

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

August 16, 2021

Via OPRA Machine: opra+request-25337-228d9203@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 16002517 – David Hale

Dear Sir/Madam:

Enclosed please find the Complaint Summonses, Judgment of Conviction, Criminal Information Forms, Plea Form and Supplemental 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.

Please be advised that there are no responsive documents pursuant to your request for Global Subject Activity Reports, Preliminary Law Enforcement Incident Reports, Affidavit, Arrest Reports and Indictments.

If I can be of further assistance, please do not hesitate to contact me directly at 732-929-2027, x3623.

Yours very truly,

Dina R. Khajezadeh

Dina R. Khajezadeh
Assistant Prosecutor

DRK/dp

Enclosures

Prestia , Donna

From: Khajezadeh, Dina
Sent: Thursday, August 12, 2021 3:40 PM
To: Prestia , Donna
Subject: FW: [EXTERNAL] OPRA request - Case reports

-----Original Message-----

From: Resident <opra+request-25337-228d9203@requests.opramachine.com>
Sent: Thursday, August 12, 2021 3:38 PM
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:

Michele Hawkes (Case # 16002209)
Lesley Finelli (Case # 16002417)
Stephen Szymanski (Case # 16002463)
Timothy Cole (Case # 16002487)
David Hale (Case # 16002517 & Case # 16003194) Joshua Preston (Case # 16002738)

Yours sincerely,

Resident

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-25337-228d9203@requests.opramachine.com

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

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3docean_county_prosecutors_office&c=E,1,FmGC3EDE2ojj-

COMPLAINT - SUMMONS

COMPLAINT NUMBER			
1506	S	2016	000914
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 2	CO-DEFTS 2	POLICE CASE #: 42045-16	
COMPLAINANT NAME: DOMINICK PUCCIO, PTL 401 CHAMBERS BRIDGE RD ATTN WARRANTS BRICK TOWN NJ 08723			DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 09/08/1995 DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: TELEPHONE #:
ADDRESS: 1737 WEST PRINCETON AVE BRICK NJ 08723-0000			
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 07/05/2016 in BRICK TWP OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT COMMIT THE CRIME OF POSSESSION OF CDS BY PURPOSELY OR KNOWINGLY POSSESSING A CONTROLLED DANGEROUS SUBSTANCE SPECIFICALLY BY POSSESSING A CLEAR PLASTIC HYPODERMIC SYRINGE WITH AN ORANGE TIP CONTAINING HEROIN RESIDUE. WITHIN THE JURISDICTION OF THIS COURT COMMIT THE CRIME OF POSSESSION OF CDS BY PURPOSELY OR KNOWINGLY POSSESSING A CONTROLLED DANGEROUS SUBSTANCE SPECIFICALLY BY POSSESSING A CLEAR GLASS SMOKING PIPE WITH BURNT CDS RESIDUE, SUSPECT CRACK COCAINE.			
In violation of:			
Original Charge	1) 2C:35-10A(1)	2) 2C:35-10A(1)	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 wilfully false, I am subject to punishment. Signed: DOMINICK PUCCIO, PTL Date: 07/05/2016			
The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.			
SUMMONS: YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest. DATE TO APPEAR: 07/05/2016 TIME: 07:03PM SIGNATURE: DOMINICK PUCCIO, PTL DATE: 07/05/2016 Signature of Person Issuing Summons Date			
☐ Domestic Violence - Confidential		☐ Related Traffic Tickets or Other Complaints	☐ Serious Personal Injury/ Death Involved
Special conditions of release: ☐ No phone, mail or other personal contact w/victim ☐ No possession firearms/weapons ☐ Other (specify):		ORIGINAL	
Page 1 of 7		NJ/CDR1.8/1/2005	

COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER

1506**S****2016****000914****STATE V.****DAVID J HALE**

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:**07/05/2016**☐ 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:35-10A(1)

2) 2C:35-10A(1)

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:
STEPHEN BIERNAT SHANNON RITCHEY**Related Traffic Tickets and Complaints:**

* Finding Codes

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

ORIGINAL – Court Action

JUDGE'S SIGNATURE

DATE

Page 2 of 7

NJ/CDR1 8/1/2005

COMPLAINT - SUMMONS

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. DAVID J HALE	
1506	S	2016	000915		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	ADDRESS: 1737 WEST PRINCETON AVE	
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN				BRICK NJ 08723-0000	
# of CHARGES 1	CO-DEFTS 2	POLICE CASE #: 42045-16		DEFENDANT INFORMATION	
COMPLAINANT NAME: DOMINICK PUCCIO, PTL 401 CHAMBERS BRIDGE RD ATTN WARRANTS BRICK TOWN NJ 08723				SEX: M EYE COLOR: BROWN DOB: 09/08/1995 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY #. [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED]	

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 07/05/2016 in BRICK TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, COMMIT THE OFFENSE OF POSSESSION OF A HYPODERMIC SYRINGE ADAPTED FOR THE USE OF A CONTROLLED DANGEROUS SUBSTANCE SPECIFICALLY BY POSSESSING A CLEAR PLASTIC HYPODERMIC SYRINGE WITH AN ORANGE TIP.

in violation of:

Original Charge	1) 2C:36-6A	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 wilfully false, I am subject to punishment.

