

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# 21003037 – James Noonan

Dear Sir/Madam:

Enclosed please find the Complaint Warrant, 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. Criminal history record information has been redacted pursuant to N.J.A.C. 13:59-1.2.

Please be advised that there are no responsive documents pursuant to your request for 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 - WARRANT

COMPLAINT NUMBER			
1507	W	2021	001341
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN			
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 21-49112	DEFENDANT INFORMATION SEX: M EYE COLOR: BLUE DOB: 07/24/1987 DRIVER'S LIC. #: SOCIAL SECURITY #: TELEPHONE #: LIVESCAN PCN #: 150703016448
COMPLAINANT NAME: PTL. S. DEVECKA POBX876/255OAKAVE ATTN WARRANTS TOMS RIVER NJ 08753			ADDRESS: 292 TIMBERLINE PL BRICK NJ 08723-0000 DL STATE: NJ SBI #: 310977E

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 10/16/2021 in TOMS RIVER TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, COMMIT SIMPLE ASSAULT BY PURPOSELY, KNOWINGLY OR RECKLESSLY CAUSING BODILY INJURY TO [REDACTED], FALLING UNDER THE NJ ATTORNEY GENERAL DOMESTIC VIOLENCE GUIDELINES, SPECIFICALLY BY CHOKING [REDACTED] RESULTING IN BRUSINING TO HER THROAT, AS WELL AS INNER BICEPS AND BOTH ARMS.

WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY OR PURPOSELY OBTAIN OR POSSESS, ACTUALLY OR CONSTRUCTIVELY, A CONTROLLED DANGEROUS SUBSTANCE OR A CONTROLLED SUBSTANCE ANALOG CLASSIFIED IN SCHEDULE I, II, III, OR IV THAT WAS NOT OBTAINED DIRECTLY, OR PURSUANT TO A VALID PRESCRIPTION OR ORDER FORM FROM A PRACTITIONER, SPECIFICALLY BY POSSESSING (3) .5MG ALPRAZOLAM (WITHOUT A PRESCRIPTION), A SCHEDULE IV CONTROLLED DANGEROUS SUBSTANCE.

in violation of:

Original Charge	1) 2C:12-1A(1)	2) 2C:35-10A(1)	3)
Amended Charge			

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

Signed: PTL. S. DEVECKA Date: 10/16/2021

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of OCEAN at the following address: OCEAN SUPERIOR COURT 120 HOOPER AVE TOMS RIVER NJ 08753-0000 Date of Arrest: 10/16/2021 Appearance Date: Time: Phone: 732-504-0700

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator Date Signature of Judge Date

☒ Probable cause IS found for the issuance of this complaint. LAURA WICKI JUDICIAL OFFICER 10/16/2021
Signature and Title of Judicial Officer Issuing Warrant Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: by: (if different from judicial officer that issued warrant)

☒ Domestic Violence - Confidential

☐ Related Traffic Tickets or Other Complaints

☐ Serious Personal Injury/ Death Involved

Special conditions of release:

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

ORIGINAL

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1507**W****2021****001341**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**JAMES L NOONAN****FTA Bail Information**

Date Bail Set: _____

Amount Bail Set: \$ _____

by: _____

☐ Bail Recog. AttachedReleased
on Bail
(v)

R.O.R.

Committed
DefaultCommitted
w/o Bail

Place Committed: _____

Date Referred to

County Prosecutor: _____

Date of First
Appearance:☐ Advised of Rights by _____

Defendant Desires Counsel:

☐ Yes ☐ No**Prosecuting Attorney Information****Defense Counsel Information****Name:****Name:**

State

County

Municipal

Other

None

Retained

Public Def

Assigned

Waived

Other

Original Charge

1) **2C:12-1A(1)**2) **2C:35-10A(1)**

3)

Amended Charge

Waiver Indt/Jury

Plea/Date of Plea

Plea:

Date:

Plea:

Date:

Plea:

Date:

Adjudication (* see code)

Finding
Code:

Date:

Finding
Code:

Date:

Finding
Code:

Date:

Jail Term

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Probation Term

Susp. Imp

Susp. Imp

Susp. Imp

Cond. Discharge Term

Community Service

D/L Suspension Term

Fines/Costs

Fines:

