



OFFICE OF THE HUDSON COUNTY PROSECUTOR

595 NEWARK AVENUE
JERSEY CITY, NEW JERSEY 07306

ESTHER SUAREZ
PROSECUTOR

TELEPHONE: (201) 795-6400
FAX: (201) 795-3365

June 14, 2022

VIA ELECTRONIC MAIL ONLY

Opra+request-32431-36048b77@requests.opramachine.com

Wayne Jenkins

Re: June 6, 2022 OPRA and Common Law Request for Complaint and Affidavit of Probable Cause for Arrest of Elvis Santana for Murder Charges

Dear Mr. Jenkins:

The Hudson County Prosecutor's Office (HCPO) is in receipt of your above request under the New Jersey Open Public Records Act, N.J.S.A. 47: 1A-1, et. seq. and Common Law. (Copy is attached for your easy reference.)

In response to your request, attached please find the Complaint-Warrant 000170 with Affidavit of Probable Cause for murder charges against Elvis Santana. Since the HCPO has responded in full to your request, any discussion of the Common Law is moot.

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

As with any OPRA request, you have the right to challenge the HCPO's determination. At your option, you may either file a complaint in writing with the Government Records Council (GRC), located in the Department of Community Affairs, or institute a proceeding in the Superior Court.

Very truly yours,
ESTHER SUAREZ
Prosecutor of Hudson County

By:


JOHN P. LIBRETI
Chief of Civil Litigation Unit

JL/Enclosures
c. Office of the Hudson County Counsel

OPRA request - Elvis Santana - Complaint, Affidavit of Probable Cause, Etc.

Wayne Jenkins <opra+request-32431-36048b77@requests.opramachine.com>

Mon 6/6/2022 2:59 PM

To: OPRA <opra@hcopo.org>;

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Dear Hudson 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:

Complaint, Affidavit of Probable Cause, etc for murder charges related to the arrest of Elvis Santana of Bayonne.

Yours faithfully,
Wayne Jenkins

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-32431-36048b77@requests.opramachine.com

Is opra@hcopo.org the wrong address for OPRA requests to Hudson County Prosecutor's Office? If so, please contact us using this form:

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

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/elvis_santana_complaint_affidavi

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 - WARRANT

COMPLAINT NUMBER

0901**W****2021****000170**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

BAYONNE CITY MUNICIPAL COURT**630 AVENUE "C"****BAYONNE****NJ 07002-0000****201-858-6918** COUNTY OF: **HUDSON**

of CHARGES

3

CO-DEFTS

POLICE CASE #:

2021-010HCOMPLAINANT
NAME:**BONITA****MARTIN****595 NEWARK AVENUE****JERSEY CITY****NJ 07306****THE STATE OF NEW JERSEY****VS.****ELVIS C SANTANA**

ADDRESS:

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**

DOB:

DRIVER'S LIC. #:

SOCIAL SECURITY:

TELEPHONE #:

LIVSCAN PCN #:

SBI #:

DL STATE: **NJ**

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 **03/02/2021** in **BAYONNE CITY**, **HUDSON** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DEFENDANT DID PURPOSELY CAUSE THE DEATH OF MATTHEW MORTIMER, SPECIFICALLY BY STABBING THE VICTIM NUMEROUS TIMES RESULTING IN HIS DEATH, IN VIOLATION OF N.J.S. 2C:11-3A(1).

WITHIN THE JURISDICTION OF THIS COURT, DEFENDANT DID POSSESS A WEAPON, OTHER THAN A FIREARM, WITH A PURPOSE TO USE IT UNLAWFULLY AGAINST THE PERSON OR PROPERTY OF ANOTHER, SPECIFICALLY BY USING A KNIFE TO FATALLY STAB MATTHEW MORTIMER IN VIOLATION OF N.J.S.A. 2C:39-4D.

