

**Diana Weiss**

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**From:** Avalon Zoppo <AZoppo2@njadvancemedia.com>  
**Sent:** Monday, December 09, 2019 4:47 PM  
**To:** OPRA  
**Subject:** Re: 911 call 11.22.19 redacted

I received this second email, thank you.

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**From:** OPRA <[opra@mcponj.org](mailto:opra@mcponj.org)>  
**Sent:** Monday, December 9, 2019 4:41 PM  
**To:** Avalon Zoppo <[AZoppo2@njadvancemedia.com](mailto:AZoppo2@njadvancemedia.com)>  
**Subject:** 911 call 11.22.19 redacted

Please confirm receipt.

Carey Huff  
Assistant Prosecutor

NOTICE OF CONFIDENTIALITY This message, including any prior messages and attachments, may contain advisory, consultative and/or deliberative material, confidential information or privileged communications of the Office of the Monmouth County Prosecutor. Access to this message by anyone other than the sender and the intended recipient(s) is unauthorized. If you are not the intended recipient of this message, any disclosure, copying, distribution or action taken or not taken in reliance on it, without the expressed written consent of the Office of the Monmouth County Prosecutor, is prohibited. If you have received this message in error, you should not save, scan, transmit, print, use or disseminate this message or any information contained in this message in any way and you should promptly delete or destroy this message and all copies of it. Please notify the sender by return e-mail if you have received this message in error.

**Diana Weiss**

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**From:** Avalon Zoppo <AZoppo2@njadvancemedia.com>  
**Sent:** Monday, December 09, 2019 4:43 PM  
**To:** OPRA  
**Subject:** Re: OPRA request Nov 26

Thank you Ms. Huff. I'm in receipt of this first email.

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**From:** OPRA <[opra@mcponj.org](mailto:opra@mcponj.org)>  
**Sent:** Monday, December 9, 2019 4:40 PM  
**To:** Avalon Zoppo <[AZoppo2@njadvancemedia.com](mailto:AZoppo2@njadvancemedia.com)>  
**Subject:** OPRA request Nov 26

Please see the attached document regarding your OPRA request.

As noted in the letter, your request will be fulfilled. I will attempt to send you the audio file in a second email. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

**NOTICE OF CONFIDENTIALITY** This message, including any prior messages and attachments, may contain advisory, consultative and/or deliberative material, confidential information or privileged communications of the Office of the Monmouth County Prosecutor. Access to this message by anyone other than the sender and the intended recipient(s) is unauthorized. If you are not the intended recipient of this message, any disclosure, copying, distribution or action taken or not taken in reliance on it, without the expressed written consent of the Office of the Monmouth County Prosecutor, is prohibited. If you have received this message in error, you should not save, scan, transmit, print, use or disseminate this message or any information contained in this message in any way and you should promptly delete or destroy this message and all copies of it. Please notify the sender by return e-mail if you have received this message in error.



OFFICE OF THE COUNTY PROSECUTOR  
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LORI LINSKEY  
FIRST ASSISTANT PROSECUTOR  
MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR  
JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

December 9, 2019

Keith Schubert  
[KSchubert@gannet.com](mailto:KSchubert@gannet.com)

Re: OPRA request dated November 26, 2019

Dear Mr. Schubert,

This office received your records requests dated November 26, 2019 via e-mail on November 26, 2019. You requested the following:

Police incident reports, computer assisted dispatch logs, 911 emergency call audio and body worn camera footage relating to an incident at 198 Kings Mountain Road, Freehold on Friday Nov, 22 2019 [sic]

The 911 emergency call audio relating to a missing persons report filed in Freehold on Oct. 31, 2019.

Please be advised this office does not have a 911 call of a missing person from October 31, 2019, but there is a 911 call for a missing person on November 1, 2019.

Your requests for the 911 calls will be fulfilled. The copies of the recordings you will receive have been redacted to eliminate private phone numbers. N.J.S.A. 47:1A-5. I will attempt to send the recordings in a second and third email separate from this written response, as too many attachments may cause our email system to block the correspondence. **Please confirm receipt. If you do not receive them, please provide an address where I can mail you copies on CDs, or advise if you will come in person to retrieve the CDs.**

There are no body worn camera recordings relating to your request.

Your request for police reports is a request for criminal investigatory records. N.J.S.A. 47:1A-1.1 defines a criminal investigatory record: A record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency, which pertains to any criminal investigation. "Criminal investigatory files include records involving all manner of crimes, resolved or unresolved, and include information that is part and parcel of an investigation, confirmed or unconfirmed." Janeczko v. New Jersey Department of Law and Public Safety, GRC Complaint Nos. 2002-79 and 2002-80, Analysis and Conclusion; Nance v.

Scotch Plains Township Police Department Custodian of Record, GRC Complaint No. 2003-125. Police reports are not part of public record. R. 1:38-3(f)(3). Criminal investigatory records are exempt from disclosure in response to an OPRA request. N.J.S.A. 47:1A-1.1(1). North Jersey Media Group, Inc. v. Township of Lyndhurst, 229 N.J. 541 (July 11, 2017). Therefore, your request is denied.

Additionally, there is an ongoing criminal investigation regarding the missing person and the surrounding events. N.J.S.A. 47:1A-3a and b. The Appellate Division has explained "N.J.S.A. 47:1A-3 reflects a general legislative recognition of the public interest in law enforcement and other investigatory agencies maintaining the confidentiality of documents relevant to ongoing investigations. Gannett New Jersey Partners, LP v. County Of Middlesex, 379 N.J. Super. 205, 214 (App. Div. 2005). The Supreme Court has agreed, holding "Each of the privileges concerning access to investigatory material is premised upon the government's need to conduct such affairs with skill, with sensitivity to the privacy interests involved, and in an atmosphere of confidentiality that encourages the utmost candor." Loigman v. Kimmelman, 102 N.J. 98, 107 (1986). Accordingly, the reports you requested are also exempt at this time under N.J.S.A. 47:1A-3.

Your request for CAD reports cannot be fulfilled at this time. This office does not possess any finalized CAD reports, only draft reports. Drafts are exempt from the definition of a public record. N.J.S.A. 47:1A-1.1; Parave Fogg v. Lower Alloways Creek, GRC Complaint No. 2006-51 (August 2006) (Analysis). You may wish to renew this request again.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

*/s/ Carey J. Huff*  
By: Carey J. Huff  
Assistant Prosecutor

Enclosures



**OFFICE OF THE COUNTY PROSECUTOR  
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JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

December 9, 2019

Avalon Zoppo  
[AZoppo2@njadvancemedia.com](mailto:AZoppo2@njadvancemedia.com)

Re: OPRA request dated November 26, 2019

Dear Mr. Zoppo,

This office received your records requests dated November 26, 2019 via e-mail on November 26, 2019. You requested the following:

A copy of 911 calls or emergency calls related to the death of John Ozbilgen on Nov. 22 at 198 Kings Mountain Road in Freehold.

Your request will be fulfilled. The copy of the recording you will receive has been redacted to eliminate a private phone number. N.J.S.A. 47:1A-5. The redaction is at approximately 2 minutes 27 seconds into the call.

