

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# 19003231 – Mark Austin

Dear Sir/Madam:

Enclosed please find the Global Subject Activity Report/Arrest report, Complaint Warrant, Affidavit, Preliminary Law Enforcement Incident Report and Indictment 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 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:

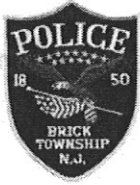
Valerie Palumbo (Case # 21002873)
Emba Mendez (Case # 21003026)
James Noonan (Case # 21003037)
Mark Bernstein (Case # 21003142)
Mark J. Austin (new indictment announced 10/7/21) 19003231

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: 09/18/2019 08:16

Login ID: jsisco

Brick Township Police Department

ORI Number: NJ0150600

Austin, Mark Joseph

Jacket: 45914 A

SSN:

Address:

Sex:

Male

Phone #:

Height:

6ft 0in to 6ft 0in

Weight:

141.0 lbs. to
170.0 lbs.

DOB:

Eyes:

Hazel

Race:

White

Hair:

Red

DL State:

NJ

DL#:

Physical Characteristics:

Appearance: Normal

Hair Style: Straight

Hair Length: Short

Facial Shape: Oval

Complexion: Freckled

Build: Thin

Glasses: No

Teeth: Normal

Speech: Normal

Voice: Medium Pitch

Mustache: None

DNA Collected: Yes

Known Offender:

Country/State of Birth: US/NJ

City of Birth: Toms River

County of Origin: Ocean

Ethnicity: Non Hispanic

Citizenship: US

Tribe: Not Applicable

Hate Group: Not Applicable

Military Service: Not Applicable

Military Discharge:

School: Associate Degree

Beard: Unshaven

DNA Collected Date: 09/13/2019

Age Range: 28

Hand Preference: Right

Place of Birth: New Jersey

Occupation: Unemployed

of Dependents: 1

Primary Language: English

Second Language: English

Gang Affiliation: Not Applicable

Marital Status: Single

Blood Type: Unknown

Religion: Catholic

Illegal Alien: 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	Austin, Mark Joseph		White	Male		Red	Green		6ft 0in	160.0 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
	*FBI	464196Vd9			
	*SBI	857698E			

Known Associates

Relationship	Name
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School/Employer Information

Relationship	School/Employer Name	Phone Type	Phone
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Scars, Marks, Tattoos

Type	Location	Scar, Mark or Tattoo Detail	Description
Scar	SC HEAD	Old	Scars on back right and top left of head

Handicap Information

Handicap

Current Address Information



Global Subject Activity Report



Detail

Print Date/Time: 09/18/2019 08:16

Login ID: jsisco

Brick Township Police Department

ORI Number: NJ0150600

Address Type	Address	City	State	Zip
--------------	---------	------	-------	-----

Prior Address Information

Address Type	Address	City	State	Zip	From Date	To Date
--------------	---------	------	-------	-----	-----------	---------

Contact Information

Date	Type	Phone	Extension
01/27/2012 06:26	Home		

Vehicle Information

Vehicle #	Role	Contact Date	Vehicle Type	Make	Model	Vehicle Year	Registration Number	State
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Activity

Type : Arrest

Date	Activity Reference	Description	ORI
09/13/2019 17:11	51749	Arrest Type: Probable Cause Charge(s): 2C:5-2A(1), Conspiracy (agrees with) 2C:11-3a(1), Murder - Purposely Cause Death 2C:39-4d, Possession of a Weapon for Unlawful Purpose 2C:39-5D, Possession of Other Weapons	NJ0150600

Type : Booking

Date	Activity Reference	Description	ORI
09/13/2019 18:43	2019-00001112	Booking Charge(s): 2C:5-2A(1), Conspiracy (agrees with) 2C:11-3a(1), Murder - Purposely Cause Death 2C:39-4d, Possession of a Weapon for Unlawful Purpose 2C:39-5D, Possession of Other Weapons	NJ0150600



Global Subject Activity Report



Detail

Print Date/Time: 09/18/2019 08:16
Login ID: jsisco
Type : Case

Brick Township Police Department
ORI Number: NJ0150600

Date	Activity Reference	Description	ORI
[REDACTED]			

09/07/2019 23:07	2019-00057483	Subject Type: Suspect, Incident Type: Homicide - Murder Charge(s): 2C:5-2A(1),Conspiracy (agrees with) 2C:11-3a(1),Murder - Purposely Cause Death 2C:39-4d,Possession of a Weapon for Unlawful Purpose 2C:39-5D,Possession of Other Weapons	NJ0150600
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Type : Incident

