

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 24, 2021

Via OPRA Machine: opra+request-25546-d918c250@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 16001943 – Douglas Chuck

Dear Sir/Madam:

Enclosed please find the Complaint Warrant, Complaint Summons, Affidavit, 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.

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

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/ec

Enclosures

FW: [EXTERNAL] OPRA request - Case reports

Khajezadeh, Dina

Sat 8/21/2021 1:53 PM

To: Prestia, Donna <DPrestia@co.ocean.nj.us>; Carey, Erin <ECarey@co.ocean.nj.us>;

Categories: IMPORTANT DOCUMENTS

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Resident <opra+request-25546-d918c250@requests.opramachine.com>

Date: 8/21/21 2:38 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:

Douglas Chuck (Case # 16001943)

Henry Tice (Case # 21002129)

Luis Garcia (Case # 21002220)

Michael Stallworth (charged 7/26/21) **21002118**

Jose Serrano-Robles (charged 8/16/21) **21002375**

Yours sincerely,

Resident

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY	
1506	W	2016	000681	VS.	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	DOUGLAS M CHUCK	
BRICK TOWNSHIP MUNICIPAL COURT				ADDRESS:	
401 CHAMBERS BRIDGE				5 TRUMAN DR	
BRICK NJ 08723-0000				BRICK NJ 08724-0000	
732-262-1226				COUNTY OF: OCEAN	
# of CHARGES	CO-DEFTS	POLICE CASE #:	DEFENDANT INFORMATION		
9		32348-16	SEX: M EYE COLOR: BROWN DOB: 02/15/1994		
COMPLAINANT NAME: MICHAEL DINNEBEIL			DRIVER'S LIC. #: [REDACTED] DL STATE: NJ		
401 CHAMBERS BRIDGE RD			SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED]		
ATTN WARRANTS			TELEPHONE #: [REDACTED]		
BRICK TOWN NJ 08723					

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 **05/25/2016** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID ATTEMPT TO DISARM OFFICER DAVID THERGESEN BY GRABBING HOLD OF HIS HOLSTERED FIREARM AND DID ATTEMPT TO PULL THE FIREARM FROM ITS HOLSTER.

WITHIN THE JURISDICTION OF THIS COURT, DID DISARM A LAW ENFORCEMENT OFFICER BY TAKING OFFICER DAVID THERGESEN'S HANDCUFFS FROM HIS DUTY BELT, RAISING THEM ABOVE HIS HEAD AND USE THEM AS A WEAPON BY SWINGING THEM AT POLICE OFFICERS ATTEMPTING TO ARREST HIM.

WITHIN THE JURISDICTION OF THIS COURT, DID ASSAULT A LAW ENFORCEMENT OFFICER CAUSING BODILY INJURY BY FIGHTING WITH OFFICER DAVID THERGESEN IN AN ATTEMPT TO RESIST A LAWFUL ARREST CAUSING OFFICER THERGESEN TO SUFFER A BACK AND ELBOW INJURIES.

in violation of:

Original Charge	1) 2C:12-11A	2) 2C:12-11A	3) 2C:12-1B(5)(A)
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: **MICHAEL DINNEBEIL** Date: **05/26/2016**

DATE OF FIRST APPEARANCE **05/10/2017** TIME **09:00AM** DATE OF ARREST **05/25/2016**

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** **05/26/2016**
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: **100,000.00** FULL 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): _____		COURT COPY
Page 3 of 7		NJ/CDR2 8/1/2005

COMPLAINT - WARRANT

COMPLAINT NUMBER**1506****W****2016****000681****STATE V.****DOUGLAS M CHUCK**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

WITHIN THE JURISDICTION OF THIS COURT, DID ASSAULT A LAW ENFORCEMENT OFFICER BY FIGHTING WITH OFFICER MICHAEL DINNEBEIL IN AN ATTEMPT TO AVOID A LAWFUL ARREST BY STRIKING OFFICER DINNEBEIL WITH HIS HANDS AND FEET.

