

AFFIDAVIT FORM 2

Agency: 1505

Berkeley Township Municipal Court

**AFFIDAVIT IN SUPPORT FOR
ARREST WARRANT**

State of New Jersey

v.

Defendant(s)

James Donegan

Amiko Donegan

State of New Jersey :

County of Ocean : ss.

**THIS AFFIDAVIT ONLY APPLIES TO BURGLARY, CRIMINAL TRESPASS, THEFT
OR RECEIVING STOLEN PROPERTY CHARGES.**

I Detective Michael O'Connor, of full age, being duly sworn according to law upon
his/her oath, deposes and says:

1. I am employed as a Detective with the Berkeley Township Police Department.
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):**

One county burglary and one count theft.

3. I have probable cause to believe that James Donegan, Amiko Donegan committed
the above offense(s).

4. I am charging the defendant with

a. ☒ Burglary

Number of Burglaries _____

b. 1 county Theft N

Number of indictable thefts 1

Total of approximate value of items taken Over \$500.00

- c. ☐ Receiving stolen property

Approximate value of items received 0

- d. ☐ Criminal trespass

The structure is a dwelling. ☒ Yes ☐ No

5. If burglary, is the place burglarized particularly described on the complaint as required by Prosecutor's Directive? ☒ Yes ☐ No
6. If theft or receiving stolen property; were the items particularly described in complaint as required by Prosecutor's Directive? ☒ Yes ☐ No
7. If the charge is theft or receiving stolen property, please list the approximate value of the items. Greater than \$500.00
8. I am charging the defendant with one count of burglary and 1 count of theft each 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 offenses.***

4. On or about late November of 2015 into late December of 2015 the Toms River Twp Police Department responded to the area of Greenbriar Woodlands Retirement Village located on New Hampshire Road in Toms River in reference to four residential burglaries within the complex. The dates of the burglaries were 11/26/15, 12/03/15, 12/23/15 and 12/26/15. Three of the four burglaries were either front door or back door kick ins and one of the burglaries point of entry was an unlocked kitchen window. Furthermore two of the burglaries consisted of the actor(s) utilizing a pillow case to remove the stolen items.

5. During the investigation the Toms River Twp Detectives learned that a female identified as Amiko Donegan D.O.B. 2/10/81 resided with her grandmother at

1535 Serrata Way located within the Greenbriar complex. It should be noted Mrs. Donegan's residence is in very close proximity to the above aforementioned burglaries. Furthermore, during this time period Mrs. Donegan was noted to be selling jewelry at some of the local gold buying establishments within Ocean County that was verified through the RPDDS data base utilized by law enforcement. Detective Robert O'Neill retrieved photographs of the sold jewelry which was shown to the victims of the burglaries. This was met with negative results. A witness to one of the burglaries advised that a younger white female knocked on her front door and asked the witness if she had seen her lost dog. The witness advised that the female got into a white Sedan and fled the area. Mrs. Donegan has a 2004 white Cadillac CTS New Jersey registration [REDACTED]. This vehicle is registered to Mrs. Donegan.

6. On 6/17/11 and 6/29/11 The Toms River Twp. Police Department responded to 24 Green Island Rd Toms River NJ in reference to two commercial burglaries. This location is identified as "Quick Stop Deli". During both incidents the actor(s) made entry by smashing the front entry glass door. During both incidents the actor(s) cut themselves leaving behind DNA evidence. Toms River Evidenced Technicians processed the scene on both occasions to include collecting swabs of blood for identification purposes. This Affiant was advised by Det. Thomas DiMichele that both blood swabs came back to Amiko Donegan. This information was received by Det. DiMichele only recently.

7. On 12/19/15, 12/20/15 and 12/27/15 The Berkeley Township Police Department responded to three separate residential burglaries in the Holiday City section of Berkeley Township. All three burglaries were forced entry to either the front or rear doors. All three burglaries consisted of the actor(s) utilizing a pillow case to remove the stolen items. During the burglary that occurred on 12/19/15 at 2 Randalls Drive, a witness who resides in the area who wished to remain anonymous for fear of reprisal

advised patrol that she observed a white younger looking male exit a white vehicle and walk to the rear of the residence. The witness advised the male subject returned a couple minutes later and got into the passenger side of the vehicle and left the area. The witness advised he/she believed that the driver was a white female.

During the burglary that occurred on 12/20/15 at 16 Duxbury Lane a witness identified as Helene Frishman who resides across the street observed a younger white male force his way through the front door of the residence. Mrs. Frishman reported observing the same male exit the back door carrying what she described as a blanket. Mrs. Frishman advised that the male subject fled swiftly to the passenger side of a white Cadillac and the vehicle fled the area. Furthermore Mrs. Frishman advised the male was wearing dark colored clothing and a knit hat. Mrs. Frishman advised she saw a white female driving the vehicle during the incident. Mrs. Frishman advised she observed a New Jersey license plate but could not read it. A second witness identified as Kenneth Welshman observed a whitish Cadillac drive up and stop on the west side of the Duxbury Drive residence. Mr. Welshman observed a white male exit the passenger door and walk to the rear door of the residence and start knocking. Mr. Welshman advised he then observed the male walk around the house to the front door where he lost sight of him. Mr. Welshman advised he figured the male knew the residents and just went about his business. Mr. Welshman described the subject as a white male, 5'6" to 5'10", wearing blue jeans, a black knit hat, and a dark colored shirt. Mr. Welshman was not sure if the driver was a male or a female.