WITHIN THE JURISDICTION OF THIS COURT, DEFENDANT DID KNOWINGLY POSSESS A WEAPON, NAMELY A KNIFE UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR LAWFUL USE, SPECIFICALLY BY FATALLY STABBING MATTHEW MORTIMER IN VIOLATION OF N.J.S.A. 2C:39-5D.

in violation of:

Original Charge

1) **2C:11-3A(1)**2) **2C:39-4D**3) **2C:39-5D**

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:

BONITA MARTINDate: **03/04/2021**

You will be notified of your **Central First Appearance/CJP** date to be held at the **Superior Court** in the county of **HUDSON** at the following address: **HUDSON COUNTY COURT**

ADMINISTRATION BUILDING

595 NEWARK AVENUE

Date of Arrest:

Appearance Date:

Time:

JERSEY CITY**NJ 07306-0000**Phone: **201-795-6000**

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. **FRANK CARPENTER JUDICIAL OFFICER** **03/04/2021**

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**

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER

0901**W****2021****000170**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**ELVIS C SANTANA****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

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

2) 2C:39-4D

3) 2C:39-5D

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 2 of 7

NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

COMPLAINT NUMBER

0901**W****2021****000170**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

BAYONNE CITY MUNICIPAL COURT
630 AVENUE "C"**BAYONNE****NJ 07002-0000****201-858-6918**COUNTY OF: **HUDSON**

of CHARGES

3

CO-DEFTS

POLICE CASE #:

2021-010H

COMPLAINANT

NAME:

BONITA**MARTIN****THE STATE OF NEW JERSEY****VS.****ELVIS C SANTANA**

ADDRESS:

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**

DOB:

DRIVER'S LIC. #:

SOCIAL SECURITY #:

TELEPHONE #:

LIVESCAN PCN #:

SBI #:

DL STATE: **NJ**

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 **03/02/2021** in **BAYONNE CITY**, **HUDSON** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DEFENDANT DID PURPOSELY CAUSE THE DEATH OF MATTHEW MORTIMER, SPECIFICALLY BY STABBING THE VICTIM NUMEROUS TIMES RESULTING IN HIS DEATH, IN VIOLATION OF N.J.S. 2C:11-3A(1).

WITHIN THE JURISDICTION OF THIS COURT, DEFENDANT DID POSSESS A WEAPON, OTHER THAN A FIREARM, WITH A PURPOSE TO USE IT UNLAWFULLY AGAINST THE PERSON OR PROPERTY OF ANOTHER, SPECIFICALLY BY USING A KNIFE TO FATALLY STAB MATTHEW MORTIMER IN VIOLATION OF N.J.S.A. 2C:39-4D.

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in violation of:

Original Charge

1) **2C:11-3A(1)**2) **2C:39-4D**3) **2C:39-5D**

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:

BONITA MARTINDate: **03/04/2021**

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of **HUDSON** at the following address: **HUDSON COUNTY COURT**

ADMINISTRATION BUILDING

595 NEWARK AVENUE

JERSEY CITY

NJ 07306-0000

Date of Arrest:

Appearance Date:

Time:

Phone: **201-795-6000**

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. **FRANK CARPENTER JUDICIAL OFFICER 03/04/2021**

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.

Ball 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)

COMMITMENT

COMPLAINT NUMBER

0901**W****2021****000170**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

BAYONNE CITY MUNICIPAL COURT**630 AVENUE "C"****BAYONNE****NJ 07002-0000****201-858-6918****COUNTY OF: HUDSON**

of CHARGES

3

CO-DEFTS

POLICE CASE #:

2021-010H

COMPLAINANT

BONITA**MARTIN**

NAME:

595 NEWARK AVENUE**JERSEY CITY****NJ 07306****THE STATE OF NEW JERSEY****VS.****ELVIS C SANTANA**

ADDRESS:

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**

DOB:

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: **HUDSON COUNTY COURT**

in the county of **HUDSON****ADMINISTRATION BUILDING****595 NEWARK AVENUE****JERSEY CITY****NJ 07306-0000**

Date of Arrest:

Phone: **201-795-6000**

Signature and Title of Judicial Officer Issuing Warrant

Date

COMMITMENT**Page 4 of 7****NJ/CDR2 1/1/2017**

Affidavit of Probable Cause

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. ELVIS C SANTANA	
0901	W	2021	000170		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	ADDRESS : [REDACTED] [REDACTED]	
BAYONNE CITY MUNICIPAL COURT 630 AVENUE "C" BAYONNE NJ 07002-0000 201-858-6918 COUNTY OF: HUDSON					
# of CHARGES 3	CO-DEFTS	POLICE CASE #: 2021-010H			
COMPLAINANT BONITA MARTIN NAME: 595 NEWARK AVENUE JERSEY CITY NJ 07306				DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: [REDACTED] DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY # [REDACTED] SBI #: [REDACTED] TELEPHONE # [REDACTED] (C) LIVSCAN 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:

