

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
www.OCPONJ.gov

June 6, 2023

Resident

Via OPRA Machine: opra+request-44541-d7f8a42d@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 23001575 – Kyle Banner

Dear Sir/Madam:

Enclosed please find the Complaint Warrant, Preliminary Law Enforcement Incident report and Affidavit/Appendix A 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.

As of this date, please be advised that there are no responsive documents pursuant to your request for the Arrest reports, Global Subject Activity reports, Indictments, Criminal Information Forms, Plea Forms and Sentencing information. You are welcome to resubmit your request for any documents/materials not in our possession.

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

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY	
1507	W	2023	000698	VS.	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	KYLE W BANNER	
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN				ADDRESS: 495 MANTOLOKING ROAD BRICK NJ 08723-0000	
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 23-21051	DEFENDANT INFORMATION		
COMPLAINANT DET. G. BORG NAME: POBX876/255OAKAVE ATTN WARRANTS TOMS RIVER NJ 08753			SEX: M EYE COLOR: BROWN DOB: 11/18/1974 DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY #: [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #:		
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 04/24/2023 in TOMS RIVER TWP, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT AN ACT RELATING TO HIS OFFICE, A PUBLIC SERVANT EMPLOYED BY THE TOMS RIVER REGIONAL SCHOOLS, CONSTITUTING AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTION, KNOWING THAT SUCH ACTS WERE UNAUTHORIZED OR COMMITTED IN AN UNAUTHORIZED MANNER WITH THE PURPOSE TO OBTAIN A BENEFIT TO HIMSELF; TO WIT; ENGAGING IN SEXUAL CONDUCT INSIDE OF HIS CLASSROOM OR AT SCHOOL AT TOMS RIVER INTERMEDIATE NORTH SCHOOL, FOR THE PURPOSE OF HIS OWN SEXUAL GRATIFICATION. *OFFENSE DATE- SEPTEMBER 4, 2019 - APRIL 24, 2023					
WITHIN THE JURISDICTION OF THIS COURT, DID ENGAGE IN SEXUAL CONDUCT WHICH WOULD IMPAIR OR DEBAUCH THE MORALS OF [REDACTED], A CHILD UNDER 18-YEARS-OF AGE; TO WIT; POSTING SEXUAL EXPLICIT IMAGES AND/OR VIDEOS AND/OR CONTENT KNOWING THAT [REDACTED] HAD UNRESTRICTED ACCESS TO SUCH EXPLICIT CONTENT. *OFFENSE DATE - APRIL 23, 2023					
In violation of:					
Original Charge	1) 2C:30-2A		2) 2C:24-4A(1)		3) 2C:24-4A(1)
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. G. BORG Date: 05/23/2023					
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 ROOPER 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. BRITTANY STAPON JUDICIAL OFFICER 05/23/2023 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

1507**W****2023****000698****STATE V.****KYLE W BANNER**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

WITHIN THE JURISDICTION OF THIS COURT, DID ENGAGE IN SEXUAL CONDUCT WHICH WOULD IMPAIR OR DEBAUCH THE MORALS OF [REDACTED] A CHILD UNDER 18-YEARS-OF AGE; TO WIT; POSTING SEXUAL EXPLICIT IMAGES AND/OR VIDEOS AND/OR CONTENT KNOWING THAT [REDACTED] HAD UNRESTRICTED ACCESS TO SUCH EXPLICIT CONTENT. *OFFENSE DATE - APRIL 23, 2023

WITHIN THE JURISDICTION OF THIS COURT, DID ENGAGE IN SEXUAL CONDUCT WHICH WOULD IMPAIR OR DEBAUCH THE MORALS OF [REDACTED] A CHILD UNDER 18-YEARS OF AGE; WHILE HAVING A DUTY TO CARE FOR [REDACTED]; SPECIFICALLY BY SENDING [REDACTED] INAPPROPRIATE IMAGES AND/OR VIDEOS AND/OR CONTENT THROUGH SOCIAL MEDIAL APPLICATIONS AND KNOWING THAT [REDACTED] HAD UNRESTRICTED ACCESS TO SUCH EXPLICIT CONTENT. *OFFENSE DATE - DECEMBER 6, 2022