You requested the record via email. I will attempt to send it in a second email separate from this written response, as too many attachments may cause our email system to block it. Please confirm receipt. If you do not receive it, please provide an address where I can mail you a copy on CD, or advise if you will come in person to retrieve the CD.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By: /s/ Carey J. Huff  
Carey J. Huff  
Assistant Prosecutor

Enclosure



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JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

December 5, 2019

Jacquelyn Reaves  
[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)

Re: OPRA request dated November 23, 2019

Dear Ms. Reaves,

This office received your records request dated November 22, 2019 via e-mail and it was received by the records custodian on November 23, 2019. The deadline for the response is December 5, 2019. You initially made an OPRA request via email on October 29, 2019, and it was responded to on November 6, 2019. You sent a second email on November 7, 2019, which was responded to on November 12, 2019. You sent a third email on November 13, 2019, which was responded to on November 21, 2019. This is now your fourth request.

In this correspondence you again requested "the MVR and Complaint #PI 15 142." As noted previously, the recording from the MVR will be produced. It has been transferred to a thumb drive, as you requested. Please inform whether you will be coming to pick up the drive in person, or provide an address to which the drive can be mailed to you. As noted previously, the recording cannot be emailed to you.

Your request for "Complaint #PI 15 142" relates to an internal affairs investigation. The Attorney General's "Internal Affairs Policy and Procedures" directs that the annual summary reports are available to the public, but all other internal affairs documents are confidential. Office of the Attorney General, Internal Affairs Policy and Procedures, 42 and Attachment A (Rev. Nov. 2017); Patti v. Sussex Cty. Prosecutor's Office, GRC Complaint 2009-76 (January 2010); Merino v. Borough of Ho-HoKus, GRC Complaint No. 2003-10 (Interim Decision March 2004); see also O'Shea v. Township of West Milford, 410 N.J. Super. 371, 384-85 (App. Div. 2009). See also Ganzweig v. Township of Lakewood, et.al., Docket No. L-2392-13 (an opinion written by the Honorable Vincent Grasso, A.J.S.C., dated September 27, 2013, in which the plaintiff sought items that were included in an internal affairs investigation. The Court concluded that the plaintiff's OPRA request did not seek "the nature, the source, nor the substance of any internal affairs investigation. Plaintiff seeks only the information that was recorded at the time of two separate incidents, but prior to any internal affairs investigation."). Your request for the complaint is seeking the nature, source, and substance of an internal affairs investigation, which is confidential. Thus, your request is denied.

You also requested "A copy of all documents in 'my file' (with date of inception, and names, dates, and the information was accessed)." The term "my file" is not clear as to what

records you are requesting. However, as you referenced "Complaint #PI 15 142," I will respond to your requests as to that file.

Please be advised, this office does not have a record that is responsive to your request for "names, dates, and the information was accessed." See Back v. Tp of River Vale, GRC Complaint No. 2005-209, Analysis (Feb 2006) (Custodian's certification that she did not provide a list of all township employees and a list of all department heads, titles, and responsibilities because these documents did not exist was sufficient to meet Custodian's burden to prove denial of access was lawful pursuant to N.J.S.A. 47:1A-6).

Your general request for an entire file cannot be fulfilled as it neither identifies nor describes with any specificity or particularity the records sought. MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007), certif. denied, 190 N.J. 394 (2007), and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).

What is more, this office previously denied your request for all documents in this file via the November 6, 2019, letter. I have attached the original letter denying your request. This office relies on its prior denial and the reasons stated therein.

You also requested "Record of the names, dates, times, the MVR was accessed and watched." Please be advised, this office does not have a record that is responsive to your request. Back v. Tp of River Vale, GRC Complaint No. 2005-209, Analysis (Feb 2006).

Your email also contains four questions and two statements. OPRA deals with the production of identifiable records, not information. MAG, 375 N.J. Super. at 546-47; Reda v. Tp of West Milford, GRC Complaint No. 2002-58, Analysis (January 17, 2003).

Please also note that this office is only obligated to search its own files for responsive records. Bent v. Tp of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30, 38-39 (App. Div. 2005).

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

/s:/ Carey J. Huff

By: Carey J. Huff  
Assistant Prosecutor



**OFFICE OF THE COUNTY PROSECUTOR  
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DEPUTY FIRST ASSISTANT PROSECUTOR  
JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

December 5, 2019

Jacquelyn Reaves  
[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)

Re: OPRA request dated November 23, 2019

Dear Ms. Reaves,

This thumb drive is provided in response to your records requests of October 29, 2019, November 7, 13, and 22, 2019. On the thumb drive are the files to permit you to view the recording of the MVR of your transport to the hospital by Detective Sergeant Keith Mitchell in 2015.

You can play the recording by selecting the file "Autoplay" or by selecting the "Flashplayer" application itself. When a Flashplayer window opens, then select the thumbnail image of the video.

Please note that **this thumb drive will only allow you to play the video when you are signed in under the administrator's user profile of the computer you are using.** When you select the video in the Flashplayer application, you may be prompted to enter the administrator's user name and password for the computer you are using. That will be different for every computer you use, so I cannot provide that information to you. If you have administrator rights for the computer you are using, then that will be your user profile name and password.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

/s/ Carey J. Huff  
By: Carey J. Huff  
Assistant Prosecutor



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December 9, 2019

Keith Schubert  
[K.Schubert@gannet.com](mailto:K.Schubert@gannet.com)

Re: OPRA request dated November 26, 2019

Dear Mr. Schubert,

This office received your records requests dated November 26, 2019 via e-mail on November 26, 2019. You requested the following:

Police incident reports, computer assisted dispatch logs, 911 emergency call audio and body worn camera footage relating to an incident at 198 Kings Mountain Road, Freehold on Friday Nov, 22 2019 [sic]  
The 911 emergency call audio relating to a missing persons report filed in Freehold on Oct. 31, 2019.

Please be advised this office does not have a 911 call of a missing person from October 31, 2019, but there is a 911 call for a missing person on November 1, 2019.

Your requests for the 911 calls will be fulfilled. The copies of the recordings you will receive have been redacted to eliminate private phone numbers. N.J.S.A. 47:1A-5. I will attempt to send the recordings in a second and third email separate from this written response, as too many attachments may cause our email system to block the correspondence. **Please confirm receipt. If you do not receive them, please provide an address where I can mail you copies on CDs, or advise if you will come in person to retrieve the CDs.**

There are no body worn camera recordings relating to your request.

Your request for police reports is a request for criminal investigatory records. N.J.S.A. 47:1A-1.1 defines a criminal investigatory record: A record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency, which pertains to any criminal investigation. "Criminal investigatory files include records involving all manner of crimes, resolved or unresolved, and include information that is part and parcel of an investigation, confirmed or unconfirmed." Janeczko v. New Jersey Department of Law and Public Safety, GRC Complaint Nos. 2002-79 and 2002-80, Analysis and Conclusion; Nance v.

Scotch Plains Township Police Department Custodian of Record, GRC Complaint No. 2003-125. Police reports are not part of public record. R. 1:38-3(f)(3). Criminal investigatory records are exempt from disclosure in response to an OPRA request. N.J.S.A. 47:1A-1.1(1). North Jersey Media Group, Inc. v. Township of Lyndhurst, 229 N.J. 541 (July 11, 2017). Therefore, your request is denied.

Additionally, there is an ongoing criminal investigation regarding the missing person and the surrounding events. N.J.S.A. 47:1A-3a and b. The Appellate Division has explained “N.J.S.A. 47:1A-3 reflects a general legislative recognition of the public interest in law enforcement and other investigatory agencies maintaining the confidentiality of documents relevant to ongoing investigations. Gannett New Jersey Partners, LP v. County Of Middlesex, 379 N.J. Super. 205, 214 (App. Div. 2005). The Supreme Court has agreed, holding “Each of the privileges concerning access to investigatory material is premised upon the government's need to conduct such affairs with skill, with sensitivity to the privacy interests involved, and in an atmosphere of confidentiality that encourages the utmost candor.” Loigman v. Kimmelman, 102 N.J. 98, 107 (1986). Accordingly, the reports you requested are also exempt at this time under N.J.S.A. 47:1A-3.

Your request for CAD reports cannot be fulfilled at this time. This office does not possess any finalized CAD reports, only draft reports. Drafts are exempt from the definition of a public record. N.J.S.A. 47:1A-1.1; Parave Fogg v. Lower Alloways Creek, GRC Complaint No. 2006-51 (August 2006) (Analysis). You may wish to renew this request again.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By: /s/ Carey J. Huff  
Carey J. Huff  
Assistant Prosecutor

Enclosures

## Carey Huff

---

**From:** Carey Huff  
**Sent:** Monday, December 9, 2019 4:48 PM  
**To:** 'KSchubert@gannet.com'  
**Subject:** OPRA Request Nov. 26  
**Attachments:** Keith Schubert - 911 calls redacted, reports, CADs, BWC.doc.pdf; MCPO OPRA form PDF.pdf

Please see the attached document regarding your OPRA request. For your reference, I have also attached an OPRA request form, the last page of which contains information about your rights.

As noted in the letter, your request for 911 recordings will be fulfilled. I will attempt to send you the audio files in a second and third email. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor



**OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH**

132 JERSEYVILLE AVENUE  
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(732) 431-7160

**Public Record Request Form**

**Requestor Information (Optional)\***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

**Check one:**

\_\_\_\_\_ I have **NOT** been convicted of an indictable offense.

\_\_\_\_\_ I have been convicted of an indictable offense and I am aware that I am not entitled to any information about any victim(s) of that crime and/or their family. N.J.S.A. 47:1A-2.2.

I certify that the above information is true and correct and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. N.J.S.A. 2C:28-3.

Signature: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Description of Record(s) Requested:

Date Received: \_\_\_\_\_

Date Records will be available, if applicable: \_\_\_\_\_

Records Provided:

Fee\*\*: \_\_\_\_\_

1.

\* If requestor information is not provided a deposit of \$10.00 will be required. N.J.S.A. 47:1A-5(f). This deposit will be put toward any cost incurred. The request will be reviewed in accordance with N.J.S.A. 47:1A-2.2.

\*\* This office reserves the right to require that all fees must be paid in full before release of requested records. If the cost of producing the records is over \$25.00 a deposit may be requested before beginning reproduction.

**All checks payable to the County of Monmouth.**

\_\_\_\_ Unable to provide requested material

\_\_\_\_ Request Denied

Reason:

The records requested by you are not being provided because the document or documents are not public records as provided by law, as noted below:

**Privileged or Protected Category**

**Authority**

- ☐ Autopsy Reports
- ☐ Child abuse or sex assault victim name or address
- ☐ Court records sealed
- ☐ Computer security information
- ☐ Criminal investigatory records
- ☐ Credit Card Numbers
- ☐ Grand Jury testimony, information
- ☐ Grievance information with public employer
- ☐ Domestic Violence data
- ☐ Drivers' license numbers
- ☐ DYFS information
- ☐ Electronic Surveillance Materials
- ☐ Emergency or security information or procedures
- ☐ Employee sexual harassment complaints
- ☐ Fingerprint cards
- ☐ Inter-agency or intra agency advisory communications
- ☐ Juvenile records
- ☐ Labor Negotiation information, strategy or positions
- ☐ Medical Examiner Photographs
- ☐ Otherwise inappropriate material
- ☐ Pension and personnel records
- ☐ Photographs
- ☐ Pre Sentence Investigations  
Div. 1971)
- ☐ Public Agency insurance communications
- ☐ Safety of persons or public
- ☐ Security measures and surveillance techniques
- ☐ Social Security Numbers
- ☐ Unlisted Telephone Numbers
- ☐ Victim locations (Domestic Violence)
- ☐ Victim records

N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2A:82-46b  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Court Rule 3:6-7  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2C:25-33  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 9:6-8.10  
N.J.S.A. 2A:156A-19  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2A:4A-60  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69  
State v. DeGeorge, 113 NJ Super.542 (App.  
  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2C:25-26c.  
N.J.S.A. 47:1A-1.1, et seq.

**Other**

- ☐ Record has been destroyed/not retained pursuant to:
- ☐ Other

Records Retention and Disposition Schedule  
(NJ Dept. of State, Div. of Archives Mgmt.)

CUSTODIAN'S SIGNATURE: \_\_\_\_\_

Date: \_\_\_\_\_

### **Procedure for Submission:**

Members of the public who are requesting copies of records are encouraged to complete this Request for Public Records form. Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009). The form or other written request must be placed in an envelope addressed to:

Monmouth County Prosecutor's Office  
132 Jerseyville Avenue  
Freehold, New Jersey 07728  
Attn: OPRA Custodian of Records

and either mailed or taken directly to the Prosecutor's Office. This office also accepts requests by fax when clearly addressed to the attention of the "OPRA Custodian of Records." This office accepts requests by email **ONLY** at the following address: [opra@mcponj.org](mailto:opra@mcponj.org). See Paff v. City of East Orange, 407 N.J. Super. 221, 227-28 (App. Div.), cert. denied, 200 N.J. 476 (2009). When a request is received by email, a confirmation of receipt will be sent in reply; until and unless a reply confirmation is received, requestors should not assume their email request was received by the records custodian. Ibid. Requests sent to other email addresses and/or not addressed to the OPRA Custodian of Records may not be received by the Custodian.

### **A Right to Discovery is Separate and Distinct from a Right to Access Public Records.**

OPRA is a public disclosure statute and is **not** intended to replace or supplement the discovery of private litigants. Constantine v. Township of Bass River, 406 N.J. Super. 305, 324-25 (App. Div. 2009), cert. denied, 200 N.J. 208 (2009); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 545-46 (App. Div. 2005). Requests for discovery of materials that are not public government records should be made in accordance with the applicable Court Rules.

### **Procedure for Filing an Appeal.**

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may:

Institute a proceeding to challenge the custodian's decision by filing an action in Monmouth County Superior Court which shall be heard by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records;

Or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established in subsection 8 of P.L.2001, c.404 (C.47:1A-7).

The right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

**Carey Huff**

---

**From:** Carey Huff  
**Sent:** Monday, December 9, 2019 4:49 PM  
**To:** 'KSchubert@gannet.com'  
**Subject:** 11.22.19 Call redacted  
**Attachments:** 11.22.19CALL REDACTED.wav

Attached is the redacted audio file of the call placed on November 22, 2019. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

**Carey Huff**

---

**From:** OPRA  
**Sent:** Monday, December 9, 2019 4:49 PM  
**To:** 'KSchubert@gannet.com'  
**Subject:** 11.1.19 Call  
**Attachments:** 11-1-19 911 call transfer from Howell REDACTED.wav

Attached is the redacted audio file of the call placed on November 1, 2019. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

## Carey Huff

---

**From:** Carey Huff  
**Sent:** Monday, December 9, 2019 5:07 PM  
**To:** 'KSchubert@gannett.com'  
**Subject:** OPRA Request Nov. 26  
**Attachments:** Keith Schubert - 911 calls redacted, reports, CADS, BWC.doc.pdf; MCPO OPRA form PDF.pdf

Please see the attached document regarding your OPRA request. For your reference, I have also attached an OPRA request form, the last page of which contains information about your rights.

As noted in the letter, your request for 911 recordings will be fulfilled. I will attempt to send you the audio files in a second and third email. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

**Carey Huff**

---

**From:** OPRA  
**Sent:** Monday, December 9, 2019 5:08 PM  
**To:** 'KSchubert@gannett.com'  
**Subject:** 11.22.19 Call redacted  
**Attachments:** 11.22.19CALL REDACTED.wav

Attached is the redacted audio file of the call placed on November 22, 2019. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

**Carey Huff**

---

**From:** OPRA  
**Sent:** Monday, December 9, 2019 5:09 PM  
**To:** 'KSchubert@gannett.com'  
**Subject:** FW: 11.1.19 Call  
**Attachments:** 11-1-19 911 call transfer from Howell REDACTED.wav

Attached is the redacted audio file of the call placed on November 1, 2019. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

**Diana Weiss**

---

**From:** Schubert, Keith <KSchubert@gannett.com>  
**Sent:** Tuesday, November 26, 2019 8:09 AM  
**To:** OPRA  
**Cc:** Goudsward, Andrew  
**Subject:** OPRA Request

Good morning,

I hope all is well.

I would like to request the following records under OPRA:

Police incident reports, computer assisted dispatch logs, 911 emergency call audio and body worn camera footage relating to an incident at 198 Kings Mountain Road, Freehold on Friday, Nov. 22 2019.

The 911 emergency call audio relating to a missing persons report filed in Freehold on Oct. 31, 2019.

Don't hesitate to let me know if you have any questions.

Best,  
Keith

--  
Keith Schubert  
Reporter|Asbury Park Press  
[kschubert@gannett.com](mailto:kschubert@gannett.com)  
732.239.8731  
Twitter: [@keithsch94](https://twitter.com/keithsch94)

## Carey Huff

---

**From:** Schubert, Keith <KSchubert@gannett.com>  
**Sent:** Tuesday, December 10, 2019 7:00 AM  
**To:** Carey Huff  
**Subject:** Re: OPRA Request Nov. 26

Good morning,

I am confirming receipt of the 911 calls.

--

Keith Schubert  
Reporter | Asbury Park Press  
kschubert@gannett.com  
732.239.8731  
Twitter: [@keithsch94](#)

---

**From:** Carey Huff <CHuff@mcponj.org>  
**Sent:** Monday, December 9, 2019 5:07 PM  
**To:** Schubert, Keith <KSchubert@gannett.com>  
**Subject:** OPRA Request Nov. 26

Please see the attached document regarding your OPRA request. For your reference, I have also attached an OPRA request form, the last page of which contains information about your rights.

As noted in the letter, your request for 911 recordings will be fulfilled. I will attempt to send you the audio files in a second and third email. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

**NOTICE OF CONFIDENTIALITY** This message, including any prior messages and attachments, may contain advisory, consultative and/or deliberative material, confidential information or privileged communications of the Office of the Monmouth County Prosecutor. Access to this message by anyone other than the sender and the intended recipient(s) is unauthorized. If you are not the intended recipient of this message, any disclosure, copying, distribution or action taken or not taken in reliance on it, without the expressed written consent of the Office of the Monmouth County Prosecutor, is prohibited. If you have received this message in error, you should not save, scan, transmit, print, use or disseminate this message or any information contained in this message in any way and you should promptly delete or destroy this message and all copies of it. Please notify the sender by return e-mail if you have received this message in error.



**OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH**

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

LORI LINSKEY  
FIRST ASSISTANT PROSECUTOR

MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR

JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

CHRISTOPHER J. GRAMICCONI  
MONMOUTH COUNTY PROSECUTOR

December 9, 2019

Daniel Klane  
2 Dogwood Lane  
Old Bridge, NJ 08873

Re: OPRA request dated November 30, 2019

Dear Mr. Klane,

This office received your records request dated November 30, 2019 and it was received by the records custodian on December 2, 2019. The last day to respond is December 11, 2019. You requested the following:

Opra recordings audio, video, and all Wall Township documentation of the arrest and charges pending, that the Monmouth County Prosecutor's Office and Grand Jury are reviewing in the morning. And throughout the time I escorted out of Wall Township police station and Taken to County(MCCI), after 10 or 11pm this past June, of 2019 ad/C.E.

I have attached a copy of your arrest report and the associated criminal complaints.

You have also requested, "Opra recordings, audio, video..." To the extent that you are requesting body worn cameras and/or vehicle dashboard camera video recordings the request is denied. Body worn cameras and "MVR's" are criminal investigatory records under OPRA. N.J.S.A. 47:1A-1.1(1); North Jersey Media Group, Inc. v. Township of Lyndhurst, 229 N.J. 541 (July 11, 2017); Paff v. Ocean Cty. Pros. Off., 235 N.J. 1 (2018). Therefore, they will not be released.

To the extent that your request investigative reports or statements it is denied as they are investigatory records. N.J.S.A. 47:1A-1.1 defines a criminal investigatory record: A record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency, which pertains to any criminal investigation. "Criminal investigatory files include records involving all manner of crimes, resolved or unresolved, and include information that is part and parcel of an investigation, confirmed or unconfirmed." Janeczko v. New Jersey Department of Law and Public Safety, GRC Complaint Nos. 2002-79 and 2002-80, Analysis and Conclusion; Nance v. Scotch Plains Township Police Department Custodian of Record, GRC Complaint No. 2003-125. Police reports are not part of public record. R. 1:38-3(f)(3). Criminal investigatory records are exempt from disclosure in response to an OPRA request. N.J.S.A.

47:1A-1.1(1). North Jersey Media Group, Inc. v. Township of Lyndhurst, 229 N.J. 541 (July 11, 2017).

Lastly, OPRA is a public disclosure statute and is not intended to replace or supplement the discovery of private litigants. Constantine v. Township of Bass River, 406 N.J. Super. 305, 324-25 (App. Div. 2009), certif. denied, 200 N.J. 208 (2009); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 545-46 (App. Div. 2005).

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

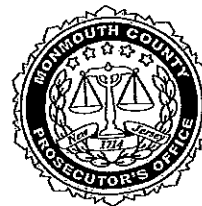
CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By:   
Michael J. Costanzo  
Assistant Prosecutor

OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160



Public Record Request Form

Requestor Information (Optional)\*

Name: Daniel Klane

Address: 2 Dogwood Lane, Old Bridge, NJ,  
08875

Telephone Number: (908-342-3969 )

Check one:

☐ I have **NOT** been convicted of an indictable offense.

☐ Yes ☒ I have been convicted of an indictable offense and I am aware that I am not entitled to any information about any victim(s) of that crime and/or their family. N.J.S.A. 47:1A-2.2.

I certify that the above information is true and correct and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. N.J.S.A. 2C:28-3.

Signature: Daniel Charles Klane.

Date 11/30/2019. of Request: \_\_\_\_\_

Description of Record(s) Requested:

Opra Recordings audio , video, and all Wall Township documentation of the arrest and charges pending, that the Monmouth County Prosecutor's Office and Grand Jury are reviewing in the morning. And throughout the time I escorted out of Wall Township police station and Taken to County(MCCI), after 10 or 11pm this past June, of 2019 Ad/C.E.

Thank you,

Sincerely,

Daniel C. Klane

Date Received: \_\_\_\_\_

Date Records will be available, if applicable: \_\_\_\_\_

Records Provided:

1. See Attached

\* If requestor information is not provided a deposit of \$10.00 will be required. N.J.S.A. 47:1A-5(f). This deposit will be put toward any cost incurred. The request will be reviewed in accordance with N.J.S.A. 47:1A-2.2.

\*\* This office reserves the right to require that all fees must be paid in full before release of requested records. If the cost of producing the records is over \$25.00 a deposit may be requested before beginning reproduction.

All checks payable to the County of Monmouth.

**OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH**

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160



Fee\*\*: I will pay whatever it is. 10\$

2.  
\* If requestor information is not provided a deposit of \$10.00 will be required. N.J.S.A. 47:1A-5(f). This deposit will be put toward any cost incurred. The request will be reviewed in accordance with N.J.S.A. 47:1A-2.2.  
\*\* This office reserves the right to require that all fees must be paid in full before release of requested records. If the cost of producing the records is over \$25.00 a deposit may be requested before beginning reproduction.  
All checks payable to the County of Monmouth.

\_\_\_ Unable to provide requested material

✓ Request Denied (*In Power*)

Reason:

*See ATTACHED*

The records requested by you are not being provided because the document or documents are not public records as provided by law, as noted below:

### Privileged or Protected Category

- ☐ Autopsy Reports
- ☐ Child abuse or sex assault victim name or address
- ☐ Court records sealed
- ☐ Computer security information
- ☒ Criminal investigatory records
- ☐ Credit Card Numbers
- ☐ Grand Jury testimony, information
- ☐ Grievance information with public employer
- ☐ Domestic Violence data
- ☐ Drivers' license numbers
- ☐ DYFS information
- ☐ Electronic Surveillance Materials
- ☐ Emergency or security information or procedures
- ☐ Employee sexual harassment complaints
- ☐ Fingerprint cards
- ☐ Inter-agency or intra agency advisory communications
- ☐ Juvenile records
- ☐ Labor Negotiation information, strategy or positions
- ☐ Medical Examiner Photographs
- ☐ Otherwise inappropriate material
- ☐ Pension and personnel records
- ☐ Photographs
- ☐ Pre Sentence Investigations
- ☐ Public Agency insurance communications
- ☐ Safety of persons or public
- ☐ Security measures and surveillance techniques
- ☐ Social Security Numbers
- ☐ Unlisted Telephone Numbers
- ☐ Victim locations (Domestic Violence)
- ☐ Victim records

### Authority

N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2A:82-46b  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Court Rule 3:6-7  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2C:25-33  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 9:6-8.10  
N.J.S.A. 2A:156A-19  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2A:4A-60  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69  
State v. DeGeorge, 113 NJ Super. 542  
(App. Div. 1971)  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2C:25-26c.  
N.J.S.A. 47:1A-1.1, et seq.

### Other

- ☐ Record has been destroyed/not retained pursuant to:
- ☐ Other

Records Retention and Disposition Schedule  
(NJ Dept. of State, Div. of Archives Mgmt.)

CUSTODIAN'S SIGNATURE: \_\_\_\_\_

Date: \_\_\_\_\_

*12/9/19*

### **Procedure for Submission:**

Members of the public who are requesting copies of records are encouraged to complete this Request for Public Records form. Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009). The form or other written request must be placed in an envelope addressed to:

Monmouth County Prosecutor's Office  
132 Jerseyville Avenue  
Freehold, New Jersey 07728  
Attn: OPRA Custodian of Records

and either mailed or taken directly to the Prosecutor's Office. This office also accepts requests by fax when clearly addressed to the attention of the "OPRA Custodian of Records." This office accepts requests by email **ONLY** at the following address: [opra@mcponj.org](mailto:opra@mcponj.org). See Paff v. City of East Orange, 407 N.J. Super. 221, 227-28 (App. Div.), cert. denied, 200 N.J. 476 (2009). When a request is received by email, a confirmation of receipt will be sent in reply; until and unless a reply confirmation is received, requestors should not assume their email request was received by the records custodian. Ibid. Requests sent to other email addresses and/or not addressed to the OPRA Custodian of Records may not be received by the Custodian.

### **A Right to Discovery is Separate and Distinct from a Right to Access Public Records.**

OPRA is a public disclosure statute and is **not** intended to replace or supplement the discovery of private litigants. Constantine v. Township of Bass River, 406 N.J. Super. 305, 324-25 (App. Div. 2009), cert. denied, 200 N.J. 208 (2009); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 545-46 (App. Div. 2005). Requests for discovery of materials that are not public government records should be made in accordance with the applicable Court Rules.

### **Procedure for Filing an Appeal.**

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may:

Institute a proceeding to challenge the custodian's decision by filing an action in Monmouth County Superior Court which shall be heard by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records;

Or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established in subsection 8 of P.L.2001, c.404 (C.47:1A-7).

The right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

**COMPLAINT - WARRANT**

## COMPLAINT NUMBER

**1352****W****2019****000538**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

WALL TOWNSHIP MUNICIPAL CT  
2700 ALLAIRE RD  
WALL NJ 07719-0000  
732-449-4666 COUNTY OF: MONMOUTH

# of CHARGES 4 CO-DEFTS POLICE CASE #:  
201901871

COMPLAINANT TIM MARGADONNA  
NAME: PO BOX 1168  
ATTN WARRANTS  
WALL NJ 07719

THE STATE OF NEW JERSEY

VS.

DANIEL C KLANE

ADDRESS: 34 MEADOW GREEN CIRCLE

MANALAPAN

NJ 07726-0000

## DEFENDANT INFORMATION

SEX: M EYE COLOR: GREEN  
DRIVER'S LIC. #: K50661536307856  
SOCIAL SECURITY #: xxx-xx-x082  
TELEPHONE #:  
LIVSCAN PCN #: 135203008198

DOB: 07/30/1985

DL STATE: NJ

SBI #: 587848D

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 06/19/2019 in WALL TWP, MONMOUTH County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY HAVE IN HIS POSSESSION AND UNDER HIS CONTROL A CONTROLLED DANGEROUS SUBSTANCE TO WIT: MARIJUANA IN AMOUNT LESS THAN 50 GRAMS.

THIS BEING IN VIOLATION OF N.J.S. 2C:35-10 (A) 4  
THIS BEING A DISORDERLY PERSONS OFFENSE.

WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY POSSESS A WEAPON SPECIFICALLY A HANDGUN, UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR ITS LAWFUL USE. IN VIOLATION OF NJS 2C:39-5B(1)  
THIS BEING A CRIME OF THE SECOND DEGREE

WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY POSSESS A WEAPON SPECIFICALLY A HANDGUN, UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR ITS LAWFUL USE, SPECIFICALLY BY, BEING A CERTAIN PERSONS NOT TO POSSESS A FIREARM. IN VIOLATION in violation of:

|                 |                 |                |                |
|-----------------|-----------------|----------------|----------------|
| Original Charge | 1) 2C:35-10A(4) | 2) 2C:39-5B(1) | 3) 2C:39-7B(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: TIM MARGADONNA Date: 06/19/2019

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of MONMOUTH at the following address: MONMOUTH COUNTY COURTS  
71 MONUMENT PARK PO BOX 1271  
Date of Arrest: 06/19/2019 Appearance Date: Time: FREEHOLD NJ 07728-0000  
Phone: 732-677-4500

## 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. SANDRA AKES JUDICIAL OFFICER 06/19/2019  
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

ORIGINAL

**COMPLAINT - WARRANT****COMPLAINT NUMBER****1352****W****2019****000538****STATE V.****DANIEL C KLANE**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

OF NJS 2C:39-7B(1)  
THIS BEING A CRIME OF THE SECOND DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY HAVE IN HIS POSSESSION WITH  
THE INTENT TO USE DRUG PARAPHERNALIA TO CONVERT, PROCESS, PACKAGE PREPARE STORE  
OR CONTAIN A CONTROLLED DANGEROUS SUBSTANCE CONTROLLED DANGEROUS SUBSTANCE, OR  
TO USE TO INTRODUCE INTO THE HUMAN BODY A CONTROLLED DANGEROUS SUBSTANCE TO WIT  
A CIGARETTE STYLE ONE HITTER CONTAINING A BURNT RESIDUE INDICATIVE OF CDS  
MARIJUANA,  
THIS BEING IN VIOLATION OF NJS 2C:36-2.A  
THIS BEING A DISORDERLY PERSONS OFFENSE

Original Charge

4) 2C:36-2

Amended Charge

**COMPLAINT - WARRANT**

**COMPLAINT - WARRANT (Court Action)**

|                                         |                         |                          |                           |                                               |                         |                                               |                                                          |
|-----------------------------------------|-------------------------|--------------------------|---------------------------|-----------------------------------------------|-------------------------|-----------------------------------------------|----------------------------------------------------------|
| <b>COMPLAINT NUMBER</b>                 |                         |                          |                           | <b>STATE V.</b>                               |                         |                                               |                                                          |
| <b>1352</b>                             | <b>W</b>                | <b>2019</b>              | <b>000538</b>             | <b>DANIEL C KLANE</b>                         |                         |                                               |                                                          |
| <b>COURT CODE</b>                       | <b>PREFIX</b>           | <b>YEAR</b>              | <b>SEQUENCE NO.</b>       |                                               |                         |                                               |                                                          |
| <b>FTA Bail Information</b>             |                         |                          | <b>Date Bail Set:</b>     | <b>Amount Bail Set: \$</b>                    | <b>by:</b>              | <input type="checkbox"/> Bail Recog. Attached |                                                          |
| <b>Released on Bail</b><br>(Y)          | <b>R.O.R.</b>           | <b>Committed Default</b> | <b>Committed w/o Bail</b> | <b>Place Committed:</b>                       |                         |                                               | <b>Date Referred to</b>                                  |
|                                         |                         |                          |                           |                                               |                         |                                               | <b>County Prosecutor:</b>                                |
| <b>Date of First Appearance:</b>        |                         |                          |                           | <input type="checkbox"/> Advised of Rights by |                         |                                               | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Prosecuting Attorney Information</b> |                         |                          |                           | <b>Defense Counsel Information</b>            |                         |                                               |                                                          |
| <b>Name:</b>                            |                         |                          |                           | <b>Name:</b>                                  |                         |                                               |                                                          |
| <b>State</b>                            | <b>County</b>           | <b>Municipal</b>         | <b>Other</b>              | <b>None</b>                                   | <b>Retained</b>         | <b>Public Def</b>                             | <b>Assigned</b>                                          |
|                                         |                         |                          |                           |                                               |                         |                                               | <b>Waived</b>                                            |
|                                         |                         |                          |                           |                                               |                         |                                               | <b>Other</b>                                             |
| <b>Original Charge</b>                  | 1) 2C:35-10A(4)         |                          | 2) 2C:39-5B(1)            |                                               | 3) 2C:39-7B(1)          |                                               |                                                          |
| <b>Amended Charge</b>                   |                         |                          |                           |                                               |                         |                                               |                                                          |
| <b>Waiver Indt/Jury</b>                 |                         |                          |                           |                                               |                         |                                               |                                                          |
| <b>Plea/Date of Plea</b>                | <b>Plea:</b>            | <b>Date:</b>             | <b>Plea:</b>              | <b>Date:</b>                                  | <b>Plea:</b>            | <b>Date:</b>                                  |                                                          |
| <b>Adjudication (* see code)</b>        | <b>Finding Code:</b>    | <b>Date:</b>             | <b>Finding Code:</b>      | <b>Date:</b>                                  | <b>Finding Code:</b>    | <b>Date:</b>                                  |                                                          |
| <b>Jail Term</b>                        | <b>Jail time credit</b> | <b>Susp. Imp</b>         | <b>Jail time credit</b>   | <b>Susp. Imp</b>                              | <b>Jail time credit</b> | <b>Susp. Imp</b>                              |                                                          |
| <b>Probation Term</b>                   |                         | <b>Susp. Imp</b>         |                           | <b>Susp. Imp</b>                              |                         | <b>Susp. Imp</b>                              |                                                          |
| <b>Cond. Discharge Term</b>             |                         |                          |                           |                                               |                         |                                               |                                                          |
| <b>Community Service</b>                |                         |                          |                           |                                               |                         |                                               |                                                          |
| <b>D/L Suspension Term</b>              |                         |                          |                           |                                               |                         |                                               |                                                          |
| <b>Fines/Costs</b>                      | <b>Fines:</b>           | <b>Costs:</b>            | <b>Fines:</b>             | <b>Costs:</b>                                 | <b>Fines:</b>           | <b>Costs:</b>                                 |                                                          |
| <b>VCCB/SNSF</b>                        | <b>VCCB:</b>            | <b>SNSF:</b>             | <b>VCCB:</b>              | <b>SNSF:</b>                                  | <b>VCCB:</b>            | <b>SNSF:</b>                                  |                                                          |
| <b>DEDR/Lab Fee</b>                     | <b>DEDR:</b>            | <b>LAB:</b>              | <b>DEDR:</b>              | <b>LAB:</b>                                   | <b>DEDR:</b>            | <b>LAB:</b>                                   |                                                          |
| <b>CD Fee/Drug Ed Fnd</b>               | <b>CD:</b>              | <b>DAEF:</b>             | <b>CD:</b>                | <b>DAEF:</b>                                  | <b>CD:</b>              | <b>DAEF:</b>                                  |                                                          |
| <b>DV Surch/Other Fees</b>              | <b>DV:</b>              | <b>Other:</b>            | <b>DV:</b>                | <b>Other:</b>                                 | <b>DV:</b>              | <b>Other:</b>                                 |                                                          |
| <b>Restitution</b>                      |                         |                          |                           |                                               |                         |                                               |                                                          |
| <b>Beneficiary:</b>                     |                         |                          |                           |                                               |                         |                                               |                                                          |

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)**

|                                           |                                 |                                            |                                             |                                               |                                    |                                                          |                                    |
|-------------------------------------------|---------------------------------|--------------------------------------------|---------------------------------------------|-----------------------------------------------|------------------------------------|----------------------------------------------------------|------------------------------------|
| <b>COMPLAINT NUMBER</b>                   |                                 |                                            |                                             | <b>STATE V.</b>                               |                                    | <b>DANIEL C KLANE</b>                                    |                                    |
| <b>1352</b>                               | <b>W</b>                        | <b>2019</b>                                | <b>000538</b>                               |                                               |                                    |                                                          |                                    |
| <small>COURT CODE</small>                 | <small>PREFIX</small>           | <small>YEAR</small>                        | <small>SEQUENCE NO.</small>                 |                                               |                                    |                                                          |                                    |
| <b>FTA Bail Information</b>               |                                 | <b>Date Bail Set:</b>                      |                                             | <b>Amount Bail Set: \$</b>                    |                                    | <b>by:</b>                                               |                                    |
| <input type="checkbox"/> Released on Bail | <input type="checkbox"/> R.O.R. | <input type="checkbox"/> Committed Default | <input type="checkbox"/> Committed w/o Bail | <b>Place Committed:</b>                       |                                    | <input type="checkbox"/> Bail Recog. Attached            |                                    |
|                                           |                                 |                                            |                                             | <b>Date Referred to</b>                       |                                    | <b>County Prosecutor:</b>                                |                                    |
| <b>Date of First Appearance:</b>          |                                 |                                            |                                             | <input type="checkbox"/> Advised of Rights by |                                    | <input type="checkbox"/> Defendant Desires Counsel:      |                                    |
|                                           |                                 |                                            |                                             |                                               |                                    | <input type="checkbox"/> Yes <input type="checkbox"/> No |                                    |
| <b>Prosecuting Attorney Information</b>   |                                 |                                            |                                             | <b>Defense Counsel Information</b>            |                                    |                                                          |                                    |
| <b>Name:</b>                              |                                 |                                            |                                             | <b>Name:</b>                                  |                                    |                                                          |                                    |
| <input type="checkbox"/> State            | <input type="checkbox"/> County | <input type="checkbox"/> Municipal         | <input type="checkbox"/> Other              | <input type="checkbox"/> None                 | <input type="checkbox"/> Retained  | <input type="checkbox"/> Public Def                      | <input type="checkbox"/> Assigned  |
|                                           |                                 |                                            |                                             | <input type="checkbox"/> Waived               | <input type="checkbox"/> Other     |                                                          |                                    |
| <b>Original Charge</b>                    |                                 | 4) 2C:36-2                                 |                                             |                                               |                                    |                                                          |                                    |
| <b>Amended Charge</b>                     |                                 |                                            |                                             |                                               |                                    |                                                          |                                    |
| <b>Waiver Indt/Jury</b>                   |                                 |                                            |                                             |                                               |                                    |                                                          |                                    |
| <b>Plea/Date of Plea</b>                  |                                 | <b>Plea: Date:</b>                         |                                             | <b>Plea: Date:</b>                            |                                    | <b>Plea: Date:</b>                                       |                                    |
| <b>Adjudication (* see code)</b>          |                                 | <b>Finding Code: Date:</b>                 |                                             | <b>Finding Code: Date:</b>                    |                                    | <b>Finding Code: Date:</b>                               |                                    |
| <b>Jail Term</b>                          |                                 | <input type="checkbox"/> Jail time credit  | <input type="checkbox"/> Susp. Imp          | <input type="checkbox"/> Jail time credit     | <input type="checkbox"/> Susp. Imp | <input type="checkbox"/> Jail time credit                | <input type="checkbox"/> Susp. Imp |
| <b>Probation Term</b>                     |                                 | <input type="checkbox"/> Susp. Imp         |                                             | <input type="checkbox"/> Susp. Imp            |                                    | <input type="checkbox"/> Susp. Imp                       |                                    |
| <b>Cond. Discharge Term</b>               |                                 |                                            |                                             |                                               |                                    |                                                          |                                    |
| <b>Community Service</b>                  |                                 |                                            |                                             |                                               |                                    |                                                          |                                    |
| <b>D/L Suspension Term</b>                |                                 |                                            |                                             |                                               |                                    |                                                          |                                    |
| <b>Fines/Costs</b>                        |                                 | <b>Fines: Costs:</b>                       |                                             | <b>Fines: Costs:</b>                          |                                    | <b>Fines: Costs:</b>                                     |                                    |
| <b>VCCB/SNSF</b>                          |                                 | <b>VCCB: SNSF:</b>                         |                                             | <b>VCCB: SNSF:</b>                            |                                    | <b>VCCB: SNSF:</b>                                       |                                    |
| <b>DEDR/Lab Fee</b>                       |                                 | <b>DEDR: LAB:</b>                          |                                             | <b>DEDR: LAB:</b>                             |                                    | <b>DEDR: LAB:</b>                                        |                                    |
| <b>CD Fee/Drug Ed Fnd</b>                 |                                 | <b>CD: DAEF:</b>                           |                                             | <b>CD: DAEF:</b>                              |                                    | <b>CD: DAEF:</b>                                         |                                    |
| <b>DV Surch/Other Fees</b>                |                                 | <b>DV: Other:</b>                          |                                             | <b>DV: Other:</b>                             |                                    | <b>DV: Other:</b>                                        |                                    |
| <b>Restitution</b>                        |                                 |                                            |                                             |                                               |                                    |                                                          |                                    |
| <b>Beneficiary:</b>                       |                                 |                                            |                                             |                                               |                                    |                                                          |                                    |

**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**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>COMPLAINT NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |                                                                      |                                               | <b>THE STATE OF NEW JERSEY</b>                                                                                                                                                                                                                                                      |  |
| <b>1352</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>W</b>              | <b>2019</b>                                                          | <b>000538</b>                                 | <b>VS.</b>                                                                                                                                                                                                                                                                          |  |
| <small>COURT CODE</small>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <small>PREFIX</small> | <small>YEAR</small>                                                  | <small>SEQUENCE NO.</small>                   | <b>DANIEL C KLANE</b>                                                                                                                                                                                                                                                               |  |
| <b>WALL TOWNSHIP MUNICIPAL CT</b><br><b>2700 ALLAIRE RD</b><br><b>WALL NJ 07719-0000</b><br><b>732-449-4666</b> COUNTY OF: <b>MONMOUTH</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                                                                      |                                               | <b>ADDRESS: 34 MEADOW GREEN CIRCLE</b><br><b>MANALAPAN NJ 07726-0000</b>                                                                                                                                                                                                            |  |
| <b># of CHARGES</b><br>4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>CO-DEFTS</b>       | <b>POLICE CASE #</b><br>201901871                                    |                                               | <b>DEFENDANT INFORMATION</b><br><b>SEX: M EYE COLOR: GREEN</b> <b>DOB: 07/30/1985</b><br><b>DRIVER'S LIC. # K50661536307856</b> <b>DL STATE: NJ</b><br><b>SOCIAL SECURITY #: xxx-xx-x082</b> <b>SBI #: 587848D</b><br><b>TELEPHONE #:</b> ( )<br><b>LIVSCAN PCN #: 135203008198</b> |  |
| <b>COMPLAINANT</b><br><b>NAME: TIM MARGADONNA</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <p>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 06/19/2019 in <b>WALL TWP</b>, <b>MONMOUTH County, NJ</b> did: <b>WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY HAVE IN HIS POSSESSION AND UNDER HIS CONTROL A CONTROLLED DANGEROUS SUBSTANCE TO WIT: MARIJUANA IN AMOUNT LESS THAN 50 GRAMS.</b></p> <p><b>THIS BEING IN VIOLATION OF N.J.S. 2C:35-10(A) 4</b></p> <p><b>THIS BEING A DISORDERLY PERSONS OFFENSE.</b></p> <p><b>WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY POSSESS A WEAPON SPECIFICALLY A HANDGUN, UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR ITS LAWFUL USE.</b></p> <p><b>IN VIOLATION OF NJS 2C:39-5B(1)</b></p> <p><b>THIS BEING A CRIME OF THE SECOND DEGREE</b></p> <p><b>WITHIN THE JURISDICTION OF THIS COURT, KNOWINGLY POSSESS A WEAPON SPECIFICALLY A HANDGUN, UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR ITS LAWFUL USE, SPECIFICALLY BY, BEING A CERTAIN PERSONS NOT TO POSSESS A FIREARM. IN VIOLATION</b></p> <p><b>in violation of:</b></p> |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <b>Original Charge</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       | 1) 2C:35-10A(4)                                                      |                                               | 2) 2C:39-5B(1)                                                                                                                                                                                                                                                                      |  |
| <b>Amended Charge</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                                      |                                               | 3) 2C:39-7B(1)                                                                                                                                                                                                                                                                      |  |
| <b>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</b><br><b>Signed: TIM MARGADONNA</b> <b>Date: 06/19/2019</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <p>You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of <b>MONMOUTH</b></p> <p>at the following address: <b>MONMOUTH COUNTY COURTS</b><br/> <b>71 MONUMENT PARK</b> <b>PO BOX 1271</b><br/> <b>FREEHOLD NJ 07728-0000</b></p> <p><b>Date of Arrest: 06/19/2019</b> <b>Appearance Date:</b> <b>Time:</b> <b>Phone: 732-677-4500</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <b>PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <input type="checkbox"/> Probable cause IS NOT found for the issuance of this complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| Signature of Court Administrator or Deputy Court Administrator _____ Date _____ Signature of Judge _____ Date _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <input checked="" type="checkbox"/> Probable cause IS found for the issuance of this complaint. <b>SANDRA AKES JUDICIAL OFFICER</b> <b>06/19/2019</b><br><small>Signature and Title of Judicial Officer Issuing Warrant Date</small>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <b>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.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <b>Bail Amount Set: _____ by: _____</b><br><small>(if different from judicial officer that issued warrant)</small>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |                                                                      |                                               |                                                                                                                                                                                                                                                                                     |  |
| <input type="checkbox"/> Domestic Violence - Confidential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       | <input type="checkbox"/> Related Traffic Tickets or Other Complaints |                                               | <input type="checkbox"/> Serious Personal Injury/ Death Involved                                                                                                                                                                                                                    |  |
| <b>Special conditions of release:</b><br><small>(to be filled in by judge or other authorized person)</small>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                      | <b>COMPLAINT - WARRANT (DEFENDANT'S COPY)</b> |                                                                                                                                                                                                                                                                                     |  |

## COMPLAINT - WARRANT

| COMPLAINT NUMBER |        |      |              |
|------------------|--------|------|--------------|
| 1352             | W      | 2019 | 000538       |
| COURT CODE       | PREFIX | YEAR | SEQUENCE NO. |

STATE V.

DANIEL C KLANE

OF NJS 2C:39-7B(1)  
THIS BEING A CRIME OF THE SECOND DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY HAVE IN HIS POSSESSION WITH  
THE INTENT TO USE DRUG PARAPHERNALIA TO CONVERT, PROCESS, PACKAGE PREPARE STORE  
OR CONTAIN A CONTROLLED DANGEROUS SUBSTANCE CONTROLLED DANGEROUS SUBSTANCE, OR  
TO USE TO INTRODUCE INTO THE HUMAN BODY A CONTROLLED DANGEROUS SUBSTANCE TO WIT  
A CIGARETTE STYLE ONE HITTER CONTAINING A BURNT RESIDUE INDICATIVE OF CDS  
MARIJUANA,  
THIS BEING IN VIOLATION OF NJS 2C:36-2.A  
THIS BEING A DISORDERLY PERSONS OFFENSE

|                                        |            |  |  |
|----------------------------------------|------------|--|--|
| Original Charge                        | 4) 2C:36-2 |  |  |
| Amended Charge                         |            |  |  |
| COMPLAINT - WARRANT (DEFENDANT'S COPY) |            |  |  |

**COMMITMENT**

|                            |              |                |               |                                                                       |                  |
|----------------------------|--------------|----------------|---------------|-----------------------------------------------------------------------|------------------|
| COMPLAINT NUMBER           |              |                |               | <b>THE STATE OF NEW JERSEY</b><br><b>VS.</b><br><b>DANIEL C KLANE</b> |                  |
| <b>1352</b>                | <b>W</b>     | <b>2019</b>    | <b>000538</b> |                                                                       |                  |
| COURT CODE                 | PREFIX       | YEAR           | SEQUENCE NO.  | ADDRESS:                                                              |                  |
| WALL TOWNSHIP              | MUNICIPAL CT |                |               | 34 MEADOW GREEN CIRCLE                                                |                  |
| 2700 ALLAIRE RD            |              |                |               | MANALAPAN NJ 07726-0000                                               |                  |
| WALL                       |              |                |               |                                                                       |                  |
| 732-449-4666               |              |                |               |                                                                       |                  |
| COUNTY OF: MONMOUTH        |              |                |               | DEFENDANT INFORMATION                                                 |                  |
| # of CHARGES               | CO-DEFTS     | POLICE CASE #: |               | SEX: M                                                                | EYE COLOR: GREEN |
| 4                          |              | 201901871      |               | DOB: 07/30/1985                                                       | DL STATE: NJ     |
| COMPLAINANT TIM MARGADONNA |              |                |               | DRIVER'S LIC. #                                                       | K50661536307856  |
| NAME: PO BOX 1168          |              |                |               | SOCIAL SECURITY #:                                                    | xxx-xx-x082      |
| ATTN WARRANTS              |              |                |               | TELEPHONE #:                                                          | ( )              |
| WALL NJ 07719              |              |                |               | LIVSCAN PCN #: 135203008198                                           |                  |

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. 2C:35-10A(4) |             | 69        | D      | POSS CDS - < 50     |
| 2. 2C:39-5B(1)  |             |           | 2      | UNLAWFUL POSS W     |
| 3. 2C:39-7B(1)  |             |           | 2      | CERT PERSON NOT     |
| 4. 2C:36-2      |             | 69        | D      | USE/POSS W/INTE     |

Commitment Reason: Criminal Justice Reform

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court at the following address: MONMOUTH COUNTY COURTS  
71 MONUMENT PARK PO BOX 1271

In the county of MONMOUTH

FREEHOLD

NJ 07728-0000

Date of Arrest: 06/19/2019

Phone: 732-677-4500

SANDRA AKES JUDICIAL OFFICER

06/19/2019

Signature and Title of Judicial Officer Issuing Warrant

Date

**COMMITMENT**

## Affidavit of Probable Cause

|                                                                                                                                                                               |          |                |              |                                               |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------|--------------|-----------------------------------------------|--|
| COMPLAINT NUMBER                                                                                                                                                              |          |                |              | THE STATE OF NEW JERSEY                       |  |
| 1352                                                                                                                                                                          | W        | 2019           | 000538       | VS.                                           |  |
| COURT CODE                                                                                                                                                                    | PREFIX   | YEAR           | SEQUENCE NO. | DANIEL C KLANE                                |  |
| WALL TOWNSHIP MUNICIPAL CT                                                                                                                                                    |          |                |              | ADDRESS: 34 MEADOW GREEN CIRCLE               |  |
| 2700 ALLAIRE RD                                                                                                                                                               |          |                |              | MANALAPAN NJ 07726-0000                       |  |
| WALL NJ 07719-0000                                                                                                                                                            |          |                |              |                                               |  |
| 732-449-4666 COUNTY OF: MONMOUTH                                                                                                                                              |          |                |              |                                               |  |
| # of CHARGES                                                                                                                                                                  | CO-DEFTS | POLICE CASE #: |              | DEFENDANT INFORMATION                         |  |
| 4                                                                                                                                                                             |          | 201901871      |              | SEX: M EYE COLOR: GREEN DOB: 07/30/1985       |  |
| COMPLAINANT TIM MARGADONNA                                                                                                                                                    |          |                |              | DRIVER'S LIC. # K50661536307856 DL STATE: NJ  |  |
| NAME: PO BOX 1168                                                                                                                                                             |          |                |              | SOCIAL SECURITY #: xxx-xx-x082 SBI #: 587848D |  |
| ATTN WARRANTS                                                                                                                                                                 |          |                |              | TELEPHONE #: ( )                              |  |
| WALL NJ 07719                                                                