On 3/2/2021 at 4:18 PM members of the Bayonne Police Department contacted the Homicide Unit, informing said that a male suffered multiple fatal stab wounds at 1095 Avenue C, Bayonne, N.J. B.P.D. members informed Homicide Unit detectives that the victim's name is Matthew Mortimer and he was pronounced deceased at 4:13 PM on 03/02/2021 by Dr. Ha of the Jersey City Medical Center. Video surveillance from Irv's Liquor Store which is located adjacent to the crime scene captures the suspect prior to the murder wearing a blue colored jacket, black hooded sweatshirt underneath, black pants and black colored sneakers. His face is clearly visible as he leaves the store and enters the building at 1095. Video from an adjacent business to 1095 depicts the suspect enter the vestibule shortly before the victim enters and exit when witnesses gather outside the doorway. One of these witnesses observed the victim being stabbed by the suspect in the blue jacket within the vestibule of the building. Information was received by Bayonne Police naming Elvis Santana as the person depicted in the video wearing the blue jacket. Detectives attempted to locate Mr. Santana and were provided a phone number for his mother Nelfa Wright. Ms. Wright was interviewed and shown surveillance video from Irv's Liquor Store immediately prior to the murder and identified the individual depicted wearing the blue jacket was her son Elvis Santana. Video Surveillance from the Fiji Convenience Store was shown to Wright in which she again positively identified the suspect as her son, Elvis Santana. Additional video recovered shows the male without the blue jacket running eastbound to the area of 53rd St and Broadway where he was observed on video discarding a knife into the sewer at Investor's Bank on East 53rd St and Broadway. Said knife was subsequently recovered by members of the Crime Scene Unit and described as a paring knife with a yellow colored handle and stained with suspected blood. While reviewing the video surveillance from Twin City Liquors the suspect is observed dropping an object in another sewer grate, which was subsequently recovered by the Crime Scene Unit and described as a kitchen knife.

Affidavit of Probable Cause

Affidavit of Probable Cause

COMPLAINT NUMBER

0901

W

2021

000170

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

ELVIS C SANTANA

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

Witness Statements, and Video Surveillance.

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

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: BONITA MARTIN LAW ENFORCEMENT OFFICER

Date: 03/04/2021

Affidavit of Probable Cause

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1/1/2017

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER			
0901	W	2021	000170
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

BAYONNE CITY MUNICIPAL COURT
630 AVENUE "C"
BAYONNE NJ 07002-0000
201-858-6918 COUNTY OF: **HUDSON**

of CHARGES: **3** CO-DEFTS: **0** POLICE CASE #: **2021-010H**
 COMPLAINANT NAME: **BONITA MARTIN**
595 NEWARK AVENUE
JERSEY CITY NJ 07306

THE STATE OF NEW JERSEY
VS.
ELVIS C SANTANA

ADDRESS: **155 WEST 53RD STREET**
BAYONNE NJ 07002-3303
 DEFENDANT INFORMATION
 SEX: **M** EYE COLOR: **BROWN** DOB: **[REDACTED]**
 DRIVER'S LIC. #: **[REDACTED]** DL STATE: **NJ**
 SOCIAL SECURITY #: **[REDACTED]** SBI #: **[REDACTED]**
 TELEPHONE #: **[REDACTED]** (C)
 LIVSCAN PCN #: **[REDACTED]**

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 victim was injured and:
 - *Victim transported to medical facility
 - *Victim treated at the scene
- A weapon was involved in the incident:
 - *Knife/Cutting Instrument
- Physical evidence was seized/recovered:
 - *Weapon(s)
- The defendant attempted to conceal, discard or destroy evidence, Knives were discarded
- The defendant fled, attempted flight, or resisted arrest.
 - *Other Explain Fled scene
- A member of the public provided information to a 9-1-1 call center or dispatcher (or similar).
- The police received relevant information via radio from a 911 dispatcher (or similar).
- 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: **1**

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: **BONITA MARTIN LAW ENFORCEMENT OFFICER** Date: **03/04/2021**

Preliminary Law Enforcement Incident Report

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7/20/2018