Date	Activity Reference	Description	ORI
[REDACTED]			



Global Subject Activity Report



Detail

Print Date/Time: 09/18/2019 08:16
Login ID: jsisco
Type : Orders Of Protection

Brick Township Police Department
ORI Number: NJ0150600

Date	Activity Reference	Description	ORI
09/01/2013 00:00	3614	Order No.: 3614 Role: Defendant Charge(s):	NJ0150600

Type : Tickets & Citations

Date	Activity Reference	Description	ORI
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Total Activity : [REDACTED]

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1506	W	2019	000917
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN		ADDRESS: 770 ACORN DRIVE BRICK NJ 08723-0000	
# of CHARGES 4	CO-DEFTS 1	POLICE CASE #: 57483-19	DEFENDANT INFORMATION SEX: M EYE COLOR: HAZEL DOB: 06/17/1991 DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: 857698E TELEPHONE # [REDACTED] (c) LIVESCAN PCN #: 150603005562
COMPLAINANT NAME: MARK BYRNE DET. 401 CHAMBERS BRIDGE 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 09/07/2019 in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF MURDER WITHIN THE JURISDICTION OF THIS COURT, BY KNOWINGLY OR PURPOSELY CAUSING THE DEATH OF, OR KNOWING OR PURPOSELY CAUSE SERIOUS BODILY INJURY RESULTING IN THE DEATH OF MARK RICHARD AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT DURING THE COMMISSION OF A CRIME AGAINST A PERSON UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR SUCH LAWFUL USE

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST MARK R AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, in violation of:

Original Charge	1) 2C:11-3A(1)	2) 2C:39-5D	3) 2C:39-4D
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: MARK BYRNE DET. Date: 09/13/2019

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
100 HOOPER AVE
Date of Arrest: 09/13/2019 Appearance Date: Time: TOMS RIVER NJ 08753-0000
Phone: 732-244-2121

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

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

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

☒ Probable cause IS found for the issuance of this complaint. MICHELE EDGIN JUDICIAL OFFICER 09/13/2019
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
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Special conditions of release:
☐ No phone, mail or other personal contact w/victim
☐ No possession firearms/weapons
☐ Other (specify): _____

ORIGINAL

Page 1 of 10 NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER

1506

W

2019

000917

STATE V.

MARK J AUSTIN

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

PURPOSELY DID CONSPIRE WITH ANOTHER PERSON OR PERSONS TO COMMIT THE CRIME OF MURDER BY AGREEING WITH SUCH PERSON OR PERSONS THAT THEY OR ONE OR MORE OF THEM WOULD ENGAGE IN CONDUCT THAT WOULD CONSTITUTE THE CRIME OF MURDER OR AN ATTEMPT OR SOLICITATION TO COMMIT THE CRIME OF MURDER

Original Charge

4) 2C:5-2A(1)
2C:11-3A(1)

Amended Charge

COMPLAINT - WARRANT

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NJ/CDR2 1/1/2017

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1506**W****2019****000917**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**MARK J AUSTIN**

FTA Bail Information		Date Bail Set: _____	Amount Bail Set: \$ _____ by: _____		☐ Bail Recog. Attached	
Released on Bail (v)	R.O.R.	Committed Default	Committed 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:11-3A(1)		2) 2C:39-5D		3) 2C:39-4D	
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
Probation Term			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 (Court Action)

COMPLAINT NUMBER				STATE V.					
1506	W	2019	000917	MARK J AUSTIN					
COURT CODE	PREFIX	YEAR	SEQUENCE NO.						
FTA Bail Information		Date Bail Set:	Amount Bail Set: \$_____ by:_____		☐ Bail Recog. Attached				
Released on Bail (v)	R.O.R.	Committed Default	Committed 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	4) 2C:5-2A(1) 2C:11-3A(1)								
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 _____					COMPLAINT - WARRANT (Court Action) Page 4 of 10 NJ/CDR2 1/1/2017				

COMPLAINT - WARRANT

COMPLAINT NUMBER

1506**W****2019****000917**

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
4CO-DEFTS
1POLICE CASE #:
57483-19COMPLAINANT
NAME:

MARK

BYRNE DET.