WITHIN THE JURISDICTION OF THIS COURT, DID ASSAULT A LAW ENFORCEMENT OFFICER BY FIGHTING WITH OFFICER ANTHONY ZURICA IN AN ATTEMPT TO AVOID A LAWFUL ARREST BY STRIKING OFFICER ZURICA WITH HIS HANDS AND FEET.

WITHIN THE JURISDICTION OF THIS COURT, DID ASSAULT A LAW ENFORCEMENT OFFICER BY FIGHTING WITH OFFICER MARK NIXON IN AN ATTEMPT TO AVOID A LAWFUL ARREST BY STRIKING OFFICER NIXON WITH HIS HANDS AND FEET.

WITHIN THE JURISDICTION OF THIS COURT, DID RESIST A LAWFUL ARREST BY ACTIVELY FIGHTING WITH OFFICERS WHO WERE ATTEMPTING TO MAKE A LAWFUL ARREST.

WITHIN THE JURISDICTION OF THIS COURT, DID POSSESS A WEAPON FOR AN UNLAWFUL PURPOSE BY BEING IN POSSESSION OF A PAIR OF HANDCUFFS BELONGING TO OFFICER DAVID THERGESEN AND USING THEM AS A WEAPON BY SWINGING THEM AT OFFICERS IN AN ATTEMPT TO AVOID A LAWFUL ARREST.

WITHIN THE JURISDICTION OF THIS COURT, DID UNLAWFULLY POSSESS A WEAPON SPECIFICALLY A PAIR OF HANDCUFFS BELONGING TO DAVID THERGESEN WHICH HE USED IN AN ATTEMPT TO STRIKE THE OFFICERS WHO WERE ATTEMPTING TO MAKE A LAWFUL ARREST.

Original Charge	4) 2C:12-1B(5)(A)	5) 2C:12-1B(5)(A)	6) 2C:12-1B(5)(A)
Amended Charge			
			COURT COPY
			Page 3 of 7 NJ/COR2 4/5/2013

COMPLAINT - WARRANT

COMPLAINT NUMBER**1506****W****2016****000681**

STATE V.

DOUGLAS M CHUCK

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

Original Charge

7) 2C:29-2A(3)(A)

8) 2C:39-4D

9) 2C:39-5D

Amended Charge

COURT COPY

Page 3 of 7

NJ/CDR2-4/5/2013

Agency: Brick Township
Brick Township Municipal Court

**AFFIDAVIT IN SUPPORT FOR
ARREST WARRANT**

State of New Jersey
v.

Defendant(s)
Douglas M. Chuck

State of New Jersey :
County of Ocean : ss.

**THIS AFFIDAVIT ONLY APPLIES TO AGGRAVATED ASSAULT, AGGRAVATED
ASSAULT ON A POLICE OFFICER, RESISTING ARREST, ELUDING, ROBBERY OR
WEAPONS CHARGES**

I Ptl. Michael Dinnebeil #268, of full age, being duly sworn according to law upon his/her oath, deposes and says:

1. I am employed as a Patrolman with the Brick Township Police.
2. In the course of my duties I have had occasion to investigate: **(state all indictable charges you are signing for which this affidavit applies)**

2C:12-11A Attempting to Disarm a Law Enforcement Officer (2 counts)
2C:12-1B-5A Aggravated Assault on a Police Officer (4 counts)
2C:29-1A Obstruction
2C:29-2A-3A Resisting Arrest
2C:39-4D Possession of a Weapon with Unlawful Purpose
2C:39-5D Possession of a Weapon
3. I have probable cause to believe that Douglas M. Chuck committed the above offense(s).
4. I am charging the defendant with 2C:12-11A, 2C:12-1B-5A, 2C:29-1A, 2C:29-2A-3A, 2C:39-4D, 2C:39-5D based on the following proof. ***This must be completed. Do not simply restate the allegations set forth in the complaint. Provide to the court the proof you have to show this defendant committed the above offense(s).***

