Resident <opra+request-24454-a8e5de45@requests.opramachine.com>
Date: 7/5/21 7:48 PM (GMT-05:00)
To: "Khajezadeh, Dina" <DKhajezadeh@co.ocean.nj.us>
Subject: [EXTERNAL] OPRA request - Case reports

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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:

Jamie Raymundo (Case # 19003049) ✓
Jeray Melton (Case # 19003231) ✓
Megan Bornemann (Case # 19003266) ✓
Fatima Cardoso (Case # 19003739) ✓
Mayra Gavilanez-Alectus (indicted 6/30/21) 20001328

Yours sincerely,

Resident

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-24454-a8e5de45@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_pro



Global Subject Activity Report

Detail



Print Date/Time: 09/18/2019 08:15

Login ID: jsisco

Brick Township Police Department

ORI Number: NJ0150600

Melton, Jeray King Jacket: 147880 A SSN:
Address: 112 ANDERSON DR. Sex: Male
Salem City
NJ 08079
Phone #: Height: 5ft 6in
Weight: 125.0 lbs. to 150.0 lbs.
DOB: 09/23/1991 Eyes: Brown
Race: Black Hair: Brown
DL State: NJ DL#:



Physical Characteristics:

Appearance: Normal
Hair Style: Afro
Hair Length: Short
Facial Shape: Oval
Complexion: Dark
Build: Medium
Glasses: No
Teeth: Missing
Speech: Lisp
Voice: Medium Pitch

Country/State of Birth: US/NJ
City of Birth: Salem City
County of Origin: Salem
Ethnicity: African American
Citizenship: US
Tribe: Not Applicable
Hate Group: Not Applicable
Military Service: Not Applicable
Military Discharge:
School: High School - Completed 11 Full
Beard:
DNA Collected Date: 09/13/2019

Age Range: 27
Hand Preference: Right
Place of Birth: New Jersey
Occupation: Employed
of Dependents: 1
Primary Language: English
Second Language: Other
Gang Affiliation: Not Applicable
Marital Status: Married
Blood Type: Unknown
Religion: None
Illegal Alien: No

Mustache: Thin
DNA Collected: Yes
Known Offender:

County of Conviction:
Identifying Clothing:

State Of Conviction:

Modus Operandi

Crime Specialities

Aliases

Type	Alias	DOB	Race	Sex	SSN	Hair	Eyes	DL#	Height	Weight	Phone
------	-------	-----	------	-----	-----	------	------	-----	--------	--------	-------

Nicknames

Entered Date/Time	Nickname Type	Nickname
-------------------	---------------	----------

Associated IDs

Issue Date	ID Type	Number	Issuing State	Start Date	Expire Date
	*FBI	465113NC2			
	*SBI	582709D			

Known Associates

Relationship	Name
Accomplice	Austin, Mark Joseph

School/Employer Information

Relationship	School/Employer Name	Phone Type	Phone
--------------	----------------------	------------	-------

Scars, Marks, Tattoos

Type	Location	Scar, Mark or Tattoo Detail	Description
Tattoo	TAT R ARM	Flower	3 roses teonna
Tattoo	TAT L ARM	Word	Ray

Handicap Information

Handicap



Global Subject Activity Report



Detail

Print Date/Time: 09/18/2019 08:15
Login ID: jsisco

Brick Township Police Department
ORI Number: NJ0150600

Current Address Information

Address Type	Address	City	State	Zip
Home	112 ANDERSON DR.	Salem City	NJ	08079

Prior Address Information

Address Type	Address	City	State	Zip	From Date	To Date
--------------	---------	------	-------	-----	-----------	---------

Contact Information

Date	Type	Phone	Extension
09/13/2019 17:32	Cell		
09/13/2019 17:37	Home		

Vehicle Information

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

Activity

Type : Arrest

Date	Activity Reference	Description	ORI
09/13/2019 11:40	51733	Arrest Type: Probable Cause Charge(s): 2C:5-2A(1),Conspiracy (agrees with) 2C:11-3a(1),Murder - Purposely Cause Death 2C:39-4d,Possession of a Weapon for Unlawful Purpose 2C:39-5D,Possession of Other Weapons	NJ0150600

Type : Booking

Date	Activity Reference	Description	ORI
09/13/2019 17:28	2019-00001111	Booking Charge(s): 2C:5-2A(1),Conspiracy (agrees with) 2C:11-3a(1),Murder - Purposely Cause Death 2C:39-4d,Possession of a Weapon for Unlawful Purpose 2C:39-5D,Possession of Other Weapons	NJ0150600