8. During the month of December 2015, the Toms River Police Department continued to follow up on the burglary investigations in Green Briar Woodlands Retirement Village to include Amiko Donegan. Toms River Police Det. Robert O'Neill advised that Mr. Donegan had several two aliases. Mrs. Donegan utilized the names

"Amiko Doneegan", "Amiko Donnegan", "Amy Huggins", "Amiko Barbotko" and "Ami Donnegan". [REDACTED]

[REDACTED]

[REDACTED]

9. On 2/9/16 at approximately 09:00 hrs this Affiant along with Detective Michael Tier responded to 600 Mule Rd in the Holiday City section of Berkeley Township in reference to a commercial burglary. This location is a strip mall with numerous businesses within the complex. Upon arrival we met with Ptl. Daniel Williams who advised that the Holiday City Diner as well as the Final Touch Hair Salon was burglarized. This Affiant met with the owner Mohammed Emara who advised he is missing approximately four hundred dollars in cash and coin as well as a small Tupperware change container and two boxes that were used for rolls of coins. The boxes were marked with "Nickel" and "Dimes" on same. It is believed that both businesses were entered by the actor(s) by prying open the back door. During the investigation this Affiant along with Det. Tier were able to review surveillance video from the "News Plus" store located just north of the Holiday City Diner within the Plaza. This Affiant observed a white Cadillac make multiple passes within the plaza. This Affiant observed the white Cadillac drive slowly in the rear of the plaza on two occasions within minutes of each other. During the second pass this Affiant observed a sticker on the rear passenger window in the upper left corner. Furthermore this Affiant observed a white male subject with a chin strap style beard driving the vehicle. This Affiant observed the white Cadillac park in the rear of the complex. The male driver exited the vehicle and opened the trunk. The driver removed something from the trunk and placed it on the ground. The driver got back into the vehicle and drove off. This Affiant along with Det. Tier inspected the entry ways to both businesses. We determined that both

rear doors were pried open with an unknown tool possibly a large screw driver or similar.

The time line as follows dated 2/8/16:

10. At 21:10, front surveillance camera captures a white Cadillac passing through front parking lot going south towards Davenport Rd.

At 21:11, rear surveillance camera captures Cadillac passing through alley behind Holiday City Diner driving towards Route 37. This writer observed a white male subject with a chin strap style beard wearing a knit hat driving the vehicle.

At 21:12, rear surveillance camera captures Cadillac passing through alley behind Holiday City Diner driving south towards Davenport Rd. As the Cadillac passes by the camera, a square sticker is observed in rear passenger window. The Cadillac stops behind the Holiday City Diner and one subject exits the driver's side of the vehicle and moves to the trunk of the vehicle. The trunk is then opened and closed shortly after. The subject placed something on the ground at the rear of the trunk. The subject then re-enters the Cadillac and drives away.

At 21:14, the front surveillance camera captures the Cadillac park in the front parking lot in front of the News Hut. Two subjects exit the vehicle and begin walking south towards Davenport Rd. One identifiable item appeared to be a whitish furry collar being worn by the passenger. Based on this Affiants observations of the passenger, I determined the passenger was a female.

At 21:21, the rear surveillance camera captures two subjects walk out the rear door of the Holiday City Diner and walk south away from the camera view. Two subjects are then captured on the front surveillance camera walking to the Cadillac and enter the vehicle which is still parked in the front parking lot.

At 21:22, the front surveillance camera captures a male subject exit the driver's door of the Cadillac and walk across the sidewalk to the front door of the News Hut and look

in to the store for a short period. Again the subject was a white male in his 30's wearing cargo pants with unknown items stuffed in the pockets. A knit hat and a long sleeve T shirt with unknown white writing on front of same.

At 21:23, The front surveillance camera captures the male subject walk back to the Cadillac and back out of the parking space and drive north towards Route 37.

11. On the night of 2/8/16 the Toms River Police Department also experienced three commercial burglaries to businesses in the downtown area of their jurisdiction. All three burglaries consisted of forced entry to the front doors of the commercial businesses. It should be noted the Mule Rd. commercial burglaries and the Toms River downtown burglaries are less than five mile from each other.

11. On 2/9/15 at 18:00 hours this Affiant along with Toms River Detective Louis Santora conducted surveillance at 1535 Serrata Way in Toms River NJ. This location is within the gated community of Greenbriar Woodland retirement village. This address is the grandmother of Amiko Donegan. The suspect vehicle (2004 Cadillac CTS) was not at this location.

12. On 2/10/16 this Affiant received a phone call from Toms River Police Department specifically Det. Thomas DiMichele. Det. DiMichele advised he located the suspect Cadillac CTS bearing NJ registration # [REDACTED] parked in the driveway of 11 EbbTide Drive, Brick NJ 08723. Furthermore Det. DiMichele advised that the suspect vehicle had the specific sticker on the passenger side rear window of the Cadillac. Det. DiMichele was aware of the identifiable sticker from surveillance video that was provided to him by Det. Tier on 2/9/16. Det. Dimichele advised he spoke with the Brick Police Department specifically Dan Waleski in reference to the aforementioned address. Det. Waleski advised that he was familiar with that address and advised that James Donegan along with his wife Amiko Donegan reside at that address. Moreover Det. Waleski advised he was very familiar with James Donegan because of the fact he had

arrested Mr. Donegan for burglary and theft on 1/28/16 in Brick NJ. Det. Waleski advised that Mr. Donegan has a history of committing commercial and residential burglaries.

13. On 2/10/16 this Affiant spoke with Det. Waleski via telephone. Det. Waleski confirmed to this Affiant that James and Amiko Donegan have been residing at 11 Ebb Tide in Brick NJ since at least September 13th 2014. A check of James Donegan's CCH confirmed the address of 11 Ebb Tide Drive Brick NJ 08723.

14. On the evening of 2/10/16 this Affiant along with the Toms River Detective Office and Det. Waleski of the Brick Township Detective office held a meeting at the Toms River Police Department in reference to James and Amiko Donegan. Det. Waleski was able to review the surveillance video of the actors along with their vehicle that we obtained from the "News Plus" store. Det. Waleski advised that he felt fairly certain that the male subject in the video was in fact James Donegan. Det. Waleski advised that the clothing was also similar to the clothing worn when Det. Waleski arrested him back on 1/28/16. During the meeting it was determined that a search warrant for 11 Ebb Tide residence and the Cadillac CTS would be applied for.