Costs:

Fines:

Costs:

Fines:

Costs:

VCCB/SNSF

VCCB:

SNSF:

VCCB:

SNSF:

VCCB:

SNSF:

DEDR/Lab Fee

DEDR:

LAB:

DEDR:

LAB:

DEDR:

LAB:

CD Fee/Drug Ed Fnd

CD:

DAEF:

CD:

DAEF:

CD:

DAEF:

DV Surch/Other Fees

DV:

Other:

DV:

Other:

DV:

Other:

Restitution

Beneficiary: _____

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:**Related Traffic Tickets and Complaints:***** Finding Codes**

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

COMPLAINT - WARRANT (Court Action)

JUDGE'S SIGNATURE _____

DATE _____

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NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1507	W	2021	001341
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN			
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 21-49112	
COMPLAINANT NAME: PTL. S. DEVECKA		DEFENDANT INFORMATION SEX: M EYE COLOR: BLUE DOB: 07/24/1987 DRIVER'S LIC. #: SOCIAL SECURITY #: TELEPHONE #: LIVESCAN PCN #: 150703016448	
		DL STATE: NJ SBI #: 310977E	

THE STATE OF NEW JERSEY
VS.
JAMES L NOONAN

ADDRESS: 292 TIMBERLINE PL
BRICK NJ 08723-0000

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 10/16/2021 in TOMS RIVER TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, COMMIT SIMPLE ASSAULT BY PURPOSELY, KNOWINGLY OR RECKLESSLY CAUSING BODILY INJURY TO [REDACTED] FALLING UNDER THE NJ ATTORNEY GENERAL DOMESTIC VIOLENCE GUIDELINES, SPECIFICALLY BY CHOKING [REDACTED] RESULTING IN BRUSINING TO HER THROAT, AS WELL AS INNER BICEPS AND BOTH ARMS.

WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY OR PURPOSELY OBTAIN OR POSSESS, ACTUALLY OR CONSTRUCTIVELY, A CONTROLLED DANGEROUS SUBSTANCE OR A CONTROLLED SUBSTANCE ANALOG CLASSIFIED IN SCHEDULE I, II, III, OR IV THAT WAS NOT OBTAINED DIRECTLY, OR PURSUANT TO A VALID PRESCRIPTION OR ORDER FORM FROM A PRACTITIONER, SPECIFICALLY BY POSSESSING (3) .5MG ALPRAZOLAM (WITHOUT A PRESCRIPTION), A SCHEDULE IV CONTROLLED DANGEROUS SUBSTANCE.

in violation of:

Original Charge	1) 2C:12-1A(1)	2) 2C:35-10A(1)	3)
Amended Charge			

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

Signed: PTL. S. DEVECKA Date: 10/16/2021

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of OCEAN at the following address: OCEAN SUPERIOR COURT 120 HOOPER AVE TOMS RIVER NJ 08753-0000
Date of Arrest: 10/16/2021 Appearance Date: Time: Phone: 732-504-0700

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator Date Signature of Judge Date

☒ Probable cause IS found for the issuance of this complaint. LAURA WICKI JUDICIAL OFFICER 10/16/2021
Signature and Title of Judicial Officer Issuing Warrant Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: by: (if different from judicial officer that issued warrant)

☒ Domestic Violence - Confidential

☐ Related Traffic Tickets or Other Complaints

☐ Serious Personal Injury/ Death Involved

Special conditions of release:

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

COMPLAINT - WARRANT (DEFENDANT'S COPY)

COMMITMENT

COMPLAINT NUMBER

1507**W****2021****001341**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: **OCEAN**

of CHARGES
2

CO-DEFTS

POLICE CASE #:
21-49112

COMPLAINANT PTL. S. DEVECKA
NAME: POBX876/255OAKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

*THE STATE OF NEW JERSEY**VS.***JAMES L NOONAN**

ADDRESS:

292 TIMBERLINE PL**BRICK****NJ 08723-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BLUE** DOB: **07/24/1987**DRIVER'S LIC. #. [REDACTED] DL STATE: **NJ**SOCIAL SECURITY #. [REDACTED] SBI #: **310977E**

TELEPHONE #. [REDACTED] (c)

LIVESCAN PCN #: **150703016448**

To any Law Enforcement Official of New Jersey, You are commanded to transport this defendant to the Warden of this county who is required to keep the defendant in custody until a release or detention decision is made.