Type : Case

Date	Activity Reference	Description	ORI
09/07/2019 23:07	2019-00057483	Subject Type: Suspect, Incident Type: Homicide - Murder Charge(s): 2C:5-2A(1),Conspiracy (agrees with) 2C:11-3a(1),Murder - Purposely Cause Death 2C:39-4d,Possession of a Weapon for Unlawful Purpose 2C:39-5D,Possession of Other Weapons	NJ0150600

Total Activity : 3

COMPLAINT - WARRANT

COMPLAINT NUMBER

1506**W****2019****000916**

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 4 CO-DEFTS 1 POLICE CASE #: 57483-19

COMPLAINANT MARK BYRNE DET.
NAME: 401 CHAMBERS BRIDGE RD
ATTN WARRANTS
BRICK TOWN NJ 08723

THE STATE OF NEW JERSEY**VS.****JERAY K MELTON**

ADDRESS: 112 ANDERSON DR

SALEM CITY**NJ 08079-0000****DEFENDANT INFORMATION**

SEX: M EYE COLOR: BROWN DOB: 09/23/1991
DRIVER'S LIC. # [REDACTED] DL STATE: NJ
SOCIAL SECURITY # [REDACTED] SBI #: 582709D
TELEPHONE # [REDACTED]
LIVSCAN PCN #: 150603005561

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 **09/07/2019** in **BRICK TWP**, **OCEAN** County, NJ did: DID COMMIT THE CRIME OF MURDER WITHIN THE JURISDICTION OF THIS COURT, BY KNOWINGLY OR PURPOSELY CAUSING THE DEATH OF, OR KNOWING OR PURPOSELY CAUSE SERIOUS BODILY INJURY RESULTING IN THE DEATH OF MARK RICHARD AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT DURING THE COMMISSION OF A CRIME AGAINST A PERSON UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR SUCH LAWFUL USE

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST MARK R AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY DID CONSPIRE WITH ANOTHER PERSON OR PERSONS TO COMMIT THE CRIME OF MURDER BY AGREEING WITH SUCH PERSON OR PERSONS THAT THEY OR ONE OR MORE OF THEM WOULD ENGAGE IN CONDUCT THAT WOULD

in violation of:

Original Charge	1) 2C:11-3A(1)	2) 2C:39-5D	3) 2C:39-4D
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: **MARK BYRNE DET.**

Date: **09/13/2019**

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

Date of Arrest: **09/13/2019** Appearance Date:

Time:

TOMS RIVER

NJ 08753-0000

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. **MICHELE EDGIN JUDICIAL OFFICER** **09/13/2019**
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

COMPLAINT NUMBER

1506

W

2019

000916

STATE V.

JERAY K MELTON

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

CONSTITUTE THE CRIME OF MURDER OR AN ATTEMPT OR SOLICITATION TO COMMIT THE CRIME OF MURDER

Original Charge

4) 2C:5-2A(1)
2C:11-3A(1)

Amended Charge

COMPLAINT - WARRANT

Page 2 of 10

NJ/CDR2 1/1/2017

COMPLAINT - WARRANT (Court Action)

COMPLAINT NUMBER				STATE V.					
1506	W	2019	000916	JERAY K MELTON					
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	Date Referred to County Prosecutor:					
Date of First Appearance:		☐ Advised of Rights by			Defendant Desires Counsel: ☐ Yes ☐ No				
Prosecuting Attorney Information			Defense Counsel Information						
Name:			Name:						
State	County	Municipal	Other	None	Retained	Public Def	Assigned	Waived	Other
Original Charge	1) 2C:11-3A(1)		2) 2C:39-5D		3) 2C:39-4D				
Amended Charge									
Waiver Indt/Jury									
Plea/Date of Plea	Plea:	Date:	Plea:	Date:	Plea:	Date:			
Adjudication (* see code)	Finding Code:	Date:	Finding Code:	Date:	Finding Code:	Date:			
Jail Term		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp
Probation Term			Susp. Imp			Susp. Imp			Susp. Imp
Cond. Discharge Term									
Community Service									
D/L Suspension Term									
Fines/Costs	Fines:	Costs:	Fines:	Costs:	Fines:	Costs:			
VCCB/SNSF	VCCB:	SNSF:	VCCB:	SNSF:	VCCB:	SNSF:			
DEDR/Lab Fee	DEDR:	LAB:	DEDR:	LAB:	DEDR:	LAB:			
CD Fee/Drug Ed Fnd	CD:	DAEF:	CD:	DAEF:	CD:	DAEF:			
DV Surch/Other Fees	DV:	Other:	DV:	Other:	DV:	Other:			
Restitution									
Beneficiary:									
Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:						* Finding Codes 1 - Guilty 2 - Not Guilty 3 - Dismissed - Other 4 - Guilty but Merged 5 - Dismissed-Rule 6 - Dismissed Lack of Prosecution 7 - Dismissed - Pros Motion/Vic Req 8 - Conditional Discharge D - Dismissed- Prosecutor Discretion M - Dismissed- Mediation P - Dismissed-Plea Agreement S - Disposed at Superior W - Dismissed-False ID			
Related Traffic Tickets and Complaints:									
JUDGE'S SIGNATURE _____ DATE _____						COMPLAINT - WARRANT (Court Action) Page 3 of 10 NJ/CDR2.1/1/2017			