15. On 2/10/16 this Affiant responded to #2 Randalls Drive in the Holiday City section of Berkeley Township. This residence was burglarized on 12/19/16. This Affiant met with the victim Ana Parejo-Pucci and showed her photographs of jewelry that was sold on 12/21/16 at Michele Gold Buying on Brick Blvd in Brick Twp. The jewelry was sold by Amiko Donegan. The gold buying sale was complete with a copy of a NJ Driver's License belonging to Amiko Donegan. Mrs. Pareja-Pucci immediately and without hesitation positively identified four pieces distinct jewelry as being hers. A ten diamond gold ring, gold star earrings, an Emerald and gold bracelet and a child sized boys ring gold ring. It should be noted Mrs. Pareja-Pucci was very upset when this Affiant informed her that the jewelry was not recoverable.

16. On 2/10/16 this Affiant responded to #27 Zeeland Drive in the Holiday City section Of Berkeley Township. This residence was burglarized sometime between 12/19/15 and 01/02/16. This Affiant met with the victim identified as Rosalind Vicario and showed her photographs of jewelry also sold on 12/21/16 at Micheles Gold Buying on Brick Blvd in Brick Twp. The jewelry was sold by Amiko Donegan. The gold buying sale was complete with a copy of NJ Driver's License belonging to Amiko Donegan. Mrs. Vicario immediately identified five pieces of jewelry as belonging to her. Three different style gold necklaces, an Italian horn and a gold tennis style bracelet.

17. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

James Donegan's bail was set at \$25000.00 full by the Honorable James J Gluck.

Amiko Donegan's bail was set at \$25000.00 full by the Honorable James J Gluck

19. During the course of electronically recorded interviews with James Donegan and Amiko Donegan it was learned that the two defendants committed the burglary at 16 Duxbury Road on 12/27/2015.

9. The stolen items were recovered. ☐ Yes ☒ No ☐ N/A

10. If stolen items were recovered were they returned to the lawful owner?

☐ Yes ☒ No ☐ N/A

11. If stolen items were returned to their lawful owner were they photographed?

☐ Yes ☐ No ☒ N/A

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

13. Was a child under the age of 18 years involved or present during the commission of the offense or the subsequent arrest? ☐ Yes ☒ No

14. If the answer to Question 13 was yes did you or someone from your department report the incident to DYFS at 877 NJ ABUSE (877-652-2873)? ☐ Yes ☐ No

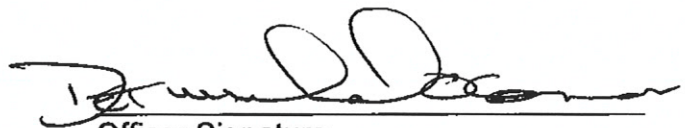
THE FOLLOWING APPLIES TO ANY CHARGES SECOND DEGREE OR GREATER

(Do not leave blank)

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

(Burglary is a second degree crime if during the course of the burglary the defendant threatened or attempted to inflict or inflicted injury to anyone present or was armed with a deadly weapon)

- a. If the answer to the above is yes, name the Assistant Prosecutor who approved the signing of the complaint.
- 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 15b is yes please note the complaint number and the count number. Complaint No.: Count No.: .


Officer Signature

Sworn and subscribed to before me
This 23 day of Feb, 2016


Notary or Judicial Officer Signature

COMPLAINT - SUMMONS**THE STATE OF NEW JERSEY****VS.****JAMES R DONEGAN**

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753
(732) 797-3914 COUNTY OF: **OCEAN**

ADDRESS: **11 EBB TIDE DRIVE**

BRICK**NJ 08723**

of CHARGES: **3** CO-DEFTS: **1** POLICE CASE #: **15-70027**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BLUE** DOB: **06-13-1978**
 DRIVER'S LIC. #: [REDACTED] DL STATE: **NJ**
 SOCIAL SECURITY #: [REDACTED] SBI #: **564997D**
 TELEPHONE #: [REDACTED]

COMPLAINANT: **DET. M. BAJADA**
 NAME: **POBX876/255OAKAVE**
ATTN WARRANTS
TOMS RIVER NJ 08753

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 11-26-2015 in **TOMS RIVER TWP**, **OCEAN** County, NJ did: **WITHIN THE JURISDICTION OF THIS COURT, COMMIT THE OFFENSE OF BURGLARY BY ENTERING A STRUCTURE OF OWNER, D NADEL, 1536 QUINCE PLACE, GREEN BRIAR WOODLANDS ADULT COMMUNITY, TOMS RIVER, 08755, WHICH WAS NOT OPEN TO THE PUBLIC AT THE TIME AND WHICH DEFENDANT WAS NOT LICENSED OR PRIVILEGED TO ENTER, WITH PURPOSE TO COMMIT AN OFFENSE OF CRIMINAL MISCHIEF AND THEFT BY SHOULDERING THE ENTRANCE DOOR AND REMOVING SILVER WARE AND OTHER PERSONAL ITEMS VALUED IN EXCESS OVER \$500.00**

WITHIN THE JURISDICTION OF THIS COURT, COMMIT THE OFFENSE OF THEFT BY UNLAWFULLY TAKING OR EXERCISING CONTROL OVER CERTAIN MOVEABLE PROPERTY, TO WIT NUMEROUS PIECES OF SILVER WARE AND OTHER PERSONAL ITEMS BELONGING TO HOMEOWNER IN EXCESS OF \$500.00 FROM VICTIM'S HOME DURING THE COMMISSION OF A RESIDENTIAL BURGLARY

WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY PURPOSELY OR RECKLESSLY TAMPERING WITH PROPERTY BELONGING TO C CARRE JR SO AS TO ENDANGER

in violation of:

Original Charge: 1) **2C:18-2A(1)** 2) **2C:20-3A** 3) **2C:17-3(B)(2)**

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: **DET. M. BAJADA** Date: **02-25-2016**

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: **02-29-2016** TIME: **12:00pm** **DET. M. BAJADA** **02-25-2016**

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 1

COMPLAINT - SUMMONS

1507 5 2016 000412

THE STATE OF NEW JERSEY**VS.****JAMES R DONEGAN**

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753
(732) 797-3914 COUNTY OF: **OCEAN**

ADDRESS: **11 EBB TIDE DRIVE**

BRICK**NJ 08723**

of CHARGES **3** CO-DEFTS **1** POLICE CASE #: **15-70027**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BLUE** DOB: **06-13-1978**
 DRIVER'S LIC. #. [REDACTED] DL STATE: **NJ**
 SOCIAL SECURITY #: [REDACTED] SBI #: **564997D**
 TELEPHONE #:

COMPLAINANT **DET. M. BAJADA**
 NAME: **POBX876/255OAKAVE**
ATTN WARRANTS
TOMS RIVER NJ 08753

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 **11-26-2015** in **TOMS RIVER TWP**, **OCEAN** County, **NJ** did: **PROPERTY AND PURPOSELY CAUSED PECUNIARY LOSS IN THE AMOUNT IN EXCESS OF \$250.00 BY DAMAGING THE ENTRANCE DOOR, DOOR JAMB, STRIKE PLATE AND HARDWARE TO GAIN ENTRY INTO THE VICTIM'S HOME TO COMMIT A BURGLARY.**

in violation of:

Original Charge	1)	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: **DET. M. BAJADA** Date: **02-25-2016**

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: 02-29-2016 TIME: 12:00pm **DET. M. BAJADA** **02-25-2016**
 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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

THE STATE OF NEW JERSEY :

VS. :

JAMES R. DONEGAN :

Defendant :

INDICTMENT

NO. 16-03-626

COUNT ONE

FRAUDULENT USE OF A CREDIT CARD-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JAMES R. DONEGAN, on or about September 17, 2015, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, purposely did use a stolen Capitol One Mastercard credit card to obtain money, goods, services or other things of value from 7-11, contrary to the provisions of N.J.S.A. 2C:21-6h, and against the peace of this State, the Government and dignity of the same.

COUNT TWO

RECEIVING STOLEN PROPERTY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JAMES R. DONEGAN, on or about September 17, 2015, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did commit theft by knowingly receiving or bringing into this State, the moveable property of Kelly R. Grubb, that is an access device, specifically a Chase Visa debit card, knowing the

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MAR 30 2016

DEPUTY CLERK
SUPERIOR CT. OCEAN CO.

same to be stolen or believing that it had probably been stolen, contrary to the provisions of N.J.S.A. 2C:20-7, and against the peace of this State, the Government and dignity of the same.

COUNT THREE

ATTEMPTED THEFT BY DECEPTION-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JAMES R. DONEGAN, on or about September 19, 2015, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, purposely did attempt to obtain the property of Kelly R. Grubb, having a value of at least \$200.00 but less \$500.00, by deception, that is by attempting to use Kelly R. Grubb's stolen Chase Visa debit card to obtain goods from CVS, contrary to the provisions of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:20-4, and against the peace of this State, the Government and dignity of the same.

JOSEPH D. CORONATO
OCEAN COUNTY PROSECUTOR

DATED: 3/30/16

BY: Alyssa Manera
ALYSSA MANERA
ASSISTANT PROSECUTOR

ENDORSED: Kate Chiu-Barry
Foreperson

GJ Docket #: 15004194

Superior Court of New Jersey
Law Division, Ocean County

THE STATE

VS.

JAMES R. DONEGAN

INDICTMENT NO.

16-03-626

INDICTMENT FOR

FRAUDULENT USE OF A CREDIT CARD
RECEIVING STOLEN PROPERTY
ATTEMPTED THEFT BY DECEPTION

Joseph D. Coronato
Ocean County Prosecutor

A TRUE BILL

Katho Chin-Bary
Foreperson

Bail \$10,000 no 10% -
posted 11/19/15

Condition Of Bail No bail conditions

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

THE STATE OF NEW JERSEY :

VS. :

AMIKO DONEGAN
JAMES R. DONEGAN

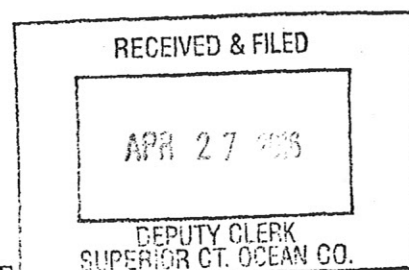
Defendants :

INDICTMENT

NO. 16-04-847

COUNT ONE

BURGLARY-THIRD DEGREE



The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about November 26, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Anthony Mennella at 2234 Beltane Road, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWO

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about November 26, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the

moveable property of Anthony Menella, that is, a watch and jewelry, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT THREE

CRIMINAL MISCHIEF-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about November 26, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, purposely or knowingly did damage the tangible property of Anthony Mennella, causing pecuniary loss of at least \$500.00 but not in excess of \$2000.00, contrary to the provisions of N.J.S.A. 2C:17-3a(1), and against the peace of this State, the Government and dignity of the same.

COUNT FOUR

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about December 3, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Solomon Nadel at 1536 Quince Place, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT FIVE

THEFT BY UNLAWFUL TAKING-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about December 3, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Solomon Nadel, that is, various property including silverware and tie clips, having a value of at least \$200.00 but not in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT SIX

CRIMINAL MISCHIEF-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about December 3, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, purposely or knowingly did damage the tangible property of Solomon Nadel, causing pecuniary loss of at least \$500.00 but not in excess of \$2,000.00, contrary to the provisions of N.J.S.A. 2C:17-3a(1), and against the peace of this State, the Government and dignity of the same.

COUNT SEVEN

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about

December 23, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of John and Irene Marino at 1523 Serrata Way, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT EIGHT

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about December 23, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of John and Irene Marino, that is, jewelry, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT NINE

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, between the dates of December 23, 2015 and December 26, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of James and Patricia Barry at 2161 Beltane Road, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TEN

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, between the dates of December 23, 2015 and December 26, 2015, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of James and Patricia Barry, that is, jewelry, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT ELEVEN

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Charles F. Carre, Jr. at 1511 Serrata Way, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWELVE

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about

February 11, 2016, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Charles F. Carre, Jr. and Diane Baron-Carre, that is, jewelry and other property, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT THIRTEEN

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Damiana Annese at 1512 Essex Court, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT FOURTEEN

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Damiana Annese, that is, a flat screen television and other personal property, having a value in excess of \$500.00, with the purpose to deprive the owner thereof,

contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT FIFTEEN

CRIMINAL MISCHIEF-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, purposely or knowingly did damage the tangible property of Damiana Annese, causing pecuniary loss in excess of \$500.00 but less than \$2,000.00, contrary to the provisions of N.J.S.A. 2C:17-3a(1), and against the peace of this State, the Government and dignity of the same.

