MARK MUSELLA
Bergen County Prosecutor

# Office of the County Prosecutor

## County of Bergen

DENNIS CALO
First Assistant Prosecutor

THOMAS MCGUIRE
Executive Assistant Prosecutor

ROBERT ANZILOTTI
Chief of Detectives

Two Bergen County Plaza
Hackensack, New Jersey 07601
(201) 646-2300

October 1, 2020

Via E-mail: Always cocacola <opra+request-16874-15a380e5@requests.opramachine.com

Re: Request for Public Records

Dear Requestor:

This is in response to your request for public records dated 09-22-20, which this office received on said date, and in which you requested the following:

- All information and outcome of criminal case of theft by deception and falsified records Against Christopher Giordano aka Courtney Breese DOB: 6-10-88

Your request is related to a closed investigation and prosecution of Christopher Giordano, A.K.A. Courtney Breese, of Monmouth Junction, NJ, who was charged with theft by deception and falsifying records.

As to your request for the case outcome, I attach the judgment of conviction which reflects the disposition of the criminal case and which appears responsive to your request. To the extent you may seek other "information", the New Jersey Open Public Records Act (OPRA) provides for access to specifically identifiable government records. *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control,* 375 N.J. Super. 534 (2005). Your reference to information thus fails to identify particular government records, and is therefore improper and is otherwise vague and overboard. Please note that OPRA does not extend to requests for information, nor is it the custodian's obligation to research and analyze your submissions to discern the nature of your request. *See Bent v. Stafford Twp. Police Dep't*, 381 N.J. Super. 30, 37-39 (App. Div. 2005); *Lagerkvist v. Office of the Governor*, 443 N.J. Super. 230, 236-237 (App. Div. 2015*); Spectraserv v. Middlesex Util.*, 416 N.J. Super. 565, 576 (App. Div. 2010).

The Bergen County Prosecutor's Office also reserves the right to raise any other ground for denial not raised in this response. The failure of the Bergen County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial.

You have a right to appeal the decision that the document or documents are not public records or are otherwise exempt from disclosure. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your county.

Very truly yours,

MARK MUSELLA
Bergen County Prosecutor

By: _____
Maureen Parenta
Assistant Records Custodian

MP/mf

# Judgment of Conviction

## Superior Court of New Jersey, BERGEN County

**State of New Jersey** **v.**

| Last Name | First Name | Middle Name |
|---|---|---|
| GIORDANO | CHRISTOPH | T |

Also Known As: BREESE COURTNEY

| Date of Birth | SBI Number | Date(s) of Offense |
|---|---|---|
| 06/10/1988 | 984552G | 07/27/2017 |

| Date of Arrest | PROMIS Number | Date Ind / Acc / Complt Filed | Original Plea | Date of Original Plea |
|---|---|---|---|---|
| 02/19/2019 | 19 000252-001 | 08/15/2019 | ☐ Not Guilty ☐ Guilty | |

Adjudication By: ☑ Guilty Plea ☐ Jury Trial Verdict ☐ Non-Jury Trial Verdict ☐ Dismissed / Acquitted Date: 08/15/2019

### Original Charges

| Ind / Acc / Complt | Count | Description | Statute | Degree |
|---|---|---|---|---|
| 19-08-00739-A | 1 | THEFT BY DECEPTION-VALUE $500-74999/GUN/MV/CDS<=1KG ETC | 2C:20-4 | 3 |

### Final Charges

| Ind / Acc / Complt | Count | Description | Statute | Degree |
|---|---|---|---|---|
| 19-08-00739-A | 1 | THEFT BY DECEPTION-VALUE $500-74999/GUN/MV/CDS<=1KG ETC | 2C:20-4 | 3 |

### Sentencing Statement

It is, therefore, on 12/20/2019 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:

COUNT 1: THE DEFENDANT IS SENTENCED TO 2 YEARS OF PROBATION
--DISMISS S-2019-60-290 ON THE STATE'S MOTION

CONDITIONS OF PROBATION:
--DNA NEEDED
--CAN TRANSFER TO MIDDLESEX COUNTY
--DEFENDANT IS TO PAY $73,184.70 IN RESTITUTION

JAIL CREDITS OF 1 DAY

☐ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

| Total Custodial Term | Institution Name | Total Probation Term |
|---|---|---|
| 000 Years 00 Months 000 Days | | 02 Years 00 Months |

**State of New Jersey v.**
GIORDANO, CHRISTOPH T

**S.B.I. #** 984552G **Ind / Acc / Complt #** 19-08-00739-A

## DEDR (*N.J.S.A.* 2C:35-15 and 2C:35-5.11)

A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)

☐ DEDR penalty reduction granted (*N.J.S.A.* 2C:35-15a(2))

| | Standard | Doubled |
|---|---|---|
| 1st Degree | _____ @ $ | _____ @ $ |
| 2nd Degree | _____ @ $ | _____ @ $ |
| 3rd Degree | _____ @ $ | _____ @ $ |
| 4th Degree | _____ @ $ | _____ @ $ |
| DP or Petty DP | _____ @ $ | _____ @ $ |

**Total DEDR Penalty $** _____

☐ The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (*N.J.S.A.* 2C:35-15e)

| Forensic Laboratory Fee (*N.J.S.A.* 2C:35-20) | Total Lab Fee |
|---|---|
| _____ Offenses @ $ _____ | $ _____ |

