

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# 21003142 – Mark Bernstein

Dear Sir/Madam:

Enclosed please find the Global Subject Activity report, 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. 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 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



Global Subject Activity Report



Detail

Print Date/Time: 10/28/2021 08:56

Login ID: mcolantoni

Brick Township Police Department

ORI Number: NJ0150600

Bernstein, Mark Ibes

Jacket: 162981 A

SSN:

Address: 47 NAUTILUS DR

Sex: Male

BRICK
TOWNSHIP
NJ

08723

Phone #:

Height: 5ft 10in to 5ft 10in

Weight: 141.0 lbs. to
141.0 lbs.

DOB: 09/10/1954

Eyes: Brown

Race: White

Hair: Gray

DL State: NJ

DL#:

Physical Characteristics:

Appearance: Normal

Country/State of Birth: USA/NEW
JERSEY

Age Range: 66

Hair Style: Straight

City of Birth: Elizabeth

Hand Preference: Right

Hair Length: Short

County of Origin: Union

Place of Birth: New Jersey

Facial Shape: Oval

Ethnicity: Non Hispanic

Occupation: Retired

Complexion: Light

Citizenship: US

of Dependents: 0

Build: Obese

Tribe: Not Applicable

Primary Language: English

Glasses: No

Hate Group: Not Applicable

Second Language: English

Teeth: Missing

Military Service: Not Applicable

Gang Affiliation: Not Applicable

Speech: Normal

Military Discharge:

Marital Status: Married

Voice: Medium Pitch

School: High School -

Blood Type: Unknown

Mustache: None

Beard: None

Religion: None

Known Offender:

DNA Collected Date:

Illegal Alien: No

DNA Collected: No

County of Conviction:

State Of Conviction:

Identifying Clothing:

Modus Operandi

Crime Specialties

Aliases

Type	Alias	DOB	Race	Sex	SSN	Hair	Eyes	DL#	Height	Weight	Phone
AKA	BERNSTEIN, MARK I	09/10/1954	White	Male		Gray	Brown		5ft 10in	141.0 lbs.	
AKA	Bernstein, Mark Ibes	09/10/1954	White	Male		Gray	Brown		5ft 10in	190.0 lbs.	
AKA	BERNSTEIN, MARK Ives	09/10/1954	White	Male		Gray	Brown		5ft 9in	190.0 lbs.	
AKA	Bernstein, Mark I	09/10/1954	White	Male		Gray	Brown		5ft 10in	141.0 lbs.	
AKA	Bernstein, Mark Ives	09/10/1954	White	Male		Gray	Brown		5ft 10in	218.0 lbs.	

Nicknames

Entered Date/Time	Nickname Type	Nickname
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Associated IDs

Issue Date	ID Type	Number	Issuing State	Start Date	Expire Date
	Social Security Number(FALSE)				
	Drivers License		NJ		
03/15/2013	*FBI	846917WC3	NJ	03/15/2013	
03/15/2013	*SBI	152200E	NJ	03/15/2013	

Known Associates

Relationship	Name
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School/Employer Information

COMPLAINT - SUMMONS

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> MARK I BERNSTEIN	
1506	S	2021	000783		
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 #: 72726-21	DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 09/10/1954 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] (c) LIVSCAN PCN #:		
COMPLAINANT JOHN SULLIVAN JR PTL. NAME: 401 CHAMBERS BRDG RD ATTN WARRANTS BRICK TOWN NJ 08723					
By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 10/28/2021 in BRICK TWP , OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID PURPOSELY OR KNOWINGLY COMMIT AGGRAVATED ASSAULT BY PURPOSELY OR KNOWINGLY CAUSING BODILY INJURY TO A PERSON ENGAGED IN EMERGENCY FIRST AID OR MEDICAL SERVICES ACTING IN THE PERFORMANCE OF THEIR DUTIES WHILE IN UNIFORM (DAVID RICE), SPECIFICALLY BY STRIKING THE VICTIM WITH A CLOSED FIST IN THE FACE IN VIOLATION OF 2C:12-1B(5)(C).					
in violation of:					
Original Charge	1) 2C:12-1B(5)(C)		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: <u>JOHN SULLIVAN JR PTL.</u> Date: <u>10/28/2021</u>					
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: 10/28/2021 Appearance Date: 10/28/2021 Time: 02:16AM Phone: 732-504-0700 Signature of Person Issuing Summons: <u>JOHN SULLIVAN JR PTL.</u> Date: <u>10/28/2021</u>					
☐ Domestic Violence – Confidential		☐ Related Traffic Tickets or Other Complaints		☐ Serious Personal Injury/ Death Involved	
Special conditions of release: ☐ No phone, mail or other personal contact w/victim ☐ No possession firearms/weapons ☐ Other (specify):				ORIGINAL Page 1 of 7 NJ/CDR1 1/1/2017	

COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER

1506**S****2021****000783**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**MARK I BERNSTEIN****FTA Bail Information**

Date Bail Set: _____

Amount Bail Set: \$ _____

by: _____

☐ Bail Recog. AttachedReleased
on Bail

R.O.R.

Committed
DefaultCommitted
w/o Bail

Place Committed: _____

Date Referred to
County Prosecutor: _____Date of First
Appearance: **10/28/2021**☐ 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:12-1B(5)(C)**

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:**ORIGINAL - Court Action**

JUDGE'S SIGNATURE _____

DATE _____

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NJ/CDR1 1/1/2017

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER			
1506	S	2021	000783
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 #: 72726-21	
COMPLAINANT NAME: JOHN SULLIVAN JR PTL.		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 09/10/1954 DRIVER'S LIC. #: [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #:	
ADDRESS:		THE STATE OF NEW JERSEY VS. MARK I BERNSTEIN 47 NAUTILUS DR. 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 **10/28/2021** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID PURPOSELY OR KNOWINGLY COMMIT AGGRAVATED ASSAULT BY PURPOSELY OR KNOWINGLY CAUSING BODILY INJURY TO A PERSON ENGAGED IN EMERGENCY FIRST AID OR MEDICAL SERVICES ACTING IN THE PERFORMANCE OF THEIR DUTIES WHILE IN UNIFORM (DAVID RICE), SPECIFICALLY BY STRIKING THE VICTIM WITH A CLOSED FIST IN THE FACE IN VIOLATION OF 2C:12-1B(5)(C).

in violation of:

Original Charge	1) 2C:12-1B(5)(C)	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: **JOHN SULLIVAN JR PTL.** Date: **10/28/2021**

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: **10/28/2021** Appearance Date: **10/28/2021** Time: **02:16AM** Phone: **732-504-0700**

Signature of Person Issuing Summons: **JOHN SULLIVAN JR PTL.** Date: **10/28/2021**

☐ 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			
1506	S	2021	000783
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 #: 72726-21	
COMPLAINANT NAME: JOHN SULLIVAN JR PTL.		DEFENDANT INFORMATION	
401 CHAMBERS BRDG RD		SEX: M EYE COLOR: BROWN DOB: 09/10/1954	
ATTN WARRANTS		DRIVER'S LIC. #:	
BRICK TOWN NJ 08723		SOCIAL SECURITY #:	
		TELEPHONE #:	
		LIVESCAN PCN #:	

THE STATE OF NEW JERSEY

VS.

MARK I BERNSTEIN

ADDRESS:

47 NAUTILUS DR.

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 **10/28/2021** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID PURPOSELY OR KNOWINGLY COMMIT AGGRAVATED ASSAULT BY PURPOSELY OR KNOWINGLY CAUSING BODILY INJURY TO A PERSON ENGAGED IN EMERGENCY FIRST AID OR MEDICAL SERVICES ACTING IN THE PERFORMANCE OF THEIR DUTIES WHILE IN UNIFORM (DAVID RICE), SPECIFICALLY BY STRIKING THE VICTIM WITH A CLOSED FIST IN THE FACE IN VIOLATION OF 2C:12-1B(5) (C).

in violation of:

Original Charge	1) 2C:12-1B(5) (C)	2)	3)
-----------------	---------------------------	----	----