Original Charge	4) 2C:24-4A(1)		
Amended Charge			

COMPLAINT - WARRANT	
Page 2 of 10	NJICDR2 1/1/2017

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1507**W****2023****000698****STATE V.****KYLE W BANNER**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

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:☐ 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:30-2A

2) 2C:24-4A(1)

3) 2C:24-4A(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:**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 _____

Page 3 of 10

NJ/CDR2 1/1/2017

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

1507**W****2023****000698****STATE V.****KYLE W BANNER**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

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

4) 2C:24-4A(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:**COMPLAINT - WARRANT (Court Action)**

JUDGE'S SIGNATURE

DATE

Page 4 of 10

NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER

1507**W****2023****000698**

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

CO-DEFTS

POLICE CASE #:

23-21051

COMPLAINANT

NAME:

DET. G.**BORG****THE STATE OF NEW JERSEY****VS.****KYLE W BANNER**

ADDRESS:

495 MANTOLOKING ROAD**BRICK****NJ 08723-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **11/18/1974**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

(C)

LIVESCAN PCN #:

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 **04/24/2023** in **TOMS RIVER TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT AN ACT RELATING TO HIS OFFICE, A PUBLIC SERVANT EMPLOYED BY THE TOMS RIVER REGIONAL SCHOOLS, CONSTITUTING AN UNAUTHORIZED EXERCISE OF HIS OFFICIAL FUNCTION, KNOWING THAT SUCH ACTS WERE UNAUTHORIZED OR COMMITTED IN AN UNAUTHORIZED MANNER WITH THE PURPOSE TO OBTAIN A BENEFIT TO HIMSELF; TO WIT; ENGAGING IN SEXUAL CONDUCT INSIDE OF HIS CLASSROOM OR AT SCHOOL AT TOMS RIVER INTERMEDIATE NORTH SCHOOL, FOR THE PURPOSE OF HIS OWN SEXUAL GRATIFICATION. *OFFENSE DATE- SEPTEMBER 4, 2019 - APRIL 24, 2023

WITHIN THE JURISDICTION OF THIS COURT, DID ENGAGE IN SEXUAL CONDUCT WHICH WOULD IMPAIR OR DEBAUCH THE MORALS OF **[REDACTED]** A CHILD UNDER 18-YEARS-OF AGE; TO WIT; POSTING SEXUAL EXPLICIT IMAGES AND/OR VIDEOS AND/OR CONTENT KNOWING THAT **[REDACTED]** HAD UNRESTRICTED ACCESS TO SUCH EXPLICIT CONTENT. *OFFENSE DATE - APRIL 23, 2023

In violation of:

Original Charge

1) **2C:30-2A**2) **2C:24-4A(1)**3) **2C:24-4A(1)**

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. G. BORGDate: **05/23/2023**

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 BOOPER 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. **BRITTANY STAPON JUDICIAL OFFICER 05/23/2023**

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

1507**W****2023****000698****STATE V.****KYLE W BANNER**COURT CODE PREFIX YEAR SEQUENCE NO.

WITHIN THE JURISDICTION OF THIS COURT, DID ENGAGE IN SEXUAL CONDUCT WHICH WOULD IMPAIR OR DEBAUCH THE MORALS OF [REDACTED] A CHILD UNDER 18-YEARS-OF AGE; TO WIT; POSTING SEXUAL EXPLICIT IMAGES AND/OR VIDEOS AND/OR CONTENT KNOWING THAT [REDACTED] HAD UNRESTRICTED ACCESS TO SUCH EXPLICIT CONTENT. *OFFENSE DATE - APRIL 23, 2023