COUNT SIXTEEN

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Jim Sammarco, that is, power tools, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT SEVENTEEN

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about December 19, 2015, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Ana Pareja at 2 Randalls Drive, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT EIGHTEEN

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about December 19, 2015, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Ana Pareja, that is, jewelry, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT NINETEEN

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about December 27, 2015, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Jean Patterson at 16 Duxbury

Road, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about December 27, 2015, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Jean Patterson, that is, jewelry, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-ONE

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 9, 2016, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Holiday City Diner at 600 Mule Road, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-TWO

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about

February 9, 2016, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Final Touch Hair Salon at 600 Mule Road, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-THREE

THEFT BY UNLAWFUL TAKING-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 9, 2016, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Mohammed Emara, that is, United States Currency, having a value of at least \$200.00 but not in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-FOUR

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, between the dates of December 19, 2015 and January 2, 2016, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Rosalind Vicario at 27 Zeeland Drive, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-FIVE

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, between the dates of December 19, 2015 and January 2, 2016, in the Township of Berkeley, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Rosalind Vicario, that is, jewelry, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-SIX

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Gail M. Vandyke at 953 Midland Avenue, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-SEVEN

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of

this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Gail M. Vandyke, that is, jewelry, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-EIGHT

CRIMINAL MISCHIEF-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, purposely or knowingly did damage the tangible property of Gail M. Vandyke, causing pecuniary loss in excess of \$200.00 but less than \$2,000.00 contrary to the provisions of N.J.S.A. 2C:17-3a(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-NINE

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Marianne McConnell at 738 Downey Avenue, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY

THEFT BY UNLAWFUL TAKING-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Marianne McConnell, that is, jewelry, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-ONE

CRIMINAL MISCHIEF-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, purposely or knowingly did damage the personal property of Marianne McConnell, causing pecuniary loss in excess of \$500.00 but less than \$2,000.00, contrary to the provisions of N.J.S.A. 2C:17-3a(1), and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-TWO

DEALING IN STOLEN PROPERTY - THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Howell, County of Monmouth, and within the

jurisdiction of this Court, knowingly did traffic in stolen property, that is, jewelry, belonging to Gail Vandyke and Marianne McConnell, having a value in excess of \$500.00, by selling, transferring, distributing, dispensing or otherwise disposing of stolen property to another person, contrary to the provisions of N.J.S.A. 2C:20-7.1b, and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-THREE

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about January 28, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did enter an automobile, that is, a Ford Econoline van belonging to Encore Dental, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-FOUR

THEFT BY UNLAWFUL TAKING-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about January 28, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable property of Encore Dental, that is, power tools, having a value of at least \$200.00 but not in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-FIVE

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about January 28, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did enter an automobile, that is, a Ford F350 box truck belonging to Jonathan Hazen, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-SIX

BURGLARY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about January 27, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did enter an automobile, that is, a Ford E350 work truck belonging to A.J. Perri, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-SEVEN

THEFT-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about January 27, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the moveable

property of A.J. Perri and Patrick Falka, that is, power tools, having a value in excess of \$500.00, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3a, and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-EIGHT

DEALING IN STOLEN PROPERTY - THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, between the dates of December 21, 2015 and December 26, 2015, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did traffic in stolen property, that is, jewelry, belonging to Ana Pareja and Rosalind Vicario, having a value in excess of \$500.00, by selling, transferring, distributing, dispensing or otherwise disposing of stolen property to another person, contrary to the provisions of N.J.S.A. 2C:20-7.1b, and against the peace of this State, the Government and dignity of the same.

COUNT THIRTY-NINE

RECEIVING STOLEN PROPERTY-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that AMIKO DONEGAN and JAMES R. DONEGAN, on or about February 11, 2016, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did commit theft by knowingly receiving or bringing into this State, the moveable property of Solomon Nadel, Patricia Barry, Diane Baron-Carre, Charles F. Carre, Jr., Damiana Annese, Ana Pareja and Rosalind Vicario, that is jewelry, having a value in excess of \$500.00, knowing the same to be stolen or believing that it had probably been

stolen, contrary to the provisions of N.J.S.A. 2C:20-7, and against the peace of this State, the Government and dignity of the same.

JOSEPH D. CORONATO
OCEAN COUNTY PROSECUTOR

DATED: 4/27/16

BY: Alyssa Mandara
ALYSSA MANDARA
ASSISTANT PROSECUTOR

ENDORSED: Kate Chiu-Bany
Foreperson

GJ Docket # : 16000541

Superior Court of New Jersey
Law Division, Ocean County

THE STATE

VS.

AMIKO DONEGAN
JAMES R. DONEGAN

INDICTMENT NO.

16-04-847

INDICTMENT FOR

BURGLARY
THEFT BY UNLAWFUL TAKING
CRIMINAL MISCHIEF
DEALING IN STOLEN PROPERTY
RECEIVING STOLEN PROPERTY

Joseph D. Coronato
Ocean County Prosecutor

A TRUE BILL

Kate Chu-Bany
Foreperson

~~\$70,000~~

AD: \$10,000 with 10% - not

posted - in OCJ

JD: \$25,000 with 10% - not

posted - in OCJ

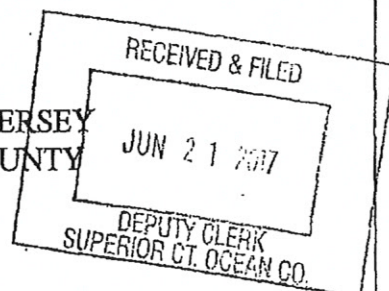
Bail

Both:

Condition Of Bail

No contact with victim

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY



THE STATE OF NEW JERSEY :

VS. :

JAMES R. DONEGAN :

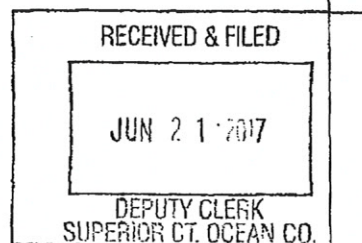
Defendant :

INDICTMENT

NO. 17-06-990

COUNT ONE

BURGLARY-THIRD DEGREE



The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JAMES R. DONEGAN, on or about April 6, 2017, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, knowingly did enter the structure of Omar Almallah at 108 Cranmoor Drive, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2a(1), and against the peace of this State, the Government and dignity of the same.