ADDRESS:

770 ACORN DRIVE**BRICK****NJ 08723-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **HAZEL**DOB: **06/17/1991**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #: **857698E**

TELEPHONE #:

(C)

LIVSCAN PCN #: **150603005562**

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 **09/07/2019** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF MURDER WITHIN THE JURISDICTION OF THIS COURT, BY KNOWINGLY OR PURPOSELY CAUSING THE DEATH OF, OR KNOWING OR PURPOSELY CAUSE SERIOUS BODILY INJURY RESULTING IN THE DEATH OF MARK RICHARD AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT DURING THE COMMISSION OF A CRIME AGAINST A PERSON UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR SUCH LAWFUL USE

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST MARK R AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, in violation of:

Original Charge	1) 2C:11-3A(1)	2) 2C:39-5D	3) 2C:39-4D
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: **MARK BYRNE DET.**Date: **09/13/2019**

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**

100 HOOPER AVE**TOMS RIVER****NJ 08753-0000**Date of Arrest: **09/13/2019**

Appearance Date:

Time:

Phone: **732-244-2121**

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

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

Signature of Court Administrator or Deputy Court Administrator

Date

Signature of Judge

Date

☒ Probable cause **IS** found for the issuance of this complaint. **MICHELE EDGIN JUDICIAL OFFICER** **09/13/2019**

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)

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NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER

1506

W

2019

000917

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.

MARK J AUSTIN

PURPOSELY DID CONSPIRE WITH ANOTHER PERSON OR PERSONS TO COMMIT THE CRIME OF MURDER BY AGREEING WITH SUCH PERSON OR PERSONS THAT THEY OR ONE OR MORE OF THEM WOULD ENGAGE IN CONDUCT THAT WOULD CONSTITUTE THE CRIME OF MURDER OR AN ATTEMPT OR SOLICITATION TO COMMIT THE CRIME OF MURDER

Original Charge

4) 2C:5-2A(1)
2C:11-3A(1)

Amended Charge

COMPLAINT - WARRANT (DEFENDANT'S COPY)

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NJ/CDR2 1/1/2017

COMMITMENT

COMPLAINT NUMBER

1506**W****2019****000917**

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
4CO-DEFTS
1POLICE CASE #:
57483-19

COMPLAINANT MARK BYRNE DET.
NAME: 401 CHAMBERSBRDG RD
ATTN WARRANTS
BRICK TOWN NJ 08723

*THE STATE OF NEW JERSEY**VS.***MARK J AUSTIN**

ADDRESS: 770 ACORN DRIVE
BRICK NJ 08723-0000

DEFENDANT INFORMATION

SEX: M EYE COLOR: HAZEL DOB: 06/17/1991
DRIVER'S LIC. #: [REDACTED] DL STATE: NJ
SOCIAL SECURITY #: [REDACTED] SBI #: 857698E
TELEPHONE #: [REDACTED] (c)
LIVESCAN PCN #: 150603005562

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:11-3A(1)			1	MURDER - PURPOS
2. 2C:39-5D			4	UNLAWFUL POSS W
3. 2C:39-4D			3	POSS OF WEAPON
4. 2C:5-2A(1)	2C:11-3A(1)		1	CONSPIRACY - AG

Commitment Reason: Criminal Justice Reform

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
100 HOOPER AVE TOMS RIVER NJ 08753-0000

Date of Arrest: 09/13/2019

Phone: 732-244-2121

MICHELE EDGIN JUDICIAL OFFICER

09/13/2019

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT**Page 7 of 10**

NJ/CDR2 1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER

1506**W****2019****000917**

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
4

CO-DEFTS

POLICE CASE #:
57483-19

COMPLAINANT **MARK BYRNE DET.**
NAME: **401 CHAMBERSBRDG RD**
ATTN WARRANTS
BRICK TOWN NJ 08723

*THE STATE OF NEW JERSEY**VS.***MARK J AUSTIN**

ADDRESS: **770 ACORN DRIVE**

BRICK**NJ 08723-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **HAZEL** DOB: **06/17/1991**DRIVER'S LIC. #: [REDACTED] DL STATE: **NJ**SOCIAL SECURITY #: [REDACTED] SBI #: **857698E**

TELEPHONE #: [REDACTED] (C)

LIVESCAN PCN #: **150603005562**

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:
(SEE APPENDIX A)

Affidavit of Probable Cause**Page 8 of 10**

1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER

1506**W****2019****000917**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY**VS.****MARK J AUSTIN**