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1506 W 2019 000916

STATE V.

JERAY K MELTON

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:

State County Municipal Other

Name:

None Retained Public Def Assigned Waived Other

Original Charge

4) 2C:5-2A(1)
2C:11-3A(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:

* 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 4 of 10

NJ/CDR2 1/1/2017

THE STATE OF NEW JERSEY

VS.

JERAY K MELTON

BRICK TOWNSHIP MUNICIPAL COURT
401 CHAMBERS BRIDGE
BRICK NJ 08723-0000
732-262-1226

ADDRESS: 112 ANDERSON DR

SALEM CITY

NJ 08079-0000

of CHARGES 4 CO-DEFTS 1 POLICE CASE #: 57483-19

DEFENDANT INFORMATION
SEX: M EYE COLOR: BROWN DOB: 09/23/1991
DRIVER'S LIC. #. [REDACTED] DL STATE: NJ
SOCIAL SECURITY # [REDACTED] SBI #: 582709D
TELEPHONE #: [REDACTED]
LIVESCAN PCN #: 150603005561

COMPLAINANT
NAME: MARK BYRNE DET.

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 09/07/2019 in BRICK TWP, OCEAN County, NJ did: DID COMMIT THE CRIME OF MURDER WITHIN THE JURISDICTION OF THIS COURT, BY KNOWINGLY OR PURPOSELY CAUSING THE DEATH OF, OR KNOWING OR PURPOSELY CAUSE SERIOUS BODILY INJURY RESULTING IN THE DEATH OF MARK RICHARD AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT DURING THE COMMISSION OF A CRIME AGAINST A PERSON UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR SUCH LAWFUL USE

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST MARK R AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY DID CONSPIRE WITH ANOTHER PERSON OR PERSONS TO COMMIT THE CRIME OF MURDER BY AGREEING WITH SUCH PERSON OR PERSONS THAT THEY OR ONE OR MORE OF THEM WOULD ENGAGE IN CONDUCT THAT WOULD

in violation of:

Original Charge	1) 2C:11-3A(1)	2) 2C:39-5D	3) 2C:39-4D
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: MARK BYRNE DET. Date: 09/13/2019

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

Date of Arrest: 09/13/2019

Appearance Date:

Time:

TOMS RIVER

NJ 08753-0000

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. MICHELE EDGIN JUDICIAL OFFICER 09/13/2019

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

STATE V.

JERAY K MELTON

CONSTITUTE THE CRIME OF MURDER OR AN ATTEMPT OR SOLICITATION TO COMMIT THE CRIME OF MURDER

Original Charge	4) 2C:5-2A(1) 2C:11-3A(1)		
Amended Charge			

COMMITMENT

COMPLAINT NUMBER

1506**W****2019****000916**

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 4 CO-DEFTS 1 POLICE CASE #: 57483-19

COMPLAINANT MARK BYRNE DET.
NAME: 401 CHAMBERSBRDG RD
ATTN WARRANTS
BRICK TOWN NJ 08723

THE STATE OF NEW JERSEY**VS.****JERAY K MELTON**

ADDRESS: 112 ANDERSON DR

SALEM CITY**NJ 08079-0000****DEFENDANT INFORMATION**

SEX: M EYE COLOR: BROWN

DOB: 09/23/1991

DRIVER'S LIC. #

DL STATE: NJ

SOCIAL SECURITY #

SBI #: 582709D

TELEPHONE #:

()

LIVESCAN PCN #: 150603005561

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:11-3A(1)			1	MURDER - PURPOS
2. 2C:39-5D			4	UNLAWFUL POSS W
3. 2C:39-4D			3	POSS OF WEAPON
4. 2C:5-2A(1)	2C:11-3A(1)		1	CONSPIRACY - AG