On 05/26/16 at approximately 2336 hours, Ptl. Thergesen #249 and I, Ptl. Dinnebeil #268, responded to a suspicious person located at 2063 Rt. 88, Cervone's Pizza. Upon arrival Douglas M. Chuck began running from officers, attempting to flee the scene. He refused to respond to officers commands and began wrestling with Ptl. Thergesen and myself. When officers brought Chuck to the ground he kicked his feet and flailed his arms, striking officers, who were attempting to take custody of Chuck. Chuck grabbed for Ptl. Thergesen's firearm, placing his hand on it until Ptl. Thergesen was able to remove his hand. Chuck then grabbed and secured Ptl. Thergesen's handcuffs from his duty belt and held it over his head. Ptl. Nixon #209 and Ptl. Zurica #242 arrived on scene. He continuously ignored officers orders to stop resisting and continued to wildly flail his arms and kick his feet, striking officers, and continued to wrestle with the officers on the ground until handcuffs were placed on him.

5. Describe nature of injuries if applicable, in compliance with N.J.S. 2C:11-1:

☐ N/A Injuries: Ptl. Thergesen #249 was transported to Ocean Medical Center due to injuries sustained to his back and right elbow.

6. Did victim receive medical treatment? ☒ Yes ☐ No ☐ N/A

7. Victim taken to hospital? ☒ Yes ☐ No

If yes, name hospital Ocean Medical Center

8. Medical Release form signed by victim or responsible family member?

☒ Yes ☐ No ☐ N/A

9. Was victim assaulted with a weapon? ☐ Yes ☒ No ☐ N/A

If yes, describe weapon N/A

10. Were photographs taken of the victim's injuries? ☐ Yes ☒ No ☐ N/A

11. If charge is N.J.S. 2C: 39:5d, you must explain the nature of the circumstances that made it manifestly inappropriate to possess that weapon.

N/A

12. If you are charging the defendant with a violation of N.J.S. 2C: 39-7 (*certain persons not to have a weapon*) based upon a conviction, set forth the offense for which the defendant was convicted, the date of the conviction and the court. **(Please note that a conviction for conspiracy does not qualify under this statute.)**

N/A

13. Was the arrest the result of a 911 call? ☒ Yes ☐ No

If yes, was the 911 call preserved for evidence? ☒ Yes ☐ No

14. If the defendant was charged with eluding, were the radio dispatches preserved for evidence? ☐ Yes ☒ No

15. Statement of defendant implicating him/herself? ☐ Yes ☒ No.

16. Was a child under the age of 18 years involved or present at the time of the offense?

☐ Yes ☒ No

17. If the answer to Question 16 was yes did you or someone from your department report the incident to DYFS at 877 NJ ABUSE (877-652-2873)?

☐ Yes ☒ No

**THE FOLLOWING APPLIES TO ANY CHARGES SECOND DEGREE OR GREATER
(Do not leave blank)**

18. I am signing charges which are second degree or greater. ☒ Yes ☐ No

(2C: 12-1b(1) is a second degree charge.)

- a. If the answer to the above is yes, name the Assistant Prosecutor who approved the signing of the complaint. Assistant Prosecutor Rory Wells
- b. I am signing charges involving a Crime with Bail Restrictions.(N.J.S. 2A:162-12) ☒ Yes ☐ No
- c. If the answer to Question 18b is yes, please note the complaint number and the count number. Complaint No.: 2016-000681 Count No.: 2

PT. Michael R. Rinaldi #268
Officer Signature

Sworn and subscribed to before me

This _____ day of _____, 20____

Notary or Judicial Officer Signature

COMPLAINT - SUMMONS

COMPLAINT NUMBER			
1506	S	2016	000682
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 1	CO-DEFTS	POLICE CASE #: 32348-16	
COMPLAINANT NAME: MICHAEL , DINNEBEIL 401 CHAMBERSBRDG RD ATTN WARRANTS BRICK TOWN NJ 08723		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 02/15/1994 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED]	
ADDRESS: 5 TRUMAN DR BRICK NJ 08724-0000			