JOSEPH D. CORONATO
OCEAN COUNTY PROSECUTOR

DATED: 6/21/17

BY: Kim Carr
KIMBERLY CARR
ASSISTANT PROSECUTOR

ENDORSED: Jerry Lee
Foreperson

GJ Docket # : 17001073

Superior Court of New Jersey
Law Division, Ocean County

THE STATE

VS.

JAMES R. DONEGAN

INDICTMENT NO.

17-06-990

INDICTMENT FOR

BURGLARY

Joseph D. Coronato
Ocean County Prosecutor

A TRUE BILL

Jerry Lee
Foreperson

Eligible defendant
under Bail Reform -
Released 5/3/17

Bail

Condition Of Bail No contact with victim

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

NAME James Donagan DATE 4/27/18
 IND. # 16-4.847 ACC. # _____ CASE # 16000541-2
 WARRANT/COMPLAINT # _____ MUN. APP. # _____
 CHARGES _____ MUNICIPALITY _____

BAIL: ☐ 1st APP ☐ INFRL ☐ 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, 4, 7, 9, 11, 13, 17, 19, 21, 22, 24, 26, 29, 32, 33, 35, 36, 38, 39 - Burglary 2c:18-20(1) + CT 16 - Theft 2c:20-39 3rd
☐ LR ATTACHED ☐ P.S.I. ORDERED ☐ BAIL CONT'D
 TO BE DISMISSED _____

VOP: GUILTY TO: _____ VERDICT: _____
☐ TERMINATE PROBATION ☐ PAY PAROLE ☐ DISMISSED _____

SENTENCE: OCJ _____ TERM _____ SUSP _____ WKND _____ COMMENCING _____
 DOC _____ TERM _____ PAROLE INELIG _____ AVENEL _____ YCIC _____
☒ C/C ☐ C/S CREDIT FOR TIME SERVED 148

PROBATION 5 years drug court probation

☐ SUB ABUSE EVAL ☒ URINE TESTING ☐ PSYCH EVAL PROGRAM Drug top 2.1

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

EMPLOYMENT: OBTAIN/MAINTAIN COMM SRVC HRS _____ FINE _____

☐ PAROLE SUPERVISION FOR LIFE ☒ DNA ORDERED RESTITUTION AMOUNT 23,783.82

V.C.C.B. 1000- DEOR PENALTY _____ LAB FEE _____ LEOTEF PENALTY 30-

S.N.S.F. 1500- SUP FEEMO 10- ☐ 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

DETAINEES: _____

DISMISSED: Balance of Tr 1

Track - 1

JUDGE Steen & Neron PROSECUTOR J. Foti

REPORTER Court Sent DEFT'S ATTY James Butler

NOTES: 45 days to appeal signed Alternate - 7425 850/Nera
12/1 per transcription signed

CLERK'S SIGNATURE [Signature]



New Jersey Judiciary
Plea Form

County Ocean

Defendant's Name: JAMIES R. DOMINGA

Prosecutor File Number 15004194

before Judge: MINISTIT

16000541

12001073

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum		
				Time	Fine	VCCO Assmt*
<u>16-03-626</u>	<u>1</u>	<u>2nd degree</u>	<u>4th</u>	Max <u>18 mos</u>	<u>15,000</u>	<u>50.00</u>
<u>"</u>	<u>2</u>	<u>3rd degree</u>	<u>3rd</u>	Max <u>5 years</u>	<u>35,000</u>	<u>50.00</u>
<u>16-04-847</u>	<u>1</u>	<u>Burglary</u>	<u>3rd</u>	Max <u>5 years</u>	<u>35,000</u>	<u>50.00</u>
<u>"</u>	<u>4</u>	<u>BURGLARY</u>	<u>2nd</u>	Max <u>5 years</u>	<u>35,000</u>	<u>50.00</u>
<u>"</u>	<u>7</u>	<u>BURGLARY</u>	<u>2nd</u>	Max <u>5 years</u>	<u>35,000</u>	<u>50.00</u>
Your total exposure as the result of this plea is:				Total		

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]

50.00

* Victims of Crime Compensation Office Assessment

JD



New Jersey Judiciary
Plea Form

Defendant's Name: JAMIS R. DONISCAN
before Judge: ANIL K. MITTAL

County Ocean

Prosecutor File Number _____

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum		
					Time	Fine
16-048479	9	BURGLARY	3rd	Max	5 years	\$5,000
11	11	BURGLARY	3rd	Max	5 years	\$5,000
11	13	BURGLARY	3rd	Max	5 years	\$5,000
11	16	TITLEIST	3rd	Max	5 years	\$5,000
11	17	BURGLARY		Max	5 years	\$5,000
Your total exposure as the result of this plea is:				Total		

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]

\$0.00

* Victims of Crime Compensation Office Assessment

3



New Jersey Judiciary

Plea Form

Defendant's Name:

JAMIS R. DONIGAN

before Judge:

WILLIAM TIT

County

Ocean

Prosecutor File Number

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			VCCO Assmt*
					Time	Fine	
16-04-847	19	BURGLARY	3rd	Max	5 years	\$5,000	50-00
	21	BURGLARY	3rd	Max	5 years	\$5,000	50-00
	22	BURGLARY	3rd	Max	5 years	\$5,000	50-00
	24	BURGLARY	3rd	Max	5 years	\$5,000	50-00
	26	BURGLARY	3rd	Max	5 years	\$5,000	50-00
Your total exposure as the result of this plea is:				Total			

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

J.D.



