

BRADLEY D. BILLHIMER
Ocean County Prosecutor

ANTHONY U. CARRINGTON
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

November 8, 2021

Via OPRA Machine: opra+request-26883-13294046@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 21003026 – Emba Mendez

Dear Sir/Madam:

Enclosed please find the Complaint Summons, Affidavit and Preliminary Law Enforcement Incident Report, 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 Reports, Indictments, Plea Forms, Sentencing Information and Criminal Information Forms.

If I can be of further assistance, please do not hesitate to contact me directly at 732-929-2027, x3135.

Yours very truly,
Dina R. Khajezadeh
Dina R. Khajezadeh
Assistant Prosecutor

DRK/ec

Enclosures

Carey, Erin

From: Khajezadeh, Dina
Sent: Sunday, November 7, 2021 5:10 PM
To: Prestia , Donna; Carey, Erin
Subject: FW: [EXTERNAL] OPRA request - Case reports

Categories: IMPORTANT DOCUMENTS

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Resident <opra+request-26883-13294046@requests.opramachine.com>
Date: 11/7/21 3:53 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:

Valerie Palumbo (Case # 21002873)
Emba Mendez (Case # 21003026)
James Noonan (Case # 21003037)
Mark Bernstein (Case # 21003142)
Mark J. Austin (new indictment announced 10/7/21) 19003231

Yours sincerely,

Resident

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-26883-13294046@requests.opramachine.com

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

COMPLAINT - SUMMONS

COMPLAINT NUMBER			
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
1506	S	2021	000746
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN			
# of CHARGES 1	CO-DEFTS 0	POLICE CASE #: 58857-21	DEFENDANT INFORMATION SEX: F EYE COLOR: BLACK DOB: 04/10/1977 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: 158788C TELEPHONE #: [REDACTED] (c) LIVESCAN PCN #: 150603007498
COMPLAINANT NAME: THOMAS COONEY DET. 401 CHAMBERS BRIDGE RD ATTN WARRANTS BRICK TOWN NJ 08723			ADDRESS: 192 SAWMILL RD 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 08/31/2021 in BRICK TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY AND PURPOSELY COMMIT THE OFFENSE OF THEFT SPECIFICALLY BY REMOVING APPROXIMATELY \$234.00 IN CASH FROM THE PURSE OF THE VICTIM M.D., WITHOUT PERMISSION TO DO SO IN VIOLATION OF 2C:20-3A.

in violation of:

Original Charge	1) 2C:20-3A	2)	3)
Amended Charge			

CERTIFICATION:

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

Signed: THOMAS COONEY DET. Date: 10/14/2021

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 the Superior Court in the county of: OCEAN
at the following address: OCEAN SUPERIOR COURT
120 HOOPER AVE TOMS RIVER NJ 08753-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 10/14/2021 Appearance Date: 10/14/2021 Time: 09:00AM Phone: 732-504-0700

Signature of Person Issuing Summons: THOMAS COONEY DET. Date: 10/14/2021

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

Special conditions of release:

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

ORIGINAL

COMPLAINT – SUMMONS (Court Action)												
COMPLAINT NUMBER						STATE V. EMBA MENDEZ						
1506		S	2021		000746							
COURT CODE		PREFIX	YEAR		SEQUENCE NO.							
FTA Bail Information						Date Bail Set:		Amount Bail Set: \$ _____ by: _____			☐ Bail Recog. Attached	
Released on Bail		R.O.R.	Committed Default	Committed w/o Bail	Place Committed:			Date Referred to County Prosecutor: _____				
Date of First Appearance: 10/14/2021						☐ Advised of Rights by _____			Defendant Desires Counsel: ☐ Yes ☐ No			
Prosecuting Attorney Information						Defense Counsel Information						
Name:						Name:						
State		County	Municipal	Other		None	Retained	Public Def	Assigned	Waived	Other	
Original Charge		1) 2C:20-3A				2)			3)			
Amended Charge												
Waiver Indt/Jury												
Plea/Date of Plea		Plea:		Date:		Plea:		Date:		Plea:		Date:
Adjudication (* see code)		Finding Code:		Date:		Finding Code:		Date:		Finding Code:		Date:
Jail Term			Jail time credit	Susp. Imp		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp		
Probation Term				Susp. Imp			Susp. Imp			Susp. Imp		
Cond. Discharge Term												
Community Service												
D/L Suspension Term												
Fines/Costs		Fines:		Costs:		Fines:		Costs:		Fines:		Costs:
VCCB/SNSF		VCCB:		SNSF:		VCCB:		SNSF:		VCCB:		SNSF:
DEDR/Lab Fee		DEDR:		LAB:		DEDR:		LAB:		DEDR:		LAB:
CD Fee/Drug Ed Fnd		CD:		DAEF:		CD:		DAEF:		CD:		DAEF:
DV Surch/Other Fees		DV:		Other:		DV:		Other:		DV:		Other:
Restitution												
Beneficiary: _____												
Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:										* Finding Codes 1 – Guilty 2 – Not Guilty 3 – Dismissed – Other 4 – Guilty but Merged 5 – Dismissed-Rule 6 – Dismissed Lack of Prosecution 7 – Dismissed – Pros Motion/Vic Req 8 – Conditional Discharge D – Dismissed- Prosecutor Discretion M – Dismissed- Mediation P – Dismissed-Plea Agreement S – Disposed at Superior W – Dismissed-False ID		
Related Traffic Tickets and Complaints:												
JUDGE'S SIGNATURE _____						DATE _____						
						ORIGINAL - Court Action						
						Page 2 of 7 NJ/CDR1 1/1/2017						

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER			
1506	S	2021	000746
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: **0** POLICE CASE #: **58857-21**

COMPLAINANT NAME: **THOMAS COONEY DET.**

THE STATE OF NEW JERSEY
VS.
EMBA MENDEZ

ADDRESS: **192 SAWMILL RD**
BRICK NJ 08724-0000

DEFENDANT INFORMATION
SEX: **F** EYE COLOR: **BLACK** DOB: **04/10/1977**
DRIVER'S LIC. #: [REDACTED] DL STATE: **NJ**
SOCIAL SECURITY #: [REDACTED] SBI #: **158788C**
TELEPHONE #: [REDACTED] (C)
LIVESCAN PCN #: **150603007498**

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 **08/31/2021** in **BRICK TWP**, **OCEAN** County, **NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY AND PURPOSELY COMMIT THE OFFENSE OF THEFT SPECIFICALLY BY REMOVING APPROXIMATELY \$234.00 IN CASH FROM THE PURSE OF THE VICTIM M.D., WITHOUT PERMISSION TO DO SO IN VIOLATION OF 2C:20-3A.

in violation of:

Original Charge	1) 2C:20-3A	2)	3)
Amended Charge			

CERTIFICATION:

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

Signed: **THOMAS COONEY DET.** Date: **10/14/2021**

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 the Superior Court in the county of: **OCEAN**
at the following address: **OCEAN SUPERIOR COURT**
120 HOOPER AVE **TOMS RIVER** **NJ 08753-0000**
If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.
Date of Arrest: **10/14/2021** Appearance Date: **10/14/2021** Time: **09:00AM** Phone: **732-504-0700**
Signature of Person Issuing Summons: **THOMAS COONEY DET.** Date: **10/14/2021**

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

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

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. EMBA MENDEZ	
1506	S	2021	000746		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN				ADDRESS: 192 SAWMILL RD BRICK NJ 08724-0000	
# of CHARGES 1	CO-DEFTS 0	POLICE CASE #: 58857-21		DEFENDANT INFORMATION	
COMPLAINANT THOMAS COONEY DET. NAME: 401 CHAMBERS BRDG RD ATTN WARRANTS BRICK TOWN NJ 08723				SEX: F EYE COLOR: BLACK DOB: 04/10/1977	
				DRIVER'S LIC. #. [REDACTED] DL STATE: NJ	
				SOCIAL SECURITY # [REDACTED] SBI #: 158788C	
				TELEPHONE # [REDACTED] (C)	
				LIVESCAN PCN #: 150603007498	