Signed: DOMINICK PUCCIO, PTL Date: 07/05/2016

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS:

YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

DATE TO APPEAR: 07/05/2016 TIME: 07:03PM DOMINICK PUCCIO, PTL 07/05/2016
Signature of Person Issuing Summons Date

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

Special conditions of release:

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

ORIGINAL

COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER

1506 **S** **2016** **000915**

STATE V.

DAVID J HALE

FTA Bail Information

Date Bail Set:

Amount Bail Set: \$

by:

☐ Bail Recog. Attached

Released
on Bail

R.O.R.

Committed
Default

Committed
w/o Bail

Place Committed:

Date Referred to
County Prosecutor:

Date of First
Appearance: 07/05/2016

☐ 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:36-6A

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:
STEPHEN BIERNAT SHANNON RITCHEY

Related Traffic Tickets and Complaints:

* Finding Codes

- 1 – Guilty
- 2 – Not Guilty
- 3 – Dismissed – Other
- 4 – Guilty but Merged
- 5 – Dismissed-Rule
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- 8 – Conditional Discharge
- D – Dismissed- Prosecutor Discretion
- M – Dismissed- Mediation
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- S – Disposed at Superior
- W – Dismissed-False ID

ORIGINAL – Court Action

JUDGE'S SIGNATURE

DATE

Page 2 of 7

NJ/CDR1.8/1/2005



Judgment of Conviction

Superior Court of New Jersey, OCEAN County

State of New Jersey

v.

Last Name

HALE

First Name

DAVID

Middle Name

J

Also Known As

HALE JR DAVID J

Date of Birth

09/08/1995

SBI Number

840765E

Date(s) of Offense

07/05/2016

Date of Arrest

PROMIS Number

16 002517-002

Date Ind / Acc / Complt Filed

07/05/2016

Original Plea

☐ Not Guilty

☐ Guilty

Date of Original Plea

Adjudication By



Guilty Plea



Jury Trial Verdict



Non-Jury Trial Verdict



Dismissed / Acquitted

Date: 10/03/2016

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
S-2016-000914-1506	1	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
S-2016-000914-1506	2	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
S-2016-000915-1506	901	POSS/SELL HYPODERMIC SYRINGE FOR USE WITH CDS	2C:36-6A	DP

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
S-2016-000914-1506	AMENDED	WANDERING/PROWLING TO OBTAIN/SELL CDS	2C:33-2.1B	DP

Sentencing Statement

It is, therefore, on 11/18/2016 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:
Count 2 of S-2016-914-1506 is dismissed. S-2016-915-1506 is dismissed.

On Count 1 of S-2016-914-1506, defendant is sentenced to 69 days in the Ocean County Jail, with Credit for Time Served of 72 days. The court is applying 3 of the jail credit days to satisfy the monetary penalties of the \$50 VCCA and \$75 SNSF pursuant to NJSA 2B:12-23.1.

Any bail posted is discharged.

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

Total Custodial Term

000 Years 00 Months 069 Days

Institution Name

COUNTY JAIL

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)

Offenses @ \$

Total Lab Fee

\$

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

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

Total VCCO Assessment \$ 50.00

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

Offense

Mandatory Penalty

\$

Offense Based Penalties

Penalty

Amount

\$

Other Fees and Penalties

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

☐ \$

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

☒ 1 Offenses @ \$ 75.00

Total: \$ 75.00

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

☐ \$

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

☐ Offenses @ \$

Total \$

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

☐

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

☐ \$

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

☐ \$

Fine

\$

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

☐ \$

Restitution

Joint & Several

Total Financial Obligation

\$

\$ 125.00

Details

The VCCA \$50 and SNSF \$75 are deemed satisfied by application of three days jail credit pursuant to NJSA 2B:12-23.1.

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).