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

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

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: MARK BYRNE DET. LAW ENFORCEMENT OFFICER

Date: 09/13/2019

Affidavit of Probable Cause**Page 9 of 10**

1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> VS. MARK J AUSTIN	
1506	W	2019	000917		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	ADDRESS: 770 ACORN DRIVE BRICK NJ 08723-0000	
BRICK TOWNSHIP MUNICIPAL COURT 401 CHAMBERS BRIDGE BRICK NJ 08723-0000 732-262-1226 COUNTY OF: OCEAN					
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 57483-19		DEFENDANT INFORMATION SEX: M EYE COLOR: HAZEL DOB: 06/17/1991 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: 857698E TELEPHONE # [REDACTED] (C) LIVESCAN PCN #: 150603005562	
COMPLAINANT NAME: MARK BYRNE DET. 401 CHAMBERS BRIDGE RD ATTN WARRANTS BRICK TOWN NJ 08723					

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 charge was based on the observations/statements made by an eyewitness(es).
 - The witness statement(s) were recorded via:
 - *Stationhouse interview room camera
- The defendant was known to the victim as:
 - Family
- The victim was injured and:
 - Victim transported to medical facility
- A weapon was involved in the incident:
 - Other/Explain **BASEBALL BAT**
- Physical evidence was seized/recovered:
 - Weapon(s)
- The defendant attempted to conceal, discard or destroy evidence, **DELETE PHONE/CAMERA INFO**
- The defendant attempted to threaten or intimidate witness(es) in the case, **THREATENED VIOLENCE TO CD**
- The case involves a search warrant(s).
- The case involves a consent search.
- The investigation involved the seizure of one or more cellphones, computers or similar electronic devices.
 List the type of device(s) and total number of each recovered: **2 PHONES/COMPUTERS**

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: **MARK BYRNE DET. LAW ENFORCEMENT OFFICER** Date: **09/13/2019**

Preliminary Law Enforcement Incident Report

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7/20/2018

**SUPERIOR COURT
COUNTY OF OCEAN**

*****ARREST AFFIDAVIT*****

- A. On Saturday, September 7, 2019, Brick Township Police (C# 57483-19), responded to 770 Acorn Drive following a 9-1-1 call placed at approximately 2307 hours by Michael Rodgers (DOB: [REDACTED], SSN: [REDACTED]) in reference to an unresponsive male. Upon arrival, responding officers found the front door of the residence to be unlocked and subsequently made entry. They subsequently discovered what appeared to be a person covered in blankets in the living area to the right.
- B. Upon removal of the blankets, police discovered the body of Mark Austin (DOB: [REDACTED], SSN: [REDACTED]) with apparent blunt force trauma to the face. The victim was pronounced dead via telemetry at 2328 hours by Dr. Delmaestro of Newark Beth Israel Hospital. As a result of not knowing if the actor was still in the residence, police cleared the residence.
- C. Patrol Officers spoke with the decedent's ex-wife, Barbara Austin (DOB: [REDACTED], SSN: [REDACTED]), and the decedent's friend, Jeremy Londino ([REDACTED], SSN: [REDACTED]) outside of the residence. The following information was related by the two.
- D. On Saturday, September 7, 2019, at approximately 1947 hours, Londino received a phone call from the decedent, requesting that Londino bring him water and chips. Londino arrived at the residence at approximately 2100 hours and used the rear door to make entry. Subsequent to entering the residence, Londino discovered the body of the decedent on the sofa in the front living area. Londino stated that he noticed blood spatter on the walls and ceiling. Londino then called his friend Artie. Artie was identified as Arthur Smith (DOB: [REDACTED], SSN: [REDACTED]).
- E. Londino and Smith responded to Barbara Austin's boyfriend's residence at [REDACTED].

[REDACTED] in [REDACTED] Austin's boyfriend was identified as Michael Rodgers.