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: **JOHN SULLIVAN JR PTL. BRICK TWP POLICE DEPT** Date of Action: **10/28/2021**
Name, Title and Department of Officer

RETURN OF SERVICE INFORMATION

Affidavit of Probable Cause

COMPLAINT NUMBER

1506**S****2021****000783**

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 #:
72726-21

COMPLAINANT JOHN SULLIVAN JR PTL.
NAME: 401 CHAMBERS BRDG RD
ATTN WARRANTS
BRICK TOWN NJ 08723

*THE STATE OF NEW JERSEY**VS.***MARK I BERNSTEIN**

ADDRESS:

47 NAUTILUS DR.**BRICK****NJ 08723-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN** DOB: **09/10/1954**DRIVER'S LIC. #: [REDACTED] DL STATE: **NJ**

SOCIAL SECURITY #: [REDACTED] SBI #:

TELEPHONE #: [REDACTED] (C)

LIVESCAN PCN #:

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:
OFFICERS RESPONDED TO THE AREA OF ROUTE 70 AND OLDEN AVE TO ASSIST BRICK EMS UNIT 536. UPON ARRIVAL, THE DEFENDANT (MB), WAS LAYING IN THE STRETCHER IN THE REAR OF THE AMBULANCE. THE DEFENDANT (MB) WAS ACTING IRRATICALLY AND WAS REFUSING OFFICER'S COMMANDS. HE WAS PLACED INTO PROTECTIVE CUSTODY FOR OUR SAFETY AND THE SAFETY OF EMS PERSONNEL. THE VICTIM, BRICK EMS OFFICER DAVID RICE, ADVISED OFFICERS ON SCENE THE DEFENDANT WAS ANGRY ABOUT BEING TRANSPORTED TO BRICK HOSPITAL AND STRUCK HIM IN THE FACE WITH A CLOSED FIST. THE VICTIM HAD A COMPLAINT OF PAIN AND HAD REDNESS TO HIS FACE.

Affidavit of Probable Cause**Page 5 of 7**

1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER

1506

S

2021

000783

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

MARK I BERNSTEIN

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

STATEMENTS MADE BY THE VICTIM AND EYEWITNESS.

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

VICTIM HAD A COMPLAINT OF PAIN AND HAD REDNESS TO THE LEFT SIDE OF HIS FACE.

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: JOHN SULLIVAN JR PTL. LAW ENFORCEMENT OFFICER

Date: 10/28/2021

Affidavit of Probable Cause

Page 6 of 7

1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER

1506 S 2021 000783

COURT CODE PREFIX YEAR SEQUENCE NO.

BRICK TOWNSHIP MUNICIPAL COURT
401 CHAMBERS BRIDGE
BRICK NJ 08723-0000
732-262-1226 COUNTY OF: **OCEAN**

THE STATE OF NEW JERSEY

VS.

MARK I BERNSTEIN

ADDRESS: **47 NAUTILUS DR.**

BRICK

NJ 08723-0000

of CHARGES CO-DEFTS POLICE CASE #:
1 **72726-21**

COMPLAINANT NAME: **JOHN SULLIVAN JR PTL.**
401 CHAMBERS BRIDGE RD
ATTN WARRANTS
BRICK TOWN NJ 08723

DEFENDANT INFORMATION
 SEX: **M** EYE COLOR: **BROWN** DOB: **09/10/1954**
 DRIVER'S LIC. #: **[REDACTED]** DL STATE: **NJ**
 SOCIAL SECURITY #: **[REDACTED]** SBI #: **[REDACTED]**
 TELEPHONE #: **[REDACTED]** (C)
 LIVESCAN PCN #: **[REDACTED]**

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 was a stranger to the victim.
- The victim was injured. Select all items that <u>apply</u>:
 - Victim refused treatment
- The defendant appeared to be under the influence of drugs or alcohol at the time of the offense.

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.

Signature: **JOHN SULLIVAN JR PTL. LAW ENFORCEMENT OFFICER** Date: **10/28/2021**

Preliminary Law Enforcement Incident Report

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7/20/2018