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
09/08/2016 - 11/18/2016	-	-
-	-	-
-	-	-
-	Total Number of Days _____	-
-		-
-	Rosado Time	-
-	Date: From - To	-
-	-	-
-	-	-
-	-	-
-	Total Number of Days _____	-
Total Number of Days 72		Total Number of Days

Statement of Reasons - Include all applicable aggravating and mitigating factors

AGGRAVATING FACTORS

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

MITIGATING FACTORS

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

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

Attorney for Defendant at Sentencing SHEILA TOBIN	Public Defender ☒ Yes ☐ No
Prosecutor at Sentencing MARA BRATER	Deputy Attorney General ☐ Yes ☒ No
Judge at Sentencing WENDEL E. DANIELS	
Judge (Signature) /s WENDEL E. DANIELS	Date 12/15/2016

**OCEAN COUNTY SUPERIOR COURT - LAW DIVISION
CRIMINAL INFORMATION FORM**

NAME Hale, David DATE 11-18-16
IND. # _____ ACC.# _____ CASE # 16-002517-002

WARRANT/COMPLAINT # S-2016-914-1506 MUN. APP. # _____

CHARGES Ct 1 - 2C:33-2.1B - 5° (DP) WANDER MUNICIPALITY _____

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

PLEA: ☐ NOT GUILTY ☐ READING WAIVED
☐ GUILTY TO: _____

☐ LR ATTACHED ☐ P.S.I. ORDERED ☐ BAIL CONT'D
TO BE DISMISSED _____

VOP: GUILTY TO: _____ VERDICT: _____

☐ TERMINATE PROBATION ☐ PAY PAROLE ☐ DISMISSED

SENTENCE: OCJ ☒ TERM 69 days SUSP _____ WKND\$ _____ COMMENCING _____

DOC _____ TERM _____ PAROLE INELIG _____ AVENEL _____ YCIC _____

Ct 1 ☐ C/C ☐ C/S CREDIT FOR TIME SERVED 72 days

PROBATION

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

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

EMPLOYMENT - OBTAIN / MAINTAIN COMM SRVC HRS _____ FINE _____

☐ PAROLE SUPERVISION FOR LIFE ☐ DNA ORDERED NONE RESTITUTION AMOUNT _____

V.C.C.B. 50.00 DEOR 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 INSURANCE FRAUD SURCHARGE _____

PAYMENT RATE _____ PER _____ COMMENCING _____

☒ BAIL DISCHARGED ☐ ORDERED RELEASED ☐ REMAND OCEAN COUNTY JAIL

DETAINERS: _____

DISMISSED: Ct 2 of S-2016-914-1506

Ct 1 of S-2016-915-1506

* FINES Pd w/ 3 days CTS PER 2B:12-23.1

JUDGE Wendel E. Daniels, P.J.C.P. PROSECUTOR Mara Beater

REPORTER CUVETSMART DEFT'S ATTY Sheila Tabin

NOTES: _____

20 Days to Appeal + PCR Form Signed

CLERK'S SIGNATURE T. Gilbay X2332

A/M
3/10
9

OCEAN COUNTY SUPERIOR COURT - LAW DIVISION
CRIMINAL INFORMATION FORM

NAME HALE, Jr, David J. DATE 10-3-16
IND. # _____ ACC. # 16-10-1913 CASE # 16002517-002
WARRANT/COMPLAINT # S-2016-914-1506 MUN. APP. # 16003424-003
CHARGES _____ MUNICIPALITY _____

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

PLEA: ☐ NOT GUILTY ☐ READING WAIVED

☒ GUILTY TO: ct 1 of 16-10-1913 Acc 3rd poss cds
ct 1 of S-2016-914-1506 amended to loitering
☐ LR ATTACHED ☐ P.S.I. ORDERED ☒ BAIL CONT'D 2C:33-2.1 dp

TO BE DISMISSED: cts by 4 of S-2016-1267-1506, ct 1 of S-2016-915-1506
ct 2 of S-2016-914-1506, ct 1 of S-2016-1267-1506
VOP: GUILTY TO: cts 1 & 2 of S-2016-1268-1506 VERDICT: _____

☐ TERMINATE PROBATION ☐ PAY PAROLE ☐ DISMISSED

SENTENCE: OCJ _____ TERM _____ SUSP _____ WKND _____ COMMENCING _____
DOC _____ TERM _____ PAROLE INELIG _____ AVENEL _____ VCIC _____
☐ C/C ☐ C/S CREDIT FOR TIME SERVED _____