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **05/25/2016** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, FAIL TO COMPLY WITH A LAWFUL ORDER GIVEN BY A POLICE OFFICER WHO WAS CONDUCTING A LAWFUL INVESTIGATION BUT RUNNING FROM OFFICER DAVID THERGESEN WHO WAS INVESTIGATING A COMPLAINT OF A SUSPICIOUS PERSON.

in violation of:

Original Charge	1) 2C:29-1A	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: **MICHAEL DINNEBEIL** Date: **05/26/2016**

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: **05/10/2017** TIME: **09:00AM** **MICHAEL DINNEBEIL** **05/26/2016**
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):

COURT COPY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

RECEIVED & FILED

JUL 14 2016

THE STATE OF NEW JERSEY :

VS. :

DOUGLAS M. CHUCK :

Defendant :

INDICTMENT

NO. 110-07-1409

COUNT ONE

DISARMING A LAW ENFORCEMENT OFFICER-SECOND DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that DOUGLAS M. CHUCK, on or about May 25, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did take or attempt to exercise unlawful control over a firearm in the possession of a law enforcement officer while that officer was acting in the performance of his duties, and while said officer was in uniform or exhibiting evidence of his authority, contrary to the provisions of N.J.S.A. 2C:12-11a, and against the peace of this State, the Government and dignity of the same.

COUNT TWO

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 DOUGLAS M. CHUCK, on or about May 25, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did possess a certain weapon, that is, handcuffs, 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.

COUNT THREE

AGGRAVATED ASSAULT ON A LAW ENFORCEMENT OFFICER - THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that DOUGLAS M. CHUCK, on or about May 25, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, purposely, knowingly or recklessly did cause bodily injury to Patrolman David Therghesen, a law enforcement officer of the Brick Township Police Department, while the said officer was acting in the performance of his duties or exhibiting evidence of his authority, contrary to the provisions of N.J.S.A. 2C:12-1b(5)(a), and against the peace of this State, the Government and dignity of the same.

COUNT FOUR

AGGRAVATED ASSAULT ON A LAW ENFORCEMENT OFFICER-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that DOUGLAS M. CHUCK, on or about May 25, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, purposely did attempt to cause bodily injury to Patrolman Michael Dinnebeil, a law enforcement officer of the Brick Township Department, while the said Officer was acting in the performance of his duties or exhibiting evidence of his authority, contrary to the provisions of N.J.S.A. 2C:12-1b(5)(a), and against the peace of this State, the Government and dignity of the same.

COUNT FIVE

AGGRAVATED ASSAULT ON A LAW ENFORCEMENT OFFICER-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that DOUGLAS M. CHUCK, on or about May 25, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, purposely did attempt to cause bodily injury to Patrolman Mark Nixon, a law enforcement officer of the Brick Township Police Department, while the said Officer was acting in the performance of his duties or exhibiting evidence of his authority, contrary to the provisions of N.J.S.A. 2C:12-1b(5)(a), and against the peace of this State, the Government and dignity of the same.

COUNT SIX

AGGRAVATED ASSAULT ON A LAW ENFORCEMENT OFFICER-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that DOUGLAS M. CHUCK, on or about May 25, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, purposely did attempt to cause bodily injury to Patrolman Anthony Zurica, a law enforcement officer of the Brick Township Police Department, while the said Officer was acting in the performance of his duties or exhibiting evidence of his authority, contrary to the provisions of N.J.S.A. 2C:12-1b(5)(a), and against the peace of this State, the Government and dignity of the same.

