

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

119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027
www.OCPONJ.gov

July 27, 2023

Via OPRA Machine: opra+request-48859-3978d19a@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 23001977
State v. Joshua Gunnell

Dear Sir/Madam:

Enclosed please find the 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.

Please be advised that there are no responsive documents pursuant to your request for the Global Subject Activity Report, Arrest Report, Complaint Warrants, Indictment, Plea Forms, Sentencing Information, and Criminal Information Forms.

If I can be of further assistance, please contact me at 732-929-2027, x3135.

Yours very truly,

Dina R. Khajezadeh

Dina R. Khajezadeh
Assistant Prosecutor

DRK/jd

Enclosures

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:

Joshua Gunnell (Case # 23001977)

Salvatore Umek (Case # 23002235)

Helecia Morris (sentenced 7/7/23)

Donna Jung (sentenced 7/7/23)

Yours sincerely,

Resident

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-48859-3978d19a@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 using this form:

https://opramachine.com/change_request/new?body=ocean_county_prosecutors_office

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/case_reports_77

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

COMPLAINT - SUMMONS

COMPLAINT NUMBER

1506**S****2023****000534**

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

CO-DEFTS

POLICE CASE #:

COMPLAINANT **JOHN DALY PTL**
NAME: **401 CHAMBERSBRDG RD**
ATTN WARRANTS
BRICK TOWN NJ 08723

THE STATE OF NEW JERSEY
VS.

JOSHUA H GUNNELLADDRESS: **1100 BARTON AVE****POINT PLEASANT BORO NJ 08742-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR:DOB: **01/18/1982**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

LIVSCAN PCN #: **150603008961**

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 **06/25/2023** in **OCEAN County, NJ** did: **WITHIN THE JURISDICTION OF THIS COURT, THE DEFENDANT (JG) DID COMMIT THE OFFENSE OF SHOPLIFTING BY PURPOSELY CONCEALING MERCHANDISE, SPECIFICALLY DESCRIBED AS MISCELLANEOUS GROCERIES AND HEALTH CARE PRODUCTS, OFFERED FOR SALE BY WALMART (1872 ROUTE 88) WITH THE INTENT TO DEPRIVE WALMART OF ALL OR SOME PART OF VALUE THEREOF, SPECIFICALLY BY CONCEALING \$212.12 OF ITEMS IN HIS SHOPPING CARTS WITH REUSABLE BAGS, AND ITEMS THAT WERE PAID FOR. THE DEFENDANT THEN WALKED PAST ALL POINTS OF SALE WITHOUT PAYMENT IN VIOLATION OF N.J.S. 2C:20-11B(2).**

in violation of:

Original Charge	1) 2C:20-11B(2)	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 DALY PTL** Date: **06/25/2023**

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: **06/25/2023** Appearance Date: **07/11/2023** Time: **09:00AM** Phone: **732-504-0700**Signature of Person Issuing Summons: **JOHN DALY PTL** Date: **06/25/2023**☐ Domestic Violence - Confidential☐ Related Traffic Tickets or Other Complaints☐ Serious Personal Injury/ Death Involved

Special conditions of release:

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

ORIGINAL

COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER

1506**S****2023****000534**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**JOSHUA H GUNNELL****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: **07/11/2023**☐ 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 Charge1) **2C:20-11B (2)**

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:

JUDGE'S SIGNATURE _____

DATE _____

ORIGINAL - Court Action**Page 2 of 7****NJ/CDR1 1/1/2017**

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. JOSHUA H GUNNELL ADDRESS: 1100 BARTON AVE POINT PLEASANT BORO NJ 08742-0000	
1506	S	2023	000534		
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 #:		DEFENDANT INFORMATION	
COMPLAINANT NAME: JOHN DALY PTL				SEX: M EYE COLOR: DOB: 01/18/1982 DRIVER'S LIC. #: DL STATE: NJ SOCIAL SECURITY #: SBI #: TELEPHONE #: () LIVSCAN PCN #: 150603008961	

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 **06/25/2023** in **OCEAN County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, THE DEFENDANT (JG) DID COMMIT THE OFFENSE OF SHOPLIFTING BY PURPOSELY CONCEALING MERCHANDISE, SPECIFICALLY DESCRIBED AS MISCELLANEOUS GROCERIES AND HEALTH CARE PRODUCTS, OFFERED FOR SALE BY WALMART (1872 ROUTE 88) WITH THE INTENT TO DEPRIVE WALMART OF ALL OR SOME PART OF VALUE THEREOF, SPECIFICALLY BY CONCEALING \$212.12 OF ITEMS IN HIS SHOPPING CARTS WITH REUSABLE BAGS, AND ITEMS THAT WERE PAID FOR. THE DEFENDANT THEN WALKED PAST ALL POINTS OF SALE WITHOUT PAYMENT IN VIOLATION OF N.J.S. 2C:20-11B(2).