- F. Londino, Smith, and Austin then responded back to 770 Acorn Drive. Upon arrival, the three entered through the rear door of the residence and observed the body of the decedent. Austin noticed a baseball bat on the floor and picked up the same, leaning it on the wall and cabinet in the kitchen of the residence.
- G. The three left the residence. Smith drove Austin back to [REDACTED]. Austin related to Rodgers what she observed while at the residence. Austin and Rodgers subsequently called 9-1-1.
- H. On September 8, 2019, at approximately 0233 hours, a Court authorized Search Warrant was authorized telephonically by the Honorable Therese Cunningham, J.S.C. A search of the residence was conducted pursuant to said Search Warrant. The search yielded one baseball bat with apparent blood transfer and hair located in the kitchen of the residence leaning against a cabinet and the wall. Located in the back room near the back entrance of the residence were a beer, spoon, and a belt. Located on the table in the backroom was, what appeared to be, an apparatus used for ingesting narcotics.
- I. Located in the front of the residence was a black in color 2010 Ford F150 bearing New Jersey Registration Number [REDACTED]. Said vehicle was found to be registered to Carol Lehman of [REDACTED].
- J. On Thursday, September 8, 2019, Detective Murphy and Detective Byrne conducted an audio/video recorded statement of Mark J Austin in regards to this investigation. The interview was conducted at the Brick Township Police Department. During the course of the interview with Mr. Austin, he related that he resides at 770 Acorn Road with the decedent, whom he identified as his father. According to Austin, on September 6, 2019, he slept at his residence along with his four (4) year old a child. He woke up on September 7 at approximately 0700 hours and made breakfast for him and his son.
- K. Austin stated that at approximately 1315 hours, he had a conversation with the decedent who advised that he was going to Bayonne, New Jersey, presumably to purchase heroin from an individual that he only knows as "Shadow." The

- decedent also related to Austin that he needed Austin to travel to a location on State Highway 70, near the intersection of State Highway 72, to pick up a black male who would be standing on the side of the road.
- L. It was at that time that Austin left the residence and dropped his son off at his mother's residence located on [REDACTED]
- M. After dropping his son off at Austin's mother's house, Austin travelled to the aforementioned location on Highway 70, where he picked up a black male that he described as wearing a red baseball cap and had a beard. He then drove said male back to his residence at 770 Acorn in Brick Township, where, according to Austin, the decedent told him that the unidentified male could stay in his room until the decedent returned home.
- N. Subsequent to dropping off the unidentified male at his residence, Austin took his dogs and dropped them off at his mother's house. He remained there for a period of time and then returned to his residence, picked up the unknown male, and dropped him off around the location he picked him up at earlier in the day. Austin stated that he did not mind doing so because he planned on going to a bonfire in Whiting, NJ.
- O. Austin advised that after dropping off the unidentified male, he decided to take a ride to Philadelphia, where he purchased two cheesesteaks.
- P. Austin advised that at approximately 2300 hours he received a phone call from his neighbor across the street. The neighbor told him that he needed to return home and that something happened to his father. He eventually told Austin that his father was deceased and after pulling over numerous times to calm himself down, he returned to the residence where he was met by law enforcement.
- Q. During the interview, Austin advised that he drove himself to Brick Police Headquarters in a white Volkswagen Jetta. A look up of vehicles registered to Austin yielded a New Jersey registration number [REDACTED] described as a white in color 2006 Volkswagen Jetta registered to Mark J Austin bearing vehicle identification number 3VWST71K16M791408.
- R. Subsequent to the interview, Austin's cell phone and smart watch were seized from his person pending application for a Court authorized Search Warrant.

- S. On Sunday, September 8, 2019 at approximately 1930 hours, a post mortem examination was conducted on the body of the decedent. The examination, which took place at Community Medical Center in Toms River, New Jersey, was conducted by Dr. Ian Hood of the Ocean County Medical Examiner's Office. Dr. Hood determined the cause of death of Mark Austin to be blunt trauma to the head and face and the manner of death to be homicide.
- T. On Monday, September 9, 2019, officers returned to the residence located at 770 Acorn Drive in Brick Township to continue processing the scene. Recovered from the residence was a black in color cell phone with a cracked screen and "ZTE" written in gray lettering on the back in the center of the phone. Also located on a desk in the residence was gold in color Samsung SM-N950F/DS bearing serial number R38JBOLVKAT.
- U. On Sunday, September 8, 2019, a Search Warrant for the Samsung Galaxy Note 10 was drafted by Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit and subsequently approved by Chief Trial Attorney Michael Weatherstone. The Search Warrant was authorized by the Honorable Therese A. Cunningham, J.S.C., at approximately 1313 hours.
- V. An extraction of the cellphone was conducted by Detective Ray Coles of the High Tech Crime Unit. A review of the extraction yielded a Wyze Labs application on the device. Said application can be used to review and store video surveillance from synced cameras. A review of the content yielded video surveillance from the victim's residence at 770 Acorn Drive on September 7, 2019. Said footage is contradictory to statements made by Austin to police. Austin previously told police that the cameras in the residence have not worked for several days and that there would not be video footage from September 7, 2019. The email account associated with the Wyze account was found to be [REDACTED]
- W. On Monday, September 9, 2019, Communications Data Warrants were drafted by Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit for the telephone facilities [REDACTED] and [REDACTED]. Said telephone facilities are were found to belong to the victim and Mark J. Austin, respectively. The Communications Data Warrants were approved by Chief Trial Attorney

Michael Weatherstone and approved by the Honorable Guy P. Ryan, J.S.C.