New Jersey Judiciary
Plea Form

Defendant's Name: JAMES R. DONOGHUE
before Judge: WILSON

County Ocean
Prosecutor File Number _____

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum		
					Time	Fine
16-04-84	32	BURGLARY	3rd	Max	5 year	\$5,000
17	32	BURGLARY	3rd	Max	5 year	\$5,000
11	33	BURGLARY	2nd	Max	5 year	\$5,000
	35	BURGLARY	2nd	Max	5 year	\$5,000
11	36	BURGLARY	3rd	Max	5 year	\$5,000
Your total exposure as the result of this plea is:				Total		

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

J.D.



New Jersey Judiciary

Plea Form

Defendant's Name: JAMES R. DONAGAN

before Judge: WILLIAM R. 7 14

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree
16-04-54738	38	Burglary	3 rd
17-04-9401	39	BURGLARY	3 rd
		Burglary	2 nd

Statutory Maximum

	Time	Fine	VCCO Assmt*
Max	5 years	75,000	50.00
Max	5 years	75,000	50.00
Max	5 years	75,000	50.00
Max			
Max			
Total	11 1/2 years	225,000	150.00

Your total exposure as the result of this plea is:

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

J.D.

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 \$ _____

J.D.

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
16-03-026	Count 1	Aggravated Battery
16-04-847	23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37	Aggravated Battery

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

Prosecutor recommends 5 yrs.
Drug Court Probation or
Alternative Sentences 7 year with 85% NIS
200 hours Community Service 8 years NIS
Restitution on all counts, incl. Dismissed

J.D.

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]

J.D.

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:

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 4-13-18 Defendant *[Signature]*
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.



Judgment of Conviction

Superior Court of New Jersey, OCEAN County

State of New Jersey**v.**

Last Name

DONEGAN

First Name

JAMES

Middle Name

R

Also Known As

Date of Birth

06/13/1978

SBI Number

564997D

Date(s) of Offense

02/11/2016

Date of Arrest

PROMIS Number

16 000541-002

Date Ind / Acc / Complt Filed

04/27/2016

Original Plea

☒ Not Guilty☐ Guilty

Date of Original Plea

05/23/2016

Adjudication By

☒ Guilty Plea☐ Jury Trial Verdict☐ Non-Jury Trial Verdict☐ Dismissed / Acquitted

Date: 04/13/2018

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
16-04-00847-I	1	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	2	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	3	CRIMINAL MISCHIEF-DAMAGE PROPERTY \$500-\$2000	2C:17-3A(1)	4
16-04-00847-I	4	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	5	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$200-\$499	2C:20-3A	4
16-04-00847-I	6	CRIMINAL MISCHIEF-DAMAGE PROPERTY \$500-\$2000	2C:17-3A(1)	4
16-04-00847-I	7	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3

(Cont...)

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
16-04-00847-I	1	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	4	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	7	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	9	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	11	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3

(Cont...)

Sentencing Statement

It is, therefore, on 04/27/2018 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:

On Counts 1, 4, 7, 9, 11, 13, 16, 17, 19, 21, 22, 24, 26, 29, 32, 33, 35, 36, 38 and 39 of Indictment No. 16-04-00847-I this defendant is sentenced to DRUG COURT PROBATION for a period of Five (5) Years, Track One, concurrent to Indictment Nos. 16-03-00626-I, 14-01-00200-I, 17-06-00990-I, 13-09-02393-I. Follow all treatment recommendations made by the Court. Participant is to follow all aftercare as recommended by Probation and/or the treatment program.

Participant shall abide by all Ocean County Drug Court and all Ocean County Probation requirements, including all terms of the Drug Court Participation Agreement, and shall remain free from drugs and alcohol and from people who use drugs and shall submit to random urine monitoring. The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for the testing of the sample. Defendant is also to provide truthful testimony against any co-defendants, if called upon to do so.

VCCA: \$1000.00; SNSF: \$1500.00; LEOTEF: \$30.00. Participant shall pay a Supervision Fee of \$10.00 per month. All fines and penalties are to be paid through Probation at the rate to be set by probation. Bail is discharged. Jail credits: 148 days.

Defendant shall obtain/maintain employment.

To be dismissed: Balance of the Indictment.

(Cont...)