in violation of:

Original Charge	1) 2C:20-11B(2)	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 DALY PTL** Date: **06/25/2023**

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: **06/25/2023** Appearance Date: **07/11/2023** Time: **09:00AM** Phone: **732-504-0700**

Signature of Person Issuing Summons: **JOHN DALY PTL** Date: **06/25/2023**

☐ 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				THE STATE OF NEW JERSEY VS. JOSHUA H GUNNELL ADDRESS: 1100 BARTON AVE POINT PLEASANT BORO NJ 08742-0000	
1506	S	2023	000534		
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 #:		DEFENDANT INFORMATION	
COMPLAINANT JOHN DALY PTL NAME: 401 CHAMBERSBRDG RD ATTN WARRANTS BRICK TOWN NJ 08723				SEX: M EYE COLOR: [REDACTED] DOB: 01/18/1982 DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: [REDACTED] TELEPHONE #: [REDACTED] LIVSCAN PCN #: 150603008961	

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 **06/25/2023** in **OCEAN** County, NJ did:

WITHIN THE JURISDICTION OF THIS COURT, THE DEFENDANT (JG) DID COMMIT THE OFFENSE OF SHOPLIFTING BY PURPOSELY CONCEALING MERCHANDISE, SPECIFICALLY DESCRIBED AS MISCELLANEOUS GROCERIES AND HEALTH CARE PRODUCTS, OFFERED FOR SALE BY WALMART (1872 ROUTE 88) WITH THE INTENT TO DEPRIVE WALMART OF ALL OR SOME PART OF VALUE THEREOF, SPECIFICALLY BY CONCEALING \$212.12 OF ITEMS IN HIS SHOPPING CARTS WITH REUSABLE BAGS, AND ITEMS THAT WERE PAID FOR. THE DEFENDANT THEN WALKED PAST ALL POINTS OF SALE WITHOUT PAYMENT IN VIOLATION OF N.J.S. 2C:20-11B(2).

in violation of:

Original Charge	1) 2C:20-11B(2)	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 DALY PTL BRICK TWP POLICE DEPT** Date of Action: **06/25/2023**
 Name, Title and Department of Officer

**RETURN OF SERVICE
INFORMATION**

Affidavit of Probable Cause

COMPLAINT NUMBER

1506**S****2023****000534**

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 #:

COMPLAINANT JOHN DALY PTL
NAME: 401 CHAMBERSBRDG RD
ATTN WARRANTS
BRICK TOWN NJ 08723

THE STATE OF NEW JERSEY**VS.****JOSHUA H GUNNELL**

ADDRESS:
1100 BARTON AVE

POINT PLEASANT BORO NJ 08742-0000**DEFENDANT INFORMATION**

SEX: M EYE COLOR: DOB: 01/18/1982

DRIVER'S LIC. # DL STATE: NJ

SOCIAL SECURITY # SBI #:

TELEPHONE #: ()

LIVESCAN PCN #: 150603008961

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 were called to Walmart (1872 Route 88) in reference to a shoplifting. Upon arrival, I met with Loss Prevention (LP) employee and the suspect. LP stated the male had various groceries and health care products that were not paid for, totaling \$212.12. LP provided surveillance footage which showed the male (JG) begin to scan items from his shopping cart at the self-checkout. JG began removing multiple items from his shopping cart, while only scanning one item. Walmart employee interjected and properly scanned the missed items. JG then finished his transaction after payment, however, left numerous items concealed under reusable shopping bags, and in the top shelf of the cart that were not paid for. JG then passed all point of sale and exited the store before being stopped by LP.

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

1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER

1506**S****2023****000534**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY**VS.****JOSHUA H GUNNELL**

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

I observed JG on Walmart's surveillance footage.

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: JOHN DALY PTL LAW ENFORCEMENT OFFICER

Date: 06/25/2023

Affidavit of Probable Cause**Page 6 of 7****1/1/2017**

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER

1506**S****2023****000534**

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 #:

COMPLAINANT **JOHN DALY PTL**
NAME: **401 CHAMBERSBRDG RD**
ATTN WARRANTS
BRICK TOWN NJ 08723

THE STATE OF NEW JERSEY**VS.****JOSHUA H GUNNELL**ADDRESS: **1100 BARTON AVE****POINT PLEASANT BORO NJ 08742-0000**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR:DOB: **01/18/1982**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #:

TELEPHONE #:

LIVESCAN PCN #: **150603008961**

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/incident was recorded using electronic/surveillance via:
•Surveillance Camera

-Physical evidence was seized/recovered:
•Stolen Property, Approximate Value \$ 212.12

-The case involved theft and/or stolen property. The property which was stolen and/or possessed is misc. groceries

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 DALY PTL LAW ENFORCEMENT OFFICER**Date: **06/25/2023**

Preliminary Law Enforcement Incident Report

Page 7 of 7

7/20/2018