

22002504

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY	
1514	W	2022	000456	VS.	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	MORDECHAI BERKOWITZ	
LAKEWOOD MUNICIPAL COURT 231 THIRD ST LAKEWOOD NJ 08701-0000 732-364-2500 COUNTY OF: OCEAN				ADDRESS: 89 ADAMS STREET LAKEWOOD NJ 08701-0000	
# of CHARGES 5	CO-DEFTS	POLICE CASE #: 22-11792	DEFENDANT INFORMATION SEX: M EYE COLOR: BLUE DOB: 09/08/2001 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: () LIVSCAN PCN #:		
COMPLAINANT DET BRAD FRANK NAME: 119 HOOPER AVE TOMS RIVER NJ 08754					

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 07/22/2022 in **LAKEWOOD TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID RECKLESSLY CAUSE THE DEATH OF JUANA LOPEZ-HERNANDEZ UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO HUMAN LIFE BY OPERATING A MOTOR VEHICLE AT EXCESSIVE SPEEDS, UNDER THE INFLUENCE OF ALCOHOL

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID RECKLESSLY CAUSE SERIOUS BODILY INJURY TO MARIA FLORES-MORENO UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO HUMAN LIFE BY OPERATING A MOTOR VEHICLE AT EXCESSIVE SPEEDS, UNDER THE INFLUENCE OF ALCOHOL

WITHIN THE JURISDICTION OF THIS COURT, DID OPERATE A MOTOR VEHICLE IN VIOLATION OF 39:4-50 AND CAUSED SERIOUS BODILY INJURY TO MARIA FLORES-MORENO

WITHIN THE JURISDICTION OF THIS COURT, DID RECKLESSLY OPERATE A MOTOR VEHICLE AT in violation of:

Original Charge	1) 2C:11-4A(1)	2) 2C:12-1B(1)	3) 2C:12-1C(2)
Amended Charge			

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

Signed: **DET BRAD FRANK**

Date: **07/26/2022**

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
Date of Arrest: Appearance Date: Time: TOMS RIVER NJ 08753-0000
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. **JANE COUGHRAN JUDICIAL OFFICER** 07/26/2022

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

COMPLAINT - WARRANT

COMPLAINT NUMBER

1514

W

2022

000456

STATE V.

MORDECHAI BERKOWITZ

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

HIGH RATES OF SPEED, WHILE UNDER THE INFLUENCE OF ALCOHL, RESULTING IN THE DEATH OF JUANA LOPEZ-HERNANDEZ

WITHIN THE JURISDICTION OF THIS COURT, DID RECKLESSLY OPERATE A MOTOR VEHICLE WHILE INTOXICATED RESULTING IN THE DEATH OJUNA LOPEZ-HERNANDEZ

Original Charge

4) 2C:11-5A

5) 2C:11-5.3A

Amended Charge

COMPLAINT - WARRANT

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NJ/CDR2 1/1/2017

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1514**W****2022****000456**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**MORDECHAI BERKOWITZ****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****Name:**

State

County

Municipal

Other

Defense Counsel Information**Name:**

None

Retained

Public Def

Assigned

Waived

Other

Original Charge

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

2) 2C:12-1B(1)

3) 2C:12-1C(2)

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:**

1514-PO-001321,001322,001323,001324

*** 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 _____

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1514 W 2022 000456

STATE V.

MORDECHAI BERKOWITZ

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:

☐ 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:11-5A

5) 2C:11-5.3A

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
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- M – Dismissed- Mediation
- P – Dismissed-Plea Agreement
- S – Disposed at Superior
- W – Dismissed-False ID

Related Traffic Tickets and Complaints:

1514-PO-001321,001322,001323,001324

COMPLAINT - WARRANT (Court Action)