COUNT SEVEN

RESISTING ARREST-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that DOUGLAS M. CHUCK, on or about May 25, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did purposely prevent or

attempt to prevent Officers David Thergesen, Michael Dinnebeil, Anthony Zurcia and Mark Nixon, law enforcement officers of the Brick Township Police Department from effecting an arrest by using or threatening to use physical force or violence, contrary to the provisions of N.J.S.A. 2C:29-2a(3), and against the peace of this State, the Government and dignity of the same.

JOSEPH D. CORONATO
OCEAN COUNTY PROSECUTOR

DATED: 7/14/16

BY: FRH III

FRANCIS HODGSON, III
ASSISTANT PROSECUTOR

ENDORSED: Joseph D. Coronato

Foreperson

GJ Docket # : 16001943

Superior Court of New Jersey
Law Division, Ocean County

THE STATE

VS.

DOUGLAS M. CHUCK

INDICTMENT NO.

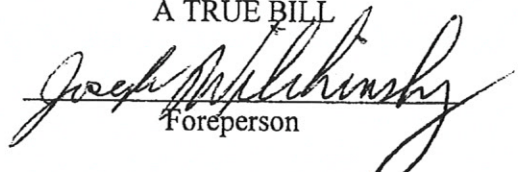
16-07-1409

INDICTMENT FOR

DISARMING A LAW ENFORCEMENT OFFICER
POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE
AGGRAVATED ASSAULT ON A LAW ENFORCEMENT OFFICER
RESISTING ARREST

Joseph D. Coronato
Ocean County Prosecutor

A TRUE BILL


Foreperson

Bail

\$100,000 no 10% -
posted 5/26/16

Condition Of Bail

No bail conditions



Judgment of Conviction

Superior Court of New Jersey, OCEAN County

State of New Jersey**v.**

Last Name

CHUCK

First Name

DOUGLAS

Middle Name

M

Also Known As

Date of Birth

02/15/1994

SBI Number

691129E

Date(s) of Offense

05/25/2016

Date of Arrest

PROMIS Number

16 001943-001

Date Ind / Acc / Complt Filed

07/14/2016

Original Plea

☒ Not Guilty ☐ Guilty

Date of Original Plea

09/26/2016

Adjudication By



Guilty Plea



Jury Trial Verdict



Non-Jury Trial Verdict



Dismissed / Acquitted

Date: 07/31/2017

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
16-07-01409-I	1	DISARMING LAW ENFORCEMENT OFFICER-ATTEMPT/TAKE FIREARM	2C:12-11A	2
16-07-01409-I	2	POSS OF WEAPON FOR UNLAWFUL PURPOSE-OTHER WEAPON	2C:39-4D	3
16-07-01409-I	3	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER-BODILY INJURY	2C:12-1B(5) (A)	3
16-07-01409-I	4	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER	2C:12-1B(5) (A)	4
16-07-01409-I	5	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER	2C:12-1B(5) (A)	4
16-07-01409-I	6	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER	2C:12-1B(5) (A)	4
16-07-01409-I	7	RESIST ARR/ELUD-USE/THREATEN FORCE AGAINST LEO/OTHER	2C:29-2A(3) (A)	3

(Cont...)

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
16-07-01409-I	3	AGG ASSAULT-ON LAW ENFORCEMENT OFFICER-BODILY INJURY	2C:12-1B(5) (A)	3
16-07-01409-I	7	RESIST ARR/ELUD-USE/THREATEN FORCE AGAINST LEO/OTHER	2C:29-2A(3) (A)	3

Sentencing Statement

It is, therefore, on 09/22/2017 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:

Counts 1, 2, 4, 5, and 6 of I-16-07-1409 are dismissed. Counts 2 and 9 of W-2016-681-1506 are dismissed. S-2016-682-1506 is dismissed.

On Counts 3 and 7 of I-16-07-1409, defendant is sentenced to Two (2) years Probation on each count concurrently.

Defendant is to comply with any and all conditions as established by Probation, including but not limited to, random urine monitoring and a Substance Abuse Evaluation if Probation deems an Evaluation is needed; and is to comply with all recommendations thereof. Maintain full-time employment.