## VCCO Assessment (*N.J.S.A.* 2C:43-3.1)

| Counts | Number | Amount |
|---|---|---|
| 1 | 1 @ | $ 50.00 |
| | @ | $ |
| | @ | $ |
| | @ | $ |

**Total VCCO Assessment $** 50.00

## Vehicle Theft / Unlawful Taking Penalty (*N.J.S.A.* 2C:20-2.1)

| Offense | Mandatory Penalty |
|---|---|
| | $ |

## Offense Based Penalties

| Penalty | Amount |
|---|---|
| | $ |

## Other Fees and Penalties

| | |
|---|---|
| Law Enforcement Officers Training and Equipment Fund Penalty (*N.J.S.A.* 2C:43-3.3) ☑ $ 30.00 | Safe Neighborhoods Services Fund Assessment (*N.J.S.A.* 2C:43-3.2) ☑ 1 Offenses @ $ 75.00 Total: $ 75.00 |
| Probation Supervision Fee (*N.J.S.A.* 2C:45-1d) ☑ $ 10.00 | Statewide Sexual Assault Nurse Examiner Program Penalty (*N.J.S.A.* 2C:43-3.6) ☐ ____ Offenses @ $ _____ Total $ _____ |
| Transaction Fee (*N.J.S.A.* 2C:46-1.1) ☐ | |
| Domestic Violence Offender Surcharge (*N.J.S.A.* 2C:25-29.4) ☐ $ _____ | Certain Sexual Offenders Surcharge (*N.J.S.A.* 2C:43-3.7) ☐ $ _____ |
| Fine $ _____ | Sex Crime Victim Treatment Fund Penalty (*N.J.S.A.* 2C:14-10) ☐ $ _____ |
| Restitution $ 73,184.70 Joint & Several ☐ | Total Financial Obligation $ 73,339.70 |

## Additional Conditions

☑ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (*N.J.S.A.* 53:1-20.20 and *N.J.S.A.* 53:1-20.29).

☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (*N.J.S.A.* 2C:43-6.4).

☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (*N.J.S.A.* 2C:43-6.4).

☐ The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (*N.J.S.A.* 2C:43-7.2).

☐ The court imposes a Drug Offender Restraining Order (DORO) (*N.J.S.A.* 2C:35-5.7h). DORO expires _____

☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law *N.J.S.A.* 2C:14-12 or *N.J.S.A.* 2C:44-8).

☐ The court imposes a Stalking Restraining Order (*N.J.S.A.* 2C:12-10.1).

☐ The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (*N.J.S.A.* 2C:25-27c(1)).

## Findings Per *N.J.S.A.* 2C:47-3

☐ The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.

☐ The court finds that the defendant is amenable to sex offender treatment.

☐ The court finds that the defendant is willing to participate in sex offender treatment.

## License Suspension

☐ CDS / Paraphernalia (*N.J.S.A.* 2C:35-16) ☐ Waived

☐ Auto Theft / Unlawful Taking (*N.J.S.A.* 2C:20-2.1)

☐ Eluding (*N.J.S.A.* 2C:29-2)

☐ Other

| Number of Months | ☐ Non-resident driving privileges revoked |
|---|---|
| Start Date | End Date |
| Details | |
| Driver's License Number | Jurisdiction |
| If the court is unable to collect the license, complete the following: Defendant's Address | |
| City | State / Zip |
| Date of Birth | Sex ☐ M ☐ F / Eye Color |

Details
PAYMENT SCHEDULE AS FOLLOWS: DEFENDANT WILL PAY FINES TODAY.

**State of New Jersey v.**
GIORDANO, CHRISTOPH T **S.B.I. #** 984552G **Ind / Acc / Complt #** 19-08-00739-A

## Time Credits

| Time Spent in Custody | Gap Time Spent in Custody | Prior Service Credit |
|---|---|---|
| *R.* 3:21-8 | *N.J.S.A.* 2C:44-5b(2) | |
| Date: From – To | Date: From – To | Date: From – To |
| 02/19/2019 – 02/19/2019 | – | – |
| – | – | – |
| – | – | – |
| – | Total Number of Days | – |
| – | **Rosado Time** | – |
| – | Date: From – To | – |
| – | – | – |
| – | – | – |
| – | – | – |
| – | Total Number of Days | – |
| Total Number of Days 1 | | Total Number of Days |

## Statement of Reasons - Include all applicable aggravating and mitigating factors

AGGRAVATING FACTORS

9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS

8. The defendant's conduct was the result of circumstances unlikely to recur.

9. The character and attitude of the defendant indicate that he/she is unlikely to commit another offense.

10. The defendant is particularly likely to respond affirmatively to probationary treatment.

AGGRAVATING FACTORS OUTWEIGH MITIGATING FACTORS.

ALL JAIL CREDITS AS AGREED UPON BETWEEN THE PARTIES.

| Attorney for Defendant at Sentencing | Public Defender |
|---|---|
| JASON A VOLET | ☐ Yes ☑ No |
| **Prosecutor at Sentencing** | **Deputy Attorney General** |
| AVON MORGAN | ☐ Yes ☑ No |
| **Judge at Sentencing** | |
| Keith A. Bachmann, JSC | |
| **Judge (Signature)** | **Date** |
| /s Keith A. Bachmann, JSC | 12/31/2019 |