JUDGE'S SIGNATURE

DATE

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NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. MORDECHAI BERKOWITZ ADDRESS: 89 ADAMS STREET LAKESWOOD NJ 08701-0000	
1514	W	2022	000456		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
LAKESWOOD MUNICIPAL COURT 231 THIRD ST LAKESWOOD NJ 08701-0000 732-364-2500 COUNTY OF: OCEAN					
# of CHARGES 5	CO-DEFTS	POLICE CASE #: 22-11792		DEFENDANT INFORMATION SEX: M EYE COLOR: BLUE DOB: 09/08/2001 DRIVER'S LIC. #. XXXXXXXXXX DL STATE: NJ SOCIAL SECURITY #: XXXXXXXXXX SBI #: TELEPHONE #: () LIVESCAN PCN #:	
COMPLAINANT NAME: DET BRAD FRANK					

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 **07/22/2022** in **LAKESWOOD TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID RECKLESSLY CAUSE THE DEATH OF JUANA LOPEZ-HERNANDEZ UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO HUMAN LIFE BY OPERATING A MOTOR VEHICLE AT EXCESSIVE SPEEDS, UNDER THE INFLUENCE OF ALCOHOL

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID RECKLESSLY CAUSE SERIOUS BODILY INJURY TO MARIA FLORES-MORENO UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO HUMAN LIFE BY OPERATING A MOTOR VEHICLE AT EXCESSIVE SPEEDS, UNDER THE INFLUENCE OF ALCOHOL

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WITHIN THE JURISDICTION OF THIS COURT, DID RECKLESSLY OPERATE A MOTOR VEHICLE AT in violation of:

Original Charge	1) 2C:11-4A(1)	2) 2C:12-1B(1)	3) 2C:12-1C(2)
Amended Charge			

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

Signed: **DET BRAD FRANK** Date: **07/26/2022**

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: 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. **JANE COUGHRAN JUDICIAL OFFICER 07/26/2022**
 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)

COMPLAINT - WARRANT

COMPLAINT NUMBER

1514

W

2022

000456

STATE V.

MORDECHAI BERKOWITZ

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

HIGH RATES OF SPEED, WHILE UNDER THE INFLUENCE OF ALCOHL, RESULTING IN THE DEATH OF JUANA LOPEZ-HERNANDEZ

WITHIN THE JURISDICTION OF THIS COURT, DID RECKLESSLY OPERATE A MOTOR VEHICLE WHILE INTOXICATED RESULTING IN THE DEATH OJUNA LOPEZ-HERNANDEZ

Original Charge

4) 2C:11-5A

5) 2C:11-5.3A

Amended Charge

COMPLAINT - WARRANT (DEFENDANT'S COPY)

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NJ/CDR2 1/1/2017

COMMITMENT

COMPLAINT NUMBER

1514**W****2022****000456**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

LAKEWOOD MUNICIPAL COURT**231 THIRD ST****LAKEWOOD****NJ 08701-0000****732-364-2500**COUNTY OF: **OCEAN**

of CHARGES

5

CO-DEFTS

POLICE CASE #:

22-11792COMPLAINANT **DET BRAD FRANK**
NAME: **119 HOOPER AVE****TOMS RIVER****NJ 08754****THE STATE OF NEW JERSEY****VS.****MORDECHAI BERKOWITZ**

ADDRESS:

89 ADAMS STREET**LAKEWOOD****NJ 08701-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BLUE**DOB: **09/08/2001**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

()

LIVESCAN PCN #:

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.

2.

3.

4.

Commitment Reason:

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**in the county of **OCEAN****120 HOOPER AVE****TOMS RIVER****NJ 08753-0000**

Date of Arrest:

Phone: **732-504-0700**

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT

Affidavit of Probable Cause

COMPLAINT NUMBER

1514**W****2022****000456**

COURT CODE

PREFIX

YEAR

SEQUENCE NO

LAKEWOOD MUNICIPAL COURT
231 THIRD ST
LAKEWOOD NJ 08701-0000
732-364-2500 COUNTY OF: **OCEAN**

ADDRESS:

89 ADAMS STREET**LAKEWOOD****NJ 08701-0000**# of CHARGES
5

CO-DEFTS

POLICE CASE #:
22-11792COMPLAINANT **DET BRAD FRANK**
NAME: **119 HOOPER AVE****TOMS RIVER****NJ 08754**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BLUE**DOB: **09/08/2001**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