Defendant is to pay the monetary penalties as set forth on page two hereof, through Probation at a rate of \$50 per month commencing October 15, 2017, and then by the 15th of each month thereafter.

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

000 Years 00 Months 000 Days

Institution Name

Total Probation Term

02 Years 00 Months

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																									
A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.) ☐ DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2)) <table style="width:100%; border: none;"> <tr> <td style="width: 30%;"></td> <td style="width: 30%; text-align: center;">Standard</td> <td style="width: 30%; text-align: center;">Doubled</td> <td style="width: 10%;"></td> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> <tr> <td>DP or Petty DP</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> <td></td> </tr> </table> Total DEDR Penalty \$ _____ ☐ The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)			Standard	Doubled		1st Degree	_____ @ \$	_____ @ \$		2nd Degree	_____ @ \$	_____ @ \$		3rd Degree	_____ @ \$	_____ @ \$		4th Degree	_____ @ \$	_____ @ \$		DP or Petty DP	_____ @ \$	_____ @ \$		☒ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29). ☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4). ☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4). ☐ The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2). ☐ The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____ ☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8). ☐ The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1). ☐ The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).	
	Standard	Doubled																									
1st Degree	_____ @ \$	_____ @ \$																									
2nd Degree	_____ @ \$	_____ @ \$																									
3rd Degree	_____ @ \$	_____ @ \$																									
4th Degree	_____ @ \$	_____ @ \$																									
DP or Petty DP	_____ @ \$	_____ @ \$																									
Forensic Laboratory Fee (N.J.S.A. 2C:35-20) Offenses @ \$ _____		Total Lab Fee \$ _____																									
VCCO Assessment (N.J.S.A. 2C:43-3.1)																											
Counts	Number	Amount																									
3, 7	2 @	\$ 50.00																									
	@	\$ _____																									
	@	\$ _____																									
	@	\$ _____																									
Total VCCO Assessment \$ 100.00																											
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)																											
Offense		Mandatory Penalty																									
		\$ _____																									
Offense Based Penalties																											
Penalty		Amount																									
		\$ _____																									
Other Fees and Penalties																											
Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) ☒ \$ 30.00		Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2) ☒ 2 Offenses @ \$ 75.00 Total: \$ 150.00																									
Probation Supervision Fee (N.J.S.A. 2C:45-1d) ☒ \$ 10.00		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) ☒		Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) ☐ \$ _____																									
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) ☐ \$ _____		Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) ☐ \$ _____																									
Fine \$ _____		Restitution Joint & Several \$ _____ ☐																									
Restitution \$ _____		Total Financial Obligation \$ 280.00																									
Details																											
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	Eye Color																								
		☐ M ☐ F																									

Time Credits

Time Spent in Custody

R. 3:21-8

Date: From - To
05/25/2016 - 05/26/2016

Total Number of Days 2

Gap Time Spent in Custody

N.J.S.A. 2C:44-5b(2)

Date: From - To

Total Number of Days

Rosado Time

Date: From - To

Total Number of Days

Prior Service Credit

Date: From - To

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 gives light weight to aggravating factor #3; heavy weight to #9.
The court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors in this matter. The court adopts and incorporates as part of the reason for sentence herein all matters set forth on the record at the time of sentencing.

Attorney for Defendant at Sentencing

FREDERICK P SISTO

Public Defender

☐ Yes ☒ No

Prosecutor at Sentencing

MEGHAN ONEILL

Deputy Attorney General

☐ Yes ☒ No

Judge at Sentencing

WENDEL E. DANIELS

Judge (Signature)

/s WENDEL E. DANIELS

Date

10/31/2017

State of New Jersey v.
CHUCK, DOUGLAS M

S.B.I. #691129E Ind / Acc / Compl # 16-07-01409-I

Continuation

ORIGINAL CHARGES (Cont.)