- X. A review of the documentation provided pursuant to said Warrants was conducted. On September 7, 2019, the victim's phone, as well as Mark J. Austin's, were in the area of 770 Acorn Drive at approximately 1600 hours. At approximately 2101 hours, the victim's cell phone was located in area of Route 70 and Route 539. Mark J. Austin's phone appears to travel west on Route 70 from the hours of 2040 hours to 2125 hours which was documented as a result of the previously issued warrants.
- Y. A review of video surveillance collected from the Wawa located at 135 NJ-70, in Lakewood Township shows a white vehicle pull into the fueling area. A male exits the vehicle and walks into the store to make a purchase at approximately 2043 hours. The male was identified through the surveillance to be Mark J. Austin.
- Z. On Tuesday, September 10, 2019, Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit completed the Search Warrant Return for the residence located at 770 Acorn Drive in Brick Township. Among the items taken from the residence were a black in color Synology Diskstation, Model DS1812+ network area storage drive, a HP M7-J010DX laptop bearing serial number 6CG3352FS, an Apple iPad A1567, and Apple iPad A1395 bearing serial number F5RKR655DKPH, a Seagate SRD0SP0 External Drive bearing serial number NA5AG9RJ, a Western Digital Passport External Hard drive serial number WXE1A174JS2F, a Western Digital WD1600UO-17-004 External Drive bearing serial number WXE107697021, a Sandisk 32GB Micro USB, a Sandisk 64GB MicroSD Card serial number 627DPEYK08M, a HP Presario C700 laptop serial number CND742093Y, a HP TC1100 laptop serial number KRD53009V, and a Toshiba Satellite A205-S5000 laptop serial number 68148276K.
- AA. On Thursday, September 9, 2019 the forensic extraction of the gold in color Samsung SM-N90F/DS was reviewed pursuant to a Court authorized Search Warrant. The cellular device was identified as an old phone belonging to Mark J. Austin. Said extraction yielded a conversation using the application Facebook Messenger between Austin and an individual using the Facebook handle "Jeray

Melton." "Jeray Melton" was identified as Jeray Melton (DOB: 09/23/1991, SSN: [REDACTED]). The only visible text in the chat was sent by Melton to Austin. The messages starting on September 7, 2019 at 1915 hours read as follows:

"This shit"

"He went in his room to do his hit he told me he was a junky he noticed the cameras"

"He said someone is on there way"

"K"

"[image: thumbs up]"

"I'm ready but he said someone is coming"

BB. Detective John Carroll, of this office, spoke with Melissa Jones of the New Jersey Department of Corrections, Garden State Youth Correctional Facility, in reference to Jeray Melton. Ms. Jones related that Melton and Austin were bunkmates from March 2016 to May 2016 at the Garden State Youth Correctional Facility.

CC. [REDACTED]

DD. A search of an online law enforcement database was conducted by detective for Jeray Melton. Said search yielded a possible phone number for Jeray Melton as [REDACTED] with an address of [REDACTED] as of March 7, 2019. A search of an online law enforcement database was conducted

by detective for Jeray Melton. Said search yielded a possible phone number for Jeray Melton as [REDACTED] with an address of [REDACTED] as of March 7, 2019.