()

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:
SEE APPENDIX A

Affidavit of Probable Cause**Page 8 of 10****1/1/2017**

Affidavit of Probable Cause

COMPLAINT NUMBER

1514

W

2022

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PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

MORDECHAI BERKOWITZ

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

SEE APPENDIX A

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

SERIOUS BODILY INJURY TO MARIA FLORES-MORENO AND CAUSED DEATH TO JUANA LOPEZ-HERNANDEZ

This form was supplemented by oral testimony provided to the judicial officer

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: DET BRAD FRANK LAW ENFORCEMENT OFFICER

Date: 07/26/2022

Affidavit of Probable Cause

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1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. MORDECHAI BERKOWITZ	
1514	W	2022	000456		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	ADDRESS: 89 ADAMS STREET LAKEWOOD NJ 08701-0000	
LAKEWOOD MUNICIPAL COURT 231 THIRD ST LAKEWOOD NJ 08701-0000 732-364-2500 COUNTY OF: OCEAN					
# of CHARGES 5	CO-DEFTS	POLICE CASE #: 22-11792		DEFENDANT INFORMATION SEX: M EYE COLOR: BLUE DOB: 09/08/2001 DRIVER'S LIC. #. [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] () LIVESCAN PCN #: [REDACTED]	
COMPLAINANT DET BRAD FRANK NAME: 119 HOOPER AVE TOMS RIVER NJ 08754					

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.

- Physical evidence was seized/recovered:
 *Other Type(s) of physical evidence **VEHICLE**
- The defendant operated a motor vehicle in a manner that endangered public safety.
- The defendant appeared to be under the influence of drugs or alcohol at the time of the offense.
- The case involves a search warrant(s).
- 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: **CELL PHONE**

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: **DET BRAD FRANK LAW ENFORCEMENT OFFICER** Date: **07/26/2022**

Preliminary Law Enforcement Incident Report

Page 10 of 10

7/20/2018

**STATE V. MORDECHAI BERKOWITZ
AFFIDAVIT OF PROBABLE CAUSE**

APPENDIX A

A. On Friday, July 22, 2022 at 2022 hours, Lakewood Police Department responded to the area of South Lake Drive, 175 feet east of Lake Park Blvd and Lake Park drive for a motor vehicle crash with serious injuries.

B. It was learned that a gray 2018 Chevrolet Impala bearing New Jersey Registration number [REDACTED], driven by Mordechai Berkowitz, was headed eastbound on South Lake Drive when he crossed over the double yellow and collided head on with a white 2017 Toyota Rav4 bearing New Jersey Registration [REDACTED], driven by Maria Flores-Moreno and a front passenger Juana Lopez-Hernandez, resulting in all parties suffering injuries.

C. While Berkowitz was in the back of a Hatzolah ambulance Ptl. Woods attempted to speak to him however Berkowitz kept losing focus and dozing off.

D. As a result of the crash, Berkowitz and Flores were transported to Jersey Shore Medical Center for further evaluation of their injuries. Lopez-Hernandez was transported to Monmouth Medical Center Southern Campus where she succumbed to her injuries and was pronounced at 2058 hours by Dr. Sprule.

E. The roadway evidence shows that Berkowitz's vehicle did cross into the opposite lane of travel and struck Flores-Moreno's vehicle with enough force to push it backwards approximately 50 feet. Berkowitz's vehicle rolled onto the driver's side and came to rest. After Berkowitz was removed from his vehicle it caught fire.

STATE V. MORDECHAI BERKOWITZ
AFFADAVIT OF PROBABLE CAUSE

APPENDIX A

Berkowitz's vehicle was towed to Lakewood Public Works pending a search warrant.

F. Further investigation revealed that Ptl. Connor Woods responded to Jersey Shore Medical Center to check the status of Berkowitz. When arriving at the hospital, Ptl Woods was notified by medical staff that he would not be able to speak to Berkowitz because he was intubated due to being intoxicated and combative.