Ind / Acc / Compl	Count	Description	Statute	Degree
W-2016-000681-1506	2	DISARMING LAW ENFORCEMENT OFFICER-ATTEMPT/TAKE FIREARM	2C:12-11A	2
W-2016-000681-1506	9	UNLAWFUL POSS WEAP - OTHER WEAPONS	2C:39-5D	4
S-2016-000682-1506	1	OBSTRUCT ADMIN OF LAW-OBSTRUCT GOVT FUNCTION	2C:29-1A	DP

OCEAN COUNTY SUPERIOR COURT - LAW DIVISION
CRIMINAL INFORMATION FORM

NAME CHUCK, Douglas M. DATE 9-22-17
IND. # 16-07-1409 ACC. # _____ CASE # 16001943-001

WARRANT/COMPLAINT # _____ MUN. APP. # _____

CHARGES ct 3 3rd Agg Asslt on LEO 2C:12-1B(5)(A) MUNICIPALITY _____

ct 7 30 Rest Strg 2C:29-2A(3)
BAIL: ☐ 1st APP ☐ INFORM ☐ 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 2 days SUSP _____ WKND _____ COMMENCING _____

ct 3 & 7 DOC _____ TERM _____ PAROLE INELIG _____ AVENEL _____ YCIC _____
☐ C/C ☐ C/S CREDIT FOR TIME SERVED 2 Days

PROBATION 2 years

☒ 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 none ordered

V.C.C.P. \$100 - DEOR PENALTY _____ LAB FEE _____ LEOTEF PENALTY \$30 -

S.N.S.F. \$150 - SUP FEE \$10 - ☐ D.L. REVOKED _____ MV THEFT FINE _____

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

PAYMENT RATE \$50 - PER mo COMMENCING 10/15/17

☒ BAIL DISCHARGED ☐ ORDERED RELEASED ☐ REMAND OCEAN COUNTY JAIL

DETAINERS: _____

DISMISSED: ct 5, 1, 2, 4, 5 & 6 of 16-07-1409, ct 1 of 5-2016-682-1506

JUDGE WENDEL E. DANIELS, P.J.C.P. PROSECUTOR Meghan O'Neill

REPORTER Court Smart DEFT'S ATTY Jill Sisto

NOTES: 45 days to appeal PCR form signed.

CLERK'S SIGNATURE leda ANDREA AREVALO
COURT CLERK



**New Jersey Judiciary
Plea Form**

County OLEAN
Prosecutor File Number 16001943

Defendant's Name: DOUGLAS CARR
before Judge: CUNNINGHAM

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum		
				Time	Fine	VCCO Assmt*
16-07-1409	3	AGGRAVATED ASSAULT	3 rd	Max 5 years	15,000.	100.00
"	7	RESISTING ARREST	3 rd	Max 5 years	15,000.	100.00
				Max		
				Max		
				Max		
				Max		
Your total exposure as the result of this plea is:				Total 10 years	30,000	200.00

Please Circle
Appropriate
Answer

2. a. Did you commit the offense(s) to which you are pleading guilty? ☒ [Yes] ☐ [No]
- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? ☒ [Yes] ☐ [No]
3. Do you understand what the charges mean? ☒ [Yes] ☐ [No]
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? ☒ [Yes] ☐ [No]
- b. The right to remain silent? ☒ [Yes] ☐ [No]
- c. The right to confront the witnesses against you? ☒ [Yes] ☐ [No]
- d. Do you understand that by pleading 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]

NONE

* 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 \$ N/A

6. Do you understand that the court could, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? ☒ [Yes] ☐ [No]

7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term? ☐ [Yes] ☒ [No]

a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is ____ 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./Comp.#	Count	Nature of Offense and Degree
THE BALANCE OF THE INDICTMENT AND ANY RELATED COMPLAINTS		

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

NON-CUSTODIAL PROBATION.

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]

DC

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:

NONE.

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 7-31-17 Defendant Ray Or

Defense Attorney [Signature]

Prosecutor [Signature]

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