PROBATION

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

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

EMPLOYMENT - OBTAIN/MAINTAIN COMM SRVC HRS _____ FINE _____

☐ PAROLE SUPERVISION FOR LIFE ☐ DNA ORDERED RESTITUTION AMOUNT _____

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

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

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

PAYMENT RATE _____ PER _____ COMMENCING _____

☐ BAIL DISCHARGED ☐ ORDERED RELEASED ☐ REMAND OCEAN COUNTY JAIL

DETAINERS: _____

DISMISSED: _____

SE ~ 11-18-16 1:30pm

JUDGE WENDEL E. DANIELS, P.J.C.P. PROSECUTOR Kelly Biringer

REPORTER Court Smart DEFT'S ATTY Sheila Tobin

NOTES: per Shawn Smith

CLERK'S SIGNATURE leilee ANDREA AREVALO
COURT CLERK



**New Jersey Judiciary
Plea Form**

County Ocean
Prosecutor File Number 16003424

Defendant's Name: David Hale Jr
before Judge: Dannell

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			VCCO Assmt*
				Time	Fine		
<u>S2016 914106</u>	<u>1</u>	<u>Amended to</u>	<u>1st</u>	Max <u>6 month</u>	<u>2500</u>		<u>50</u>
		<u>Conferring to Poss</u>	<u>DP</u>	Max			
		<u>CDS</u>		Max			
<u>16-10-1913</u>	<u>1</u>	<u>Poss of CDS</u>	<u>3rd</u>	Max <u>5 yrs</u>	<u>10,000</u>		<u>50</u>
				Max			
Your total exposure as the result of this plea is:				Total <u>5y 6 month</u>	<u>12,500</u>		<u>100</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 Agency Assessment? ☒ [Yes] ☐ [No]
- c. You must pay a minimum Victims of Crime Compensation Agency assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) ☒ [Yes] ☐ [No]
- d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? ☒ [Yes] ☐ [No]
- e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? ☒ [Yes] ☐ [No]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? ☒ [Yes] ☐ [No]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? ☒ [Yes] ☐ [No]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? ☒ [Yes] ☐ [No]
- i. Computer Crime Prevention Fund Penalty, N.J.S.A. 2C:43-3.8 (L. 2009, c. 143). If the crime involves a violation of N.J.S.A. 2C:24-4b(5)(b) (knowingly possessing or knowingly viewing child pornography, N.J.S.A. 2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18) or an offense involving computer criminal activity in violation of any provision of Title 2C, chapter 20, you will be assessed a mandatory penalty as listed below for each offense for which you pled guilty?
- (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
S-2016-1267-1506	3, 11	Prescription legend drug
S-2016-915-1506	1	paraph.
S-2016-914-1506	2	possession CDS
S-2016-1267-1506	1	POSS CDS
S-2016-1268-1504	1, 2	paraph.

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

~~Fines only on S-2016-914-1506~~ 3 flat NJSD
~~30 days OC probation~~ consecutive to pend SF
fines only on DP
D/H

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 [Yes] ☒ [No] [NA]
guilty to for which you cannot be given a separate sentence?

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

Fines only on 5/20/16 9/14/16
30 days OCJ probation to terminate upon C/S pending
completion Sentence
A to waive no DL suspension

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]

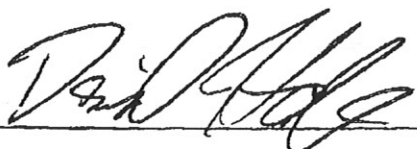
23. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? ☒ [Yes] [No]

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]

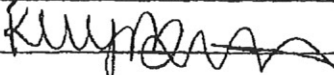
c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? ☒ [Yes] [No]

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 10/3/16 Defendant 

Defense Attorney 

Prosecutor 

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.



New Jersey Judiciary
Supplemental Plea Form for Drug Offenses

The following additional questions need to be answered only if you are pleading guilty pursuant to an offense under *N.J.S.A. 2C:35-1 et seq.* or *N.J.S.A. 2C:36-1 et seq.*

1. Have you and the Prosecutor entered into any agreement to provide for a lesser sentence or period of parole ineligibility than would otherwise be required? (If yes, be sure to include in questions 12 and 13 above). [Yes] ☒ [No]
2. Do you understand that if you plead guilty:
 - a. You will be required to forfeit your driver's license for a period of time from 6 to 24 months, unless the court finds compelling circumstances warranting an exception? ☒ [Yes] [No]
 - b. You will be required to pay a forensic laboratory fee of \$50 for each offense for which you plead guilty? ☒ [Yes] [No]
 - c. You will be required to pay a mandatory drug enforcement and demand reduction (D.E.D.R.) penalty as listed below for each offense for which you plead guilty? ☒ [Yes] [No]

The mandatory penalties are as follows:

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

TOTAL D.E.D.R. Penalty \$ 1000.00

Date: 10/3/16

Defendant:

Defense Attorney:

Prosecutor: