



OFFICE OF THE COUNTY PROSECUTOR
JENNIFER WEBB-MCRAE
CUMBERLAND COUNTY PROSECUTOR

Harold B. Shapiro
First Assistant Prosecutor

Mach Jackson
Chief of Investigators

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October 11, 2023

Via email to: opra+request-53598-82xxxxxx@xxxxxxxx.xxramachine.com

Re: Records request

Dear Ms. Erin:

Please accept this letter in clarification of the response previously provided to your OPRA request dated October 1, 2023, and responded to by this office on October 11, 2023. In that request, you requested “(3) Copies of all search warrants, arrest warrants and seizure warrants associated with the 12/05/2022 arrest of defendant Jason Samaritano”.

In the response provided by this office on October 11, 2023, this office provided the Criminal-Complaint in this matter in response to your request for the arrest warrant related to this matter. However, with regard to your request for all search and seizure warrants related to this matter, this office denied your request as calling for criminal investigatory records which are exempt from release under the provisions of the Open Public Records Act. Furthermore, a criminal investigatory record remains exempt from disclosure even after the criminal investigation has been closed. Donna Janeczko v. New Jersey Department of Law and Public Safety, Division of Criminal Justice, Custodian of Record, GRC Complaint Nos. 2002-79 and 2002-80; Andrew Johnson/Press of Atlantic City v. New Jersey Division of State Police, Custodian of Record, GRC Complaint No. 2004-46.

The response of this office dated October 11, 2023 also included clarifying language that the Communications Data Warrant referenced in previously provided materials in response to your OPRA request dated September 22, 2023 was denied on the basis of calling for advisory or deliberative materials. Advisory and deliberative materials are exempt from disclosure pursuant to the statutory exemption from the Open Public Records Act for records that constitute inter-agency or intra-agency advisory, consultative, or deliberative material. N.J.S.A. 47:1A-1.1. See also In Re the Liquidation of Integrity Insurance Company, 165 N.J. 75 (2000) and Education Law Center v. NJ Department of Education, 198 N.J. 274 (2009).

The response of this office dated October 11, 2023 also indicated that the referenced Communications Data Warrant appeared to be the only search warrant associated with this matter. It has come to the attention of this OPRA Custodian that there were four (4) total search warrants associated with this matter in total, not including the draft Communications Data Warrant that never issued. For clarity, as stated in the original response to this request provided to you on October 11, 2023, your request for these four search warrants is denied on the basis of calling for criminal investigatory records which are exempt from release pursuant to the Open Public Records Act. Daniel Gatson v. Borough of Cliffside Park Police Department (Bergen), GRC Complaint Nos. 2009-239; Gatson v. Borough of Cliffside Park Police Dep't, No. A-1927-10T4, 2011 WL 6153621 (N.J. Super. Ct. App. Div. Dec. 13, 2011).

The Cumberland County Prosecutor's Office reserves the right to raise any other ground for denial not raised in this response. The failure of the Cumberland County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial. If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Cumberland County Prosecutor's

Office to deny access. At your option, you may institute a proceeding in the Superior Court of New Jersey. All questions regarding complaints filed in Superior Court should be directed to the Court.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen C. Sayer', with a stylized flourish at the end.

Stephen C. Sayer [114352015]

Assistant Prosecutor

Alternate Records Custodian