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
100 HOOPER AVE

in the county of OCEAN

TOMS RIVER

NJ 08753-0000

Date of Arrest: 09/13/2019

Phone: 732-244-2121

MICHELE EDGIN JUDICIAL OFFICER

09/13/2019

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER

1506**W****2019****000916**

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
4

CO-DEFTS

POLICE CASE #:
57483-19

COMPLAINANT MARK BYRNE DET.
NAME: 401 CHAMBERSBRDG RD
ATTN WARRANTS
BRICK TOWN NJ 08723

*THE STATE OF NEW JERSEY**VS.***JERAY K MELTON**

ADDRESS: 112 ANDERSON DR

SALEM CITY**NJ 08079-0000**

DEFENDANT INFORMATION

SEX: M EYE COLOR: BROWN

DOB: 09/23/1991

DRIVER'S LIC. #:

DL STATE: NJ

SOCIAL SECURITY #:

SBI #: 582709D

TELEPHONE #:

LIVESCAN PCN #: 150603005561

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 APPENDIX A)

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1506**W****2019****000916**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY**VS.****JERAY K MELTON**

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

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

Certification:

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

Signed: MARK BYRNE DET. LAW ENFORCEMENT OFFICER

Date: 09/13/2019

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

1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. JERAY K MELTON	
1506	W	2019	000916		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN				ADDRESS: 112 ANDERSON DR SALEM CITY NJ 08079-0000	
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 57483-19		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 09/23/1991 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: 582709D TELEPHONE #: [REDACTED] LIVSCAN PCN #: 150603005561	
COMPLAINANT NAME: MARK BYRNE DET. 401 CHAMBERS BRIDGE RD ATTN WARRANTS BRICK TOWN NJ 08723					

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 defendant made statements/admissions.
 - It was recorded using:
 - *Stationhouse interview room camera
- The defendant was known to the victim as:
 - Other/Explain SON'S FRIEND
- The victim was injured and:
 - Victim transported to medical facility
- A weapon was involved in the incident:
 - Other/Explain BASEBALL BAT
- Physical evidence was seized/recovered:
 - Weapon(s)
- The case involves a search warrant(s).
- The case involves a consent search.
- The investigation involved the seizure of one or more cellphones, computers or similar electronic devices.
List the type of device(s) and total number of each recovered: 5 CELL PHONES, 1 LAPTOP

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: **MARK BYRNE DET. LAW ENFORCEMENT OFFICER**

Date: **09/13/2019**

Preliminary Law Enforcement Incident Report

Page 10 of 10

7/20/2018

**SUPERIOR COURT
COUNTY OF OCEAN**

*****ARREST AFFIDAVIT*****

- A. On Saturday, September 7, 2019, Brick Township Police (C# 57483-19), responded to 770 Acorn Drive following a 9-1-1 call placed at approximately 2307 hours by Michael Rodgers (DOB: 02/05/1953, SSN: [REDACTED] in reference to an unresponsive male. Upon arrival, responding officers found the front door of the residence to be unlocked and subsequently made entry. They subsequently discovered what appeared to be a person covered in blankets in the living area to the right.
- B. Upon removal of the blankets, police discovered the body of Mark Austin (DOB: 09/22/1963, SSN: [REDACTED] with apparent blunt force trauma to the face. The victim was pronounced dead via telemetry at 2328 hours by Dr. Delmaestro of Newark Beth Israel Hospital. As a result of not knowing if the actor was still in the residence, police cleared the residence.
- C. Patrol Officers spoke with the decedent's ex-wife, Barbara Austin (DOB: 09/15/1963, SSN: [REDACTED]), and the decedent's friend, Jeremy Londino (DOB: 02/04/1993, SSN: [REDACTED]) outside of the residence. The following information was related by the two.
- D. On Saturday, September 7, 2019, at approximately 1947 hours, Londino received a phone call from the decedent, requesting that Londino bring him water and chips. Londino arrived at the residence at approximately 2100 hours and used the rear door to make entry. Subsequent to entering the residence, Londino discovered the body of the decedent on the sofa in the front living area. Londino stated that he noticed blood spatter on the walls and ceiling. Londino then called his friend Artie. Artie was identified as Arthur Smith (DOB: 03/07/1965, SSN: [REDACTED]).
- E. Londino and Smith responded to Barbara Austin's boyfriend's residence at [REDACTED]

[REDACTED] in [REDACTED] Austin's boyfriend was identified as Michael Rodgers.