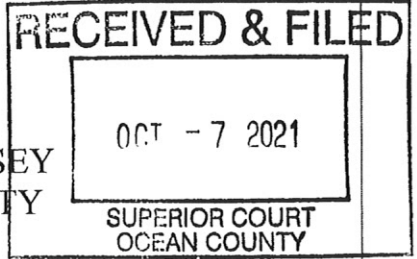
- EE. A subpoena for subscriber information was sent to Sprint Wireless. A response pursuant to said subpoena showed the subscriber to be Baron Smith, Jr of [REDACTED]
- FF. On September 12, 2019, this Affiant was provided with information from the Salem County Prosecutor's Office that Jeray Melton was stopped by police on two occasion in May 2019 and one occasion in July 2019. On all three occasions Melton provided officers with the address of 112 Anderson Drive, Salem City, New Jersey. Furthermore, Melton was observed by a detective from the Salem County Prosecutor's Office in a vehicle registered to Teonna Nelson. Nelson is a known associate of Melton. The vehicle was observed parked in front of the residence 112 Anderson Drive as of September 13, 2019.
- GG. Based on the aforementioned information Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit made an application for a telephonic search warrant for the residence 112 Anderson Drive, Salem City, New Jersey. The Search Warrant was authorized by the Honorable Therese Cunningham, J.S.C.
- HH. On September 13, 2019 Melton was observed leaving the residence of 112 Anderson Drive and entering a 2010 grey Chrysler Sebring, Pennsylvania registration [REDACTED] This is the same vehicle Melton was observed driving on the night of September 12, 2019.
- II. Detectives from Salem County Prosecutor's Office executed a motor vehicle stop on the vehicle and Melton was taken into custody. Melton was transported back to the Salem County Prosecutor's Office. Melton was interview by Detective John Murphy of the Ocean County Prosecutor's Office and Detective Mark Byrne of the Brick Township Police Department, prior to the interview, Melton was advised of his Miranda warnings and waived same.
- JJ. During the subsequent interview Melton admitted that on September 7, 2019, he was transported by Mark Austin to 770 Acorn Drive, Brick, New Jersey. While at

the residence Melton said Austin threatened him with a handgun and forced Melton to strike Austin's father multiple times in the head with a bat resulting in his death.

KK. Melton stated that after striking the victim multiple times in the head with a bat Austin drove Melton back to his residence in Salem City. Melton further stated that Austin had Melton remove his clothing, place it in a garbage bag. Austin then poured bleach into the garbage bag and through the clothing into a dumpster in Salem City.

LL. Melton stated that he communicated with Austin via Facebook Messenger.

DET. Mark Byrne #177
Detective Mark Byrne
Brick Township Police Department



SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY

THE STATE OF NEW JERSEY :

VS. :

MARK J. AUSTIN :

Defendant :

INDICTMENT

NO. 21-10-1328

COUNT ONE

MURDER-FIRST DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did purposely or knowingly cause the death of Mark R. Austin or did purposely or knowingly cause serious bodily injury to Mark R. Austin resulting in his death, contrary to the provisions of N.J.S.A. 2C:11-3(a)(1) or N.J.S.A. 2C:11-3(a)(2), and against the peace of this State, the government and dignity of the same.

The Grand Jurors further present that the following aggravating factors are present with respect to this count:

1. MARK J. AUSTIN procured the commission of the murder of Mark R. Austin by payment, or promise of payment of anything of pecuniary value.

contrary to the provisions of N.J.S.A. 2C:11-3(a)(1) or N.J.S.A. 2C:11-3(a)(2), and against the peace of this State, the Government and dignity of the same.

COUNT TWO

UNLAWFUL POSSESSION OF A WEAPON-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did possess a certain weapon, that is, a baseball bat, under circumstances not manifestly appropriate for such lawful uses as it may have, contrary to the provisions of N.J.S.A. 2C:39-5d, and against the peace of this State, the Government and dignity of the same.

COUNT THREE

POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did possess a certain weapon, that is, a baseball bat, with a purpose to use it unlawfully against the person or property of another, contrary to the provisions of N.J.S.A. 2C:39-4d, and against the peace of this State, the Government and dignity of the same.

BRADLEY D. BILLHIMER
OCEAN COUNTY PROSECUTOR

DATED: 10/7/2021

BY: Kim Carr
KIMBERLY CARR
ASSISTANT PROSECUTOR

ENDORSED: [Signature]
Foreperson

GJ Docket # : 19003231

Superior Court of New Jersey
Law Division, Ocean County

THE STATE

VS.

MARK J. AUSTIN

INDICTMENT NO.

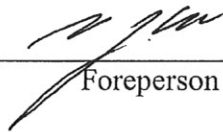
21-10-1328

INDICTMENT FOR

MURDER
UNLAWFUL POSSESSION OF A WEAPON
POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE

BRADLEY D. BILLHIMER
Ocean County Prosecutor

A TRUE BILL


Foreperson

Bail Eligible defendant under
Bail Reform - DETAINED

Condition Of Bail