WITHIN THE JURISDICTION OF THIS COURT, DID ENGAGE IN SEXUAL CONDUCT WHICH WOULD IMPAIR OR DEBAUCH THE MORALS OF [REDACTED] A CHILD UNDER 18-YEARS OF AGE; WHILE HAVING A DUTY TO CARE FOR [REDACTED]; SPECIFICALLY BY SENDING [REDACTED] INAPPROPRIATE IMAGES AND/OR VIDEOS AND/OR CONTENT THROUGH SOCIAL MEDIAL APPLICATIONS AND KNOWING THAT [REDACTED] HAD UNRESTRICTED ACCESS TO SUCH EXPLICIT CONTENT. *OFFENSE DATE - DECEMBER 6, 2022

Original Charge	4) 2C:24-4A(1)		
Amended Charge			
		COMPLAINT - WARRANT (DEFENDANT'S COPY)	
		Page 6 of 10	NJ/CDR2 1/1/2017

COMMITMENT

COMPLAINT NUMBER

1507**W****2023****000698**

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

4

CO-DEFTS

POLICE CASE #:

23-21051

COMPLAINANT NAME:

DET. G. BORG**POBX876/255OAKAVE****ATTN WARRANTS****TOMS RIVER****NJ 08753****THE STATE OF NEW JERSEY****VS.****KYLE W BANNER**

ADDRESS:

495 MANTOLOKING ROAD**BRICK****NJ 08723-0000**

DEFENDANT INFORMATION

SEX: M EYE COLOR: BROWN

DOB: 11/18/1974

DRIVER'S LIC. #

DL STATE NJ

SOCIAL SECURITY #

SBI #

TELEPHONE #: (C)

LIVSCAN 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 BOOPER 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				THE STATE OF NEW JERSEY VS. KYLE W BANNER	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
1507	W	2023	000698	ADDRESS: 495 MANTOLOKING ROAD BRICK NJ 08723-0000	
TOMS RIVER MUNICIPAL COURT 255 OAK AVENUE TOMS RIVER NJ 08753-0000 732-797-3914 COUNTY OF: OCEAN					
# of CHARGES 4	CO-DEFTS	POLICE CASE #: 23-21051		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB 11/18/1974 DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] (C) LIVESCAN PCN #:	
COMPLAINANT DET. G. BORG 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 <u>and</u> (2) the defendant is the one who committed it: See Attached Appendix A					
				Affidavit of Probable Cause	
				Page 8 of 10	
				1/1/2017	

Affidavit of Probable Cause

COMPLAINT NUMBER

1507**W****2023****000698**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY**VS.****KYLE W BANNER**

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: DET. G. BORG LAW ENFORCEMENT OFFICER

Date: 05/23/2023

Affidavit of Probable Cause**Page 9 of 10****1/1/2017**

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. KYLE W BANNER ADDRESS: 495 MANTOLOKING ROAD BRICK NJ 08723-0000	
1507	W	2023	000698		
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 4	CO-DEFTS	POLICE CASE #: 23-21051		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 11/18/1974 DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] (C) LIVSCAN PCN #:	
COMPLAINANT NAME: DET. G. BORG POBX876/255OAKAVE ATTN WARRANTS TOMS RIVER NJ 08753					
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 a sexual crime. *The Domestic Violence Central Registry was checked for Sexual Assault Orders. -The charge was based on the observations/statements made by an eyewitness(es). *The witness statement(s) were recorded via: *Stationhouse interview room camera *Audio recording only -The offense/incident was recorded using electronic/surveillance via: *Cellphone Video -The defendant was known to the victim as: *Other/Explain Teacher -Physical evidence was seized/recovered: *Other Type(s) of physical evidence Electronic Devices -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: 8					
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. G. BORG LAW ENFORCEMENT OFFICER				Date: 05/23/2023	
				Preliminary Law Enforcement Incident Report	
				Page 10 of 10	
				7/20/2018	

Appendix A

On April 26, 2023, This Affiant contacted Det. Bayha from OCPO in reference to a teacher, Kyle Banner (DOB: 11/18/74), at Toms River Intermediate North, posting photographs to his public Twitter profile of his exposed, genitalia while in his classroom at Intermediate North and Ocean County Community College. Additionally, there were numerous posts of the defendant stating that he likes body parts of young male students and he looks at boys while they are in the locker room, as well as other inappropriate material.

On April 27, 2023, this Affiant and Det. Bayha conducted an interview of [REDACTED] at Toms River High School North. [REDACTED] advised that on Sunday, April 23, 2023, he accessed a link on his former teacher's Kyle Banner's Twitter account. [REDACTED] recognized Mr. Banner in the photographs, due to formerly being a student of the defendant's History class when [REDACTED] was in 8th grade at Intermediate North. [REDACTED] also recognized that one of the photographs of the defendant's erect penis was taken in the classroom. [REDACTED] advised that he recognized the furniture in the room and the layout of the room. [REDACTED] went on the defendant's Twitter account and printed out all the photographs, posts, and recorded the videos that were posted. [REDACTED] provided all printouts and videos to this Affiant. [REDACTED] advised that he told his sister, about the Twitter posts. On April 23, 2023, the sister sent an email to Principal Fronzak with the defendant's attached Twitter posts expressing her concerns.

On April 27, 2023, this Affiant and Det. Bayha, conducted an interview of [REDACTED] at Toms River High School North. [REDACTED] confirmed that on April 23, 2023, she was in a group chat with twelve (12) of her friends including [REDACTED] discussing teachers that they had in middle school. Many of her friends had the defendant in middle school for History. [REDACTED] looked up the defendant on YouTube and when she found the defendant's profile, there was also a link for his Twitter page. When she clicked on the link, she was brought to the defendant's public Twitter page. [REDACTED] stated that she looked at the account briefly and sent the link to her friends. [REDACTED] advised that she did not have the defendant as a teacher, however, she did recognize the classroom since she was a former student of the Intermediate School. She observed photographs and content, where the defendant was located in his classroom with exposed genitalia.

This Affiant and Det. Bayha, conducted an interview of Principal Lynn Fronzak from Intermediate North. Principal Fronzak confirmed that the photographs of the defendant in the classroom was his assigned classroom, C31. The defendant had been assigned this classroom for approximately 5-6 years. She advised that she knows that the defendant was in is classroom while taking the photographs because she recognized the oxagon shape of the room, the brown and silver desks, and the wood panel over the doorway.

On April 27, 2023, a search warrant was applied for and was granted in order to seize Banner's cellular device, as well as any/all electronic devices by the Honorable Dina Vicari. On May 2, 2023, an additional Search Warrant was approved by the Honorable Dina Vicari for the search and forensic download of the seized electronics. Pursuant to the forensic downloads of the defendant's cellular telephone and Ipad, numerous images were located depicting the defendant engaging in sexual conduct while in his classroom.

On May 16, 2023, this Affiant was provided information by Caseworker Brianne Regan from IAIU in reference to [REDACTED] receiving images from the defendant as well as observing explicit images on the defendant's social media applications.

On May 18, 2023, this Affiant along with Det. Bayha conducted a statement of [REDACTED] confirmed that the defendant is his current teacher. [REDACTED] advised that on the first day of school, the defendant instructed the students to take out their cellular telephones and follow his social media accounts. In October of 2022, the defendant asked [REDACTED] for his personal Snap Chat account. The defendant and [REDACTED] began to engage in personal conversation, as well as the defendant sent him an image of his bare chest and images of him wearing only boxers with bulging genitalia. [REDACTED] also advised that the defendant made him feel uncomfortable when receiving these pictures. The defendant also would hug and rub [REDACTED] shoulders and bring him homemade food. [REDACTED] also showed this Affiant and Det. Bayha the defendant's public social media accounts which also showed inappropriate images of the defendant.

After review of multiple school documents it was determined that the defendant was assigned to classroom C-31 in 2019. This classroom was observed in numerous images retrieved from the defendant's electronics and social media accounts. The defendant is engaged in various sexual acts with himself which can be viewed on these images, which clearly show that the images were created in classroom C-31 of the Intermediate North School.

Supplement

CAD Call info/comments

09:48:10 04/24/2023 - Mooney, E.

See Asst. Superintendent Pat Thomas in the TR Schools admin offices upstairs. A district teacher has been posting inappropriate photos and writings online. Investigation was initiated by a student who reported an inappropriate relationship.

05/25/23