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 **08/31/2021** in **BRICK TWP**, **OCEAN County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY AND PURPOSELY COMMIT THE OFFENSE OF THEFT SPECIFICALLY BY REMOVING APPROXIMATELY \$234.00 IN CASH FROM THE PURSE OF THE VICTIM M.D., WITHOUT PERMISSION TO DO SO IN VIOLATION OF 2C:20-3A.

in violation of:

Original Charge	1) 2C:20-3A	2)	3)
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Check	Certification by Police Regarding Complaint-Summons
☒	I certify that I served the complaint-summons by delivering a copy to the defendant personally.
	I certify that I personally served the complaint-summons by leaving a copy at the defendant's usual place of abode with a competent member of the household of the age 14 or over _____ Name of family member over 14 years of age
	I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____ Defendant's last known address
	I certify that I served the complaint-summons by delivering a copy to a person authorized to receive service of process on the defendant's behalf. _____ Name and title of authorized person
	Other manner of service: I certify that I served the complaint-summons in the following manner: _____
	I certify that I was unable to serve the complaint-summons.

Signed: **THOMAS COONEY DET. BRICK TWP POLICE DEPT** Date of Action: **10/14/2021**
Name, Title and Department of Officer

RETURN OF SERVICE INFORMATION

Affidavit of Probable Cause

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> EMBA MENDEZ ADDRESS: 192 SAWMILL RD BRICK NJ 08724-0000	
1506	S	2021	000746		
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 #: 58857-21		DEFENDANT INFORMATION SEX: F EYE COLOR: BLACK DOB: 04/10/1977 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY #. [REDACTED] SBI #: 158788C TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #: 150603007498	
COMPLAINANT NAME: THOMAS COONEY DET.					
401 CHAMBERS BRDG RD ATTN WARRANTS BRICK TOWN NJ 08723					

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

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

On 8-31-21, the reporting party reported that the home health aide (Emba Mendez) had stolen money from the victim's purse. This was observed on security cameras by the victim's family. I also observed the video and was able to positively identify Mendez as the suspect seen on video removing cash from the purse. Additionally, I conducted a video statement where Mendez admitted to the theft.

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1506

S

2021

000746

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

EMBA MENDEZ

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

I conducted a video statement where Mendez admitted to the theft as well observed the video showing Mendez taking the money.

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

N/A

Certification:

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

Signed: THOMAS COONEY DET. LAW ENFORCEMENT OFFICER

Date: 10/14/2021

Affidavit of Probable Cause

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1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> EMBA MENDEZ	
1506	S	2021	000746		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN				ADDRESS: 192 SAWMILL RD BRICK NJ 08724-0000	
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 58857-21		DEFENDANT INFORMATION	
COMPLAINANT NAME: THOMAS COONEY DET.		SEX: F EYE COLOR: BLACK DOB: 04/10/1977		DRIVER'S LIC. #:	
401 CHAMBERSBRDG RD		SOCIAL SECURITY #:		DL STATE: NJ	
ATTN WARRANTS		TELEPHONE #:		SBI #: 158788C	
BRICK TOWN NJ 08723		LIVESCAN PCN #: 150603007498			

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

- The defendant made statements/admissions.
 - It was recorded using:
 - *Stationhouse interview room camera
- The offense/incident was recorded using electronic/surveillance via:
 - Surveillance Camera
- The defendant was known to the victim as:
 - Other/Explain home health aide
- Physical evidence was seized/recovered:
 - Other Type(s) of physical evidence security video
- The case involved theft and/or stolen property. The property which was stolen and/or possessed is approx. \$234 in cash

Certification:

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

Signed: THOMAS COONEY DET. LAW ENFORCEMENT OFFICER Date: 10/14/2021

Preliminary Law Enforcement Incident Report

Page 7 of 7

7/20/2018