G. Additionally Ptl. Mercado and Ptl. Guzman of Lakewood Police Traffic Unit, responded 89 Adams St, Lakewood, NJ, to make notification to Berkowitz's father, [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

H. The foregoing events support officer's observations of Berkowitz in the Hatzolah Ambulance, specifically that Berkowitz was under the influence of alcohol or other illicit substances rendering him unfit to safely operate a motor vehicle at the time of the collision.

I. The Chevrolet Impala driven by Berkowitz, was secured and subsequently transported by the Ocean County Vehicle Services from the Lakewood Department of Public Works to the Ocean County Sheriff's Office, CSI garage located at 144 Chestnut St. in Toms River and was logged into evidence pending a search warrant.

J. On July 26, 2022 at 0930 hours, Det. Andrew Harnett picked up the blood samples for Mordechai Berkowitz, which were previously

STATE V. MORDECHAI BERKOWITZ
AFFIDAVIT OF PROBABLE CAUSE

APPENDIX A

obtained from Jersey Shore Medical Center pursuant to a Court Order, from the Ocean County Sheriff's Office, CSI and transported them to Drugscan Laboratory for analysis.

K. On July 23, 2022, the undersigned made application to the Court for a Search Warrant for the gray 2018 Chevrolet Impala Bearing New Jersey Registration number [REDACTED] [REDACTED] and Vehicle Identification Number 2G1105S37J9171403 Registered To Moshe Berkowitz (DOB: 11/28/1973; Address: 89 Adams St. Lakewood, New Jersey 08701), which was approved by Supervising Assistant Prosecutor Robert Cassidy, and was authorized by the Honorable Rochelle Gizinski at 1727 hours.

L. The Search Warrant of the 2018 Chevrolet Impala was executed by Detective Daniel Lesniakowski of the Ocean County Sherriff's Office-Crime Scene Investigation Unit. Also present for the search was Sgt. Brad Frank, Det. Andrew Harnett and Det. Anthony Carrington III, all from the Ocean County Prosecutor's Office. A search of said vehicle yielded a Gray LG Flip Phone, U.S. Passport belonging to Shraga Feivel Berkowitz, and the General Motors Engine Control Module.

M. The Gray LG Flip Phone was identified as having a serial number of 812CQJZ0345220 and Model number LG-VN220. Based on the Gray LG Flip Phone's close proximity to the front driver's seat in the center console cup holder and Mordechai Berkowitz being the sole occupant of the vehicle, the undersigned believes that the Gray LG Flip Phone belongs to the operator of the vehicle at the time of the crash, identified as Mordechai Berkowitz.

**STATE V. MORDECHAI BERKOWITZ
AFFIDAVIT OF PROBABLE CAUSE**

APPENDIX A

N. The phone was secured pending an application for a court-authorized search warrant. The Gray LG Flip Phone was obtained to determine if there was manipulation of the cellular phone just prior and/or up until the crash, which would have the potential to distract the operator's ability to operate a motor vehicle safely. In addition, the search of the cellular phone will reveal any conversations pertaining to the consumption of drugs and/or alcohol by Berkowitz at the relevant times periods up to and including the time of the crash.

O. On Tuesday, July 26, 2022, the undersigned and Det. Anthony Carrington III, successfully downloaded the Airbag Control Module for the Chevrolet Impala, which was retrieved utilizing the Bosch Data Retrieval Tool. The results indicate that Berkowitz was traveling at 104 miles-per-hour 2.5 seconds prior to impact, decreasing to 91 miles-per-hour 0.5 seconds prior to impact. The stretch of roadway where this motor vehicle collision occurred has a posted speed limit of 35 miles-per-hour (confirmed in the straight line diagram).

P. Following the download of the ECM, the undersigned, Det. Anthony Carrington III and Sgt. Brad Frank responded to Jersey Shore Medical Center to procure the medical records of Mordechai Berkowitz, pursuant to the Court Order approved by Hon. Rochelle Gizinski. Those documents reveal that at or around the time pre-admission blood was drawn at Jersey Shore Medical Center, which occurred approximately 1 hour after the collision Berkowitz had a blood alcohol content of 0.215.