- F. Londino, Smith, and Austin then responded back to 770 Acorn Drive. Upon arrival, the three entered through the rear door of the residence and observed the body of the decedent. Austin noticed a baseball bat on the floor and picked up the same, leaning it on the wall and cabinet in the kitchen of the residence.
- G. The three left the residence. Smith drove Austin back to [REDACTED]. Austin related to Rodgers what she observed while at the residence. Austin and Rodgers subsequently called 9-1-1.
- H. On September 8, 2019, at approximately 0233 hours, a Court authorized Search Warrant was authorized telephonically by the Honorable Therese Cunningham, J.S.C. A search of the residence was conducted pursuant to said Search Warrant. The search yielded one baseball bat with apparent blood transfer and hair located in the kitchen of the residence leaning against a cabinet and the wall. Located in the back room near the back entrance of the residence were a beer, spoon, and a belt. Located on the table in the backroom was, what appeared to be, an apparatus used for ingesting narcotics.
- I. Located in the front of the residence was a black in color 2010 Ford F150 bearing New Jersey Registration Number [REDACTED]. Said vehicle was found to be registered to Carol Lehman of [REDACTED].
- J. On Thursday, September 8, 2019, Detective Murphy and Detective Byrne conducted an audio/video recorded statement of Mark J Austin in regards to this investigation. The interview was conducted at the Brick Township Police Department. During the course of the interview with Mr. Austin, he related that he resides at 770 Acorn Road with the decedent, whom he identified as his father. According to Austin, on September 6, 2019, he slept at his residence along with his four (4) year old a child. He woke up on September 7 at approximately 0700 hours and made breakfast for him and his son.
- K. Austin stated that at approximately 1315 hours, he had a conversation with the decedent who advised that he was going to Bayonne, New Jersey, presumably to purchase heroin from an individual that he only knows as "Shadow." The

decedent also related to Austin that he needed Austin to travel to a location on State Highway 70, near the intersection of State Highway 72, to pick up a black male who would be standing on the side of the road.

- L. It was at that time that Austin left the residence and dropped his son off at his mother's residence located on [REDACTED]
- M. After dropping his son off at Austin's mother's house, Austin travelled to the aforementioned location on Highway 70, where he picked up a black male that he described as wearing a red baseball cap and had a beard. He then drove said male back to his residence at 770 Acorn in Brick Township, where, according to Austin, the decedent told him that the unidentified male could stay in his room until the decedent returned home.
- N. Subsequent to dropping off the unidentified male at his residence, Austin took his dogs and dropped them off at his mother's house. He remained there for a period of time and then returned to his residence, picked up the unknown male, and dropped him off around the location he picked him up at earlier in the day. Austin stated that he did not mind doing so because he planned on going to a bonfire in Whiting, NJ.
- O. Austin advised that after dropping off the unidentified male, he decided to take a ride to Philadelphia, where he purchased two cheesesteaks.
- P. Austin advised that at approximately 2300 hours he received a phone call from his neighbor across the street. The neighbor told him that he needed to return home and that something happened to his father. He eventually told Austin that his father was deceased and after pulling over numerous times to calm himself down, he returned to the residence where he was met by law enforcement.
- Q. During the interview, Austin advised that he drove himself to Brick Police Headquarters in a white Volkswagen Jetta. A look up of vehicles registered to Austin yielded a New Jersey registration number [REDACTED] described as a white in color 2006 Volkswagen Jetta registered to Mark J Austin bearing vehicle identification number [REDACTED]
- R. Subsequent to the interview, Austin's cell phone and smart watch were seized from his person pending application for a Court authorized Search Warrant.

- S. On Sunday, September 8, 2019 at approximately 1930 hours, a post mortem examination was conducted on the body of the decedent. The examination, which took place at Community Medical Center in Toms River, New Jersey, was conducted by Dr. Ian Hood of the Ocean County Medical Examiner's Office. Dr. Hood determined the cause of death of Mark Austin to be blunt trauma to the head and face and the manner of death to be homicide.
- T. On Monday, September 9, 2019, officers returned to the residence located at 770 Acorn Drive in Brick Township to continue processing the scene. Recovered from the residence was a black in color cell phone with a cracked screen and "ZTE" written in gray lettering on the back in the center of the phone. Also located on a desk in the residence was gold in color Samsung SM-N950F/DS bearing serial number R38JBOLVKAT.
- U. On Sunday, September 8, 2019, a Search Warrant for the Samsung Galaxy Note 10 was drafted by Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit and subsequently approved by Chief Trial Attorney Michael Weatherstone. The Search Warrant was authorized by the Honorable Therese A. Cunningham, J.S.C., at approximately 1313 hours.
- V. An extraction of the cellphone was conducted by Detective Ray Coles of the High Tech Crime Unit. A review of the extraction yielded a Wyze Labs application on the device. Said application can be used to review and store video surveillance from synced cameras. A review of the content yielded video surveillance from the victim's residence at 770 Acorn Drive on September 7, 2019. Said footage is contradictory to statements made by Austin to police. Austin previously told police that the cameras in the residence have not worked for several days and that there would not be video footage from September 7, 2019. The email account associated with the Wyze account was found to be [REDACTED]
- W. On Monday, September 9, 2019, Communications Data Warrants were drafted by Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit for the telephone facilities [REDACTED] and [REDACTED]. Said telephone facilities are were found to belong to the victim and Mark J. Austin, respectively. The Communications Data Warrants were approved by Chief Trial Attorney