☐ 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

05 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)) <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;"></th> <th style="width:30%; text-align: center;">Standard</th> <th style="width:30%; text-align: center;">Doubled</th> </tr> </thead> <tbody> <tr> <td>1st Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>DP or</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>Petty DP</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> </tbody> </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	@ \$	@ \$	Additional Conditions ☒ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29). ☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4). ☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4). ☐ The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2). ☐ The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____ ☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8). ☐ The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1). ☐ The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).	
	Standard	Doubled																						
1st Degree	@ \$	@ \$																						
2nd Degree	@ \$	@ \$																						
3rd Degree	@ \$	@ \$																						
4th Degree	@ \$	@ \$																						
DP or	@ \$	@ \$																						
Petty DP	@ \$	@ \$																						
VCCO Assessment (N.J.S.A. 2C:43-3.1) <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;">Counts</th> <th style="width:30%;">Number</th> <th style="width:30%;">Amount</th> </tr> </thead> <tbody> <tr> <td>1 4 7 9 11 13 16</td> <td style="text-align: center;">20 @</td> <td style="text-align: right;">\$ 50.00</td> </tr> <tr> <td></td> <td style="text-align: center;">@</td> <td style="text-align: right;">\$</td> </tr> <tr> <td></td> <td style="text-align: center;">@</td> <td style="text-align: right;">\$</td> </tr> <tr> <td></td> <td style="text-align: center;">@</td> <td style="text-align: right;">\$</td> </tr> </tbody> </table> Total VCCO Assessment \$ 1,000.00		Counts	Number	Amount	1 4 7 9 11 13 16	20 @	\$ 50.00		@	\$		@	\$		@	\$	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.							
Counts	Number	Amount																						
1 4 7 9 11 13 16	20 @	\$ 50.00																						
	@	\$																						
	@	\$																						
	@	\$																						
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;">Offense</td> <td style="width:40%;">Mandatory Penalty</td> </tr> <tr> <td></td> <td style="text-align: right;">\$ _____</td> </tr> </table>		Offense	Mandatory Penalty		\$ _____	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 _____																		
Offense	Mandatory Penalty																							
	\$ _____																							
Offense Based Penalties <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;">Penalty</td> <td style="width:40%;">Amount</td> </tr> <tr> <td></td> <td style="text-align: right;">\$ _____</td> </tr> </table>		Penalty	Amount		\$ _____	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 _____																		
Penalty	Amount																							
	\$ _____																							
Other Fees and Penalties <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; vertical-align: top;"> Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) ☒ \$ 30.00 Probation Supervision Fee (N.J.S.A. 2C:45-1d) ☒ \$ 10.00 Transaction Fee (N.J.S.A. 2C:46-1.1) ☐ Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) ☐ \$ _____ Fine \$ _____ Restitution Joint & Several \$ 23,783.82 ☐ </td> <td style="width:50%; vertical-align: top;"> Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2) ☒ 20 Offenses @ \$ 75.00 Total: \$ 1,500.00 Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) ☐ Offenses @ \$ _____ Total \$ _____ Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) ☐ \$ _____ Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) ☐ \$ _____ Total Financial Obligation \$ 26,313.82 </td> </tr> </table>		Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) ☒ \$ 30.00 Probation Supervision Fee (N.J.S.A. 2C:45-1d) ☒ \$ 10.00 Transaction Fee (N.J.S.A. 2C:46-1.1) ☐ Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) ☐ \$ _____ Fine \$ _____ Restitution Joint & Several \$ 23,783.82 ☐	Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2) ☒ 20 Offenses @ \$ 75.00 Total: \$ 1,500.00 Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) ☐ Offenses @ \$ _____ Total \$ _____ Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) ☐ \$ _____ Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) ☐ \$ _____ Total Financial Obligation \$ 26,313.82	Restitution is as follows: \$2282 to JM; \$450 to JP, \$1000 to JB; \$2856.90 to GVD, \$3150 to RV; \$1169.92 to MMC; \$12,500 to AP; \$375 to JS.																				
Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) ☒ \$ 30.00 Probation Supervision Fee (N.J.S.A. 2C:45-1d) ☒ \$ 10.00 Transaction Fee (N.J.S.A. 2C:46-1.1) ☐ Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) ☐ \$ _____ Fine \$ _____ Restitution Joint & Several \$ 23,783.82 ☐	Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2) ☒ 20 Offenses @ \$ 75.00 Total: \$ 1,500.00 Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) ☐ Offenses @ \$ _____ Total \$ _____ Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) ☐ \$ _____ Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) ☐ \$ _____ Total Financial Obligation \$ 26,313.82																							

Time Credits

Time Spent in Custody

R. 3:21-8

Date: From - To
01/29/2016 - 02/01/2016
02/12/2016 - 06/20/2016
10/22/2016 - 10/23/2016
04/28/2017 - 05/03/2017
03/28/2018 - 04/02/2018

Total Number of Days 148

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.
10. with the structure of Drug Court.

The Court finds that the mitigating factor outweighs the aggravating factors.

Attorney for Defendant at Sentencing

JAMES N BUTLER JR

Public Defender

☐ Yes ☒ No

Prosecutor at Sentencing

JOHN FOTI

Deputy Attorney General

☐ Yes ☒ No

Judge at Sentencing

Steven Nemeth

Judge (Signature)

/s Steven Nemeth

Date

05/04/2018

Continuation

ORIGINAL CHARGES (Cont.)

Ind / Acc / Complt	Count	Description	Statute	Degree
16-04-00847-I	8	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	9	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	10	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	11	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	12	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	13	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	14	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	15	CRIMINAL MISCHIEF-DAMAGE PROPERTY \$500-\$2000	2C:17-3A(1)	4
16-04-00847-I	16	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	17	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	18	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	19	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	20	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	21	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	22	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	23	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$200-\$499	2C:20-3A	4
16-04-00847-I	24	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	25	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	26	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	27	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	28	CRIMINAL MISCHIEF-DAMAGE PROPERTY \$500-\$2000	2C:17-3A(1)	4
16-04-00847-I	29	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	30	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	31	CRIMINAL MISCHIEF-DAMAGE PROPERTY \$500-\$2000	2C:17-3A(1)	4
16-04-00847-I	32	FENCING-DEALING IN STOLEN PROP-VALUE \$500-\$74999 ETC	2C:20-7.1B	3
16-04-00847-I	33	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	34	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$200-\$499	2C:20-3A	4
16-04-00847-I	35	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	36	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	37	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	38	FENCING-DEALING IN STOLEN PROP-VALUE \$500-\$74999 ETC	2C:20-7.1B	3
16-04-00847-I	39	RECEIVING STOLEN PROP-KNOW PROP STOLEN-VAL 500-74999 ETC	2C:20-7A	3
W-2016-000111-1505	1	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
W-2016-000297-1507	3	CRIMINAL MISCHIEF CAUSING PECUNIARY LOSS BTWN 500 -2000	2C:17-3B(2)	4
S-2016-000356-1507	901	CRIMINAL MISCHIEF CAUSING PECUNIARY LOSS <\$2000	2C:17-3B(2)	DP
S-2016-000412-1507	902	CRIMINAL MISCHIEF CAUSING PECUNIARY LOSS <\$2000	2C:17-3B(2)	DP

FINAL CHARGES (Cont.)

Ind / Acc / Complt	Count	Description	Statute	Degree
16-04-00847-I	13	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	16	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
16-04-00847-I	17	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	19	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	21	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	22	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	24	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	26	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	29	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	32	FENCING-DEALING IN STOLEN PROP-VALUE \$500-\$74999 ETC	2C:20-7.1B	3
16-04-00847-I	33	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	35	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	36	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
16-04-00847-I	38	FENCING-DEALING IN STOLEN PROP-VALUE \$500-\$74999 ETC	2C:20-7.1B	3
16-04-00847-I	39	RECEIVING STOLEN PROP-KNOW PROP STOLEN-VAL 500-74999 ETC	2C:20-7A	3

SENTENCING STATEMENT (Cont.)

In the event that this defendant had been found to be unsuitable for entry and sentencing into Drug Court, the Court finds that the defendant would have been sentenced to Five (5) years, concurrent on all counts, to the Custody of the Commissioner of the Department of Corrections, concurrent to Indictment Nos. 16-03-00626-I, 14-01-00200-I, 17-06-00990-I, 13-09-02393-I.