Offense

Aux Offense

Drug Code

Degree

Offense Description

1.	2C:12-1A(1)			D	SIMPLE ASSAULT-
2.	2C:35-10A(1)		91	3	POSS CDS/ANALOG
3.					
4.					

Commitment Reason: **Criminal Justice Reform**

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court
at the following address: **OCEAN SUPERIOR COURT**
120 HOOPER AVE

in the county of **OCEAN****TOMS RIVER****NJ 08753-0000**Date of Arrest: **10/16/2021**Phone: **732-504-0700****LAURA WICKI JUDICIAL OFFICER****10/16/2021**

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> JAMES L NOONAN	
1507	W	2021	001341		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN				ADDRESS: 292 TIMBERLINE PL BRICK NJ 08723-0000	
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 21-49112		DEFENDANT INFORMATION SEX: M EYE COLOR: BLUE DOB: 07/24/1987 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: 310977E TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #: 150703016448	
COMPLAINANT PTL. S. DEVECKA NAME: POBX876/255OAKAVE ATTN WARRANTS TOMS RIVER NJ 08753					

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 10/16/21 at approximately 1655 hours, multiple TRPD units responded to 221 Sunset Dr N for a domestic violence simple assault. During the altercation, James Noonan ([REDACTED]) assaulted victim, ([REDACTED]) ([REDACTED]) causing visible signs of injury. More specifically, Noonan choked ([REDACTED]) causing bruising to her throat. In addition, ([REDACTED]) sustained bruising to both inner biceps, and bruising all over both arms. Search incident to arrest revealed that Noonan was also in possession of (3) .5 mg Alprazolam without a prescription. Case #21-49112 Simple Assault 2C:12-1A1, Possession of CDS 2C:35-10A1

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

1507

W

2021

001341

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

JAMES L NOONAN

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

Officer's investigation on scene

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

Bruising to throat, inner biceps and arms.

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: PTL. S. DEVECKA LAW ENFORCEMENT OFFICER

Date: 10/16/2021

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> JAMES L NOONAN	
1507	W	2021	001341		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN				ADDRESS: 292 TIMBERLINE PL BRICK NJ 08723-0000	
# of CHARGES 2	CO-DEFTS	POLICE CASE #: 21-49112		DEFENDANT INFORMATION	
COMPLAINANT NAME: PTL. S. DEVECKA				SEX: M EYE COLOR: BLUE	DOB: 07/24/1987
POBX876/255OAKAVE				DRIVER'S LIC. #:	DL STATE: NJ
ATTN WARRANTS				SOCIAL SECURITY #:	SBI #: 310977E
TOMS RIVER NJ 08753				TELEPHONE #:	(C)
				LIVESCAN PCN #:	150703016448

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 offense Involved domestic violence.
- ODARA was completed. ** Select all items that <u>apply</u>:**
 - Victim concern about future assaults
 - Two or more indicators of substance abuse
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- The defendant attempted to or did strangle the victim during this incident or at any time prior thereto.
- The charge was based on the observations/statements made by an eyewitness(es).
 - The witness statement(s) were recorded. Specify the method of recordation: **Select all items that <u>apply</u>:**
 - *Dash Camera/MVR/DIVR
- The defendant was known to the victim. **Select all items that <u>apply</u>:**
 - Intimate Partner
- The victim was injured. **Select all items that <u>apply</u>:**
 - Victim refused treatment
- Physical evidence was seized/recovered. **Select all items that <u>apply</u>:**
 - CDS: **Select all items that <u>apply</u>:**
 - *Prescription Drugs
- The defendant appeared to be under the influence of drugs or alcohol at the time of the offense.
- The police received relevant information via radio from a 911 dispatcher (or similar).
- The case involves CDS and the evidence was recovered. **Select all items that <u>apply</u>:**
 - Other/Explain Search Incident Arrest

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: PTL. S. DEVECKA LAW ENFORCEMENT OFFICER Date: 10/16/2021

Preliminary Law Enforcement Incident Report

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7/20/2018