Michael Weatherstone and approved by the Honorable Guy P. Ryan, J.S.C.

- X. A review of the documentation provided pursuant to said Warrants was conducted. On September 7, 2019, the victim's phone, as well as Mark J. Austin's, were in the area of 770 Acorn Drive at approximately 1600 hours. At approximately 2101 hours, the victim's cell phone was located in area of Route 70 and Route 539. Mark J. Austin's phone appears to travel west on Route 70 from the hours of 2040 hours to 2125 hours which was documented as a result of the previously issued warrants.
- Y. A review of video surveillance collected from the Wawa located at 135 NJ-70, in Lakewood Township shows a white vehicle pull into the fueling area. A male exits the vehicle and walks into the store to make a purchase at approximately 2043 hours. The male was identified through the surveillance to be Mark J. Austin.
- Z. On Tuesday, September 10, 2019, Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit completed the Search Warrant Return for the residence located at 770 Acorn Drive in Brick Township. Among the items taken from the residence were a black in color Synology Diskstation, Model DS1812+ network area storage drive, a HP M7-J010DX laptop bearing serial number 6CG3352FS, an Apple iPad A1567, and Apple iPad A1395 bearing serial number F5RKR655DKPH, a Seagate SRD0SP0 External Drive bearing serial number NA5AG9RJ, a Western Digital Passport External Hard drive serial number WXE1A174JS2F, a Western Digital WD1600UO-17-004 External Drive bearing serial number WXE107697021, a Sandisk 32GB Micro USB, a Sandisk 64GB MicroSD Card serial number 627DPEYK08M, a HP Presario C700 laptop serial number CND742093Y, a HP TC1100 laptop serial number KRD53009V, and a Toshiba Satellite A205-S5000 laptop serial number 68148276K.
- AA. On Thursday, September 9, 2019 the forensic extraction of the gold in color Samsung SM-N90F/DS was reviewed pursuant to a Court authorized Search Warrant. The cellular device was identified as an old phone belonging to Mark J. Austin. Said extraction yielded a conversation using the application Facebook Messenger between Austin and an individual using the Facebook handle "Jeray

Melton." "Jeray Melton" was identified as Jeray Melton (DOB: 09/23/1991, SSN: [REDACTED]) The only visible text in the chat was sent by Melton to Austin. The messages starting on September 7, 2019 at 1915 hours read as follows:

"This shit"

"He went in his room to do his hit he told me he was a junky he noticed the cameras"

"He said someone is on there way"

"K"

"[image: thumbs up]"

"I'm ready but he said someone is coming"

BB. [REDACTED]

CC. [REDACTED]

DD. A search of an online law enforcement database was conducted by detective for Jeray Melton. Said search yielded a possible phone number for Jeray Melton as [REDACTED] with an address of [REDACTED] as of March 7, 2019. A search of an online law enforcement database was conducted

by detective for Jeray Melton. Said search yielded a possible phone number for Jeray Melton as [REDACTED] with an address of [REDACTED] as of March 7, 2019.

- EE. A subpoena for subscriber information was sent to Sprint Wireless. A response pursuant to said subpoena showed the subscriber to be Baron Smith, Jr of [REDACTED]
- FF. On September 12, 2019, this Affiant was provided with information from the Salem County Prosecutor's Office that Jeray Melton was stopped by police on two occasion in May 2019 and one occasion in July 2019. On all three occasions Melton provided officers with the address of 112 Anderson Drive, Salem City, New Jersey. Furthermore, Melton was observed by a detective from the Salem County Prosecutor's Office in a vehicle registered to Teonna Nelson. Nelson is a known associate of Melton. The vehicle was observed parked in front of the residence 112 Anderson Drive as of September 13, 2019.
- GG. Based on the aforementioned information Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit made an application for a telephonic search warrant for the residence 112 Anderson Drive, Salem City, New Jersey. The Search Warrant was authorized by the Honorable Therese Cunningham, J.S.C.
- HH. On September 13, 2019 Melton was observed leaving the residence of 112 Anderson Drive and entering a 2010 grey Chrysler Sebring, Pennsylvania registration [REDACTED] This is the same vehicle Melton was observed driving on the night of September 12, 2019.
- II. Detectives from Salem County Prosecutor's Office executed a motor vehicle stop on the vehicle and Melton was taken into custody. Melton was transported back to the Salem County Prosecutor's Office. Melton was interview by Detective John Murphy of the Ocean County Prosecutor's Office and Detective Mark Byrne of the Brick Township Police Department, prior to the interview, Melton was advised of his Miranda warnings and waived same.
- JJ. During the subsequent interview Melton admitted that on September 7, 2019, he was transported by Mark Austin to 770 Acorn Drive, Brick, New Jersey. While at

the residence Melton said Austin threatened him with a handgun and forced Melton to strike Austin's father multiple times in the head with a bat resulting in his death.

KK. Melton stated that after striking the victim multiple times in the head with a bat Austin drove Melton back to his residence in Salem City. Melton further stated that Austin had Melton remove his clothing, place it in a garbage bag. Austin then poured bleach into the garbage bag and through the clothing into a dumpster in Salem City.

LL. Melton stated that he communicated with Austin via Facebook Messenger.

DET. Mark Byrne #177
Detective Mark Byrne
Brick Township Police Department

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

THE STATE OF NEW JERSEY :

VS. :

JERAY K. MELTON
MARK J. AUSTIN

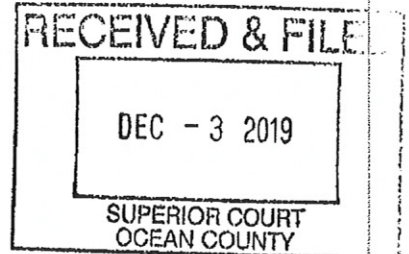
Defendants :

INDICTMENT

NO. 19-12-1883

COUNT ONE

MURDER-FIRST DEGREE



The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JERAY K. MELTON and MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did purposely or knowingly cause the death of Mark R. Austin or did purposely or knowingly cause serious bodily injury to Mark R. Austin resulting in his death, contrary to the provisions of N.J.S.A. 2C:11-3a(1) or N.J.S.A. 2C:11-3a(2), and against the peace of this State, the Government and dignity of the same.

COUNT TWO

CONSPIRACY TO COMMIT MURDER-FIRST DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JERAY K. MELTON and MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, with the purpose of facilitating the crime of Murder, did agree that they or one or more of them would engage in conduct which would constitute the aforesaid crime or did agree to aid each other in the planning or commission of said crime, that is, purposely or knowingly

causing the death of Mark R. Austin or purposely or knowingly causing serious bodily injury resulting in the death of Mark R. Austin, contrary to the provisions of N.J.S.A. 2C:11-3a(1) or 2, in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the Government and dignity of the same.

COUNT THREE

UNLAWFUL POSSESSION OF A WEAPON-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JERAY K. MELTON and MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did possess a certain weapon, that is, a baseball bat, under circumstances not manifestly appropriate for such lawful uses as it may have, contrary to the provisions of N.J.S.A. 2C:39-5d, and against the peace of this State, the Government and dignity of the same.

COUNT FOUR

POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JERAY K. MELTON and MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did possess a certain weapon, that is, a baseball bat, with a purpose to use it unlawfully against the person or property of another, contrary to the provisions of N.J.S.A. 2C:39-4d, and against the peace of this State, the Government and dignity of the same.

BRADLEY D. BILLHIMER
OCEAN COUNTY PROSECUTOR

DATED: 12/3/19

BY:

MICHAEL R. WEATHERSTONE
ASSISTANT PROSECUTOR

ENDORSED:

Foreperson

Superior Court of New Jersey
Law Division, Ocean County

THE STATE

VS.

JERAY K. MELTON
MARK J. AUSTIN

INDICTMENT NO.

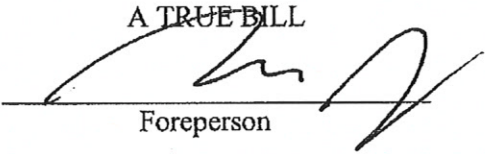
19-12-1883

INDICTMENT FOR

MURDER
CONSPIRACY TO COMMIT MURDER
UNLAWFUL POSSESSION OF A WEAPON
POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE

BRADLEY D. BILLHIMER
Ocean County Prosecutor

A TRUE BILL


Foreperson

Bail **BOTH:** Eligible defendant
under Bail Reform - Detained

Condition Of Bail

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

19003231

Defendant's Name:

Jeray Melton

before Judge:

Ryan

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			VCCO Assmt*
					Time	Fine	
19-12-1883	1	Murder amended	1	Max	30	200,000	100
		to Agg.		Max			
		Manslaughter		Max			
		ac: 11-4(a)(1)		Max			
				Max			
Your total exposure as the result of this plea is:				Total	30	200,000	100

Please Circle
Appropriate
Answer

2. a. Did you commit the offense(s) to which you are pleading guilty?

[Yes] [No]

b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)?

[Yes] [No]

3. Do you understand what the charges mean?

[Yes] [No]

4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:

a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt?

[Yes] [No]

b. The right to remain silent?

[Yes] [No]

c. The right to confront the witnesses against you?

[Yes] [No]

d. Do you understand that by pleading **you are not waiving** your right to appeal (1) the denial of a motion to suppress physical evidence (R. 3:5-7(d)) or (2) the denial of acceptance into a pretrial intervention program (PTI) (R. 3:28(g))?

[Yes] [No]

e. Do you further understand that by pleading guilty **you are waiving** your right to appeal the denial of all other pretrial motions except the following:

[Yes] [No]

* Victims of Crime Compensation Office Assessment

JM

5. Do you understand that if you plead guilty:

- a. You will have a criminal record? ☒ [Yes] ☐ [No]
- b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Office Assessment? ☒ [Yes] ☐ [No]
- c. You must pay a minimum Victims of Crime Compensation Office assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) ☒ [Yes] ☐ [No]
- d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? ☒ [Yes] ☐ [No]
- e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? ☒ [Yes] ☐ [No]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? ☒ [Yes] ☐ [No]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? ☒ [Yes] ☐ [No]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? ☒ [Yes] ☐ [No]
- i. Computer Crime Prevention Fund Penalty, *N.J.S.A. 2C:43-3.8* (L. 2009, c. 143). If the crime involves a violation of *N.J.S.A. 2C:24-4b(3)* (causes or permits child to engage in sexual act that is to be photographed or exhibited), if the crime was committed on or after February 1, 2018, *N.J.S.A. 2C:24-4b(4)* (photographs or films a child in sexual act), if the crime was committed on or after February 1, 2018, *N.J.S.A. 2C:24-4b(5)(b)* (knowingly possessing or knowingly viewing child pornography), *N.J.S.A. 2C:24-4.1* (leader of a child pornography network), if the crime was committed on or after February 1, 2018, *N.J.S.A. 2C:34-3* (selling, distributing or exhibiting obscene material to a person under age 18) or an offense involving computer criminal activity in violation of any provision of Title 2C, chapter 20, you will be assessed a mandatory penalty as listed below for each offense for which you pled guilty?
- (1) \$2,000 in the case of a 1st degree crime
- (2) \$1,000 in the case of a 2nd degree crime
- (3) \$ 750 in the case of a 3rd degree crime
- (4) \$ 500 in the case of a 4th degree crime
- (5) \$ 250 in the case of a disorderly persons or petty disorderly persons offense

Total CCPF Penalty \$ _____

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

[Yes] [No]

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

[Yes] [No]

a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is ____ 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
19-12-1873	2	Cons to Commit Murder 1 ^o
↓	3	Unl Poss of Wpn 4 ^o
	4	Pass Wpn unl. Purpose 3 ^o

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

Murder Amended to
Aggravated Manslaughter - Open-ended.
Truthful Testimony required against Co-D Mark Austin

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:

Defense will argue at time of sentence for
the lower end of the sentencing statute for
Aggravated Manslaughter. Prosecutors office has made
NO promises as to the term

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 2/25/2020 Defendant [Signature]
- Defense Attorney Vita S Mennie
- 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 Aggravated Manslaughter ☒ [Yes] ☐ [No]
(List First or Second Degree Violent Crime(s) to Which NERA Applies)
you will be required to serve 85% of the sentence imposed for that offense(s)
before you will be eligible for parole on that offense(s)?
2. Do you understand that because you have pled guilty to these charges the court must impose a 5 year term of parole supervision and that term will begin as soon as you complete the sentence of incarceration? ☒ [Yes] ☐ [No]
First Degree Term of Parole Supervision - 5 years
Second Degree Term of Parole Supervision - 3 years
3. Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed? ☒ [Yes] ☐ [No]

Date: 2/25/2020

Defense Attorney: _____

Prosecutor: _____

Defendant: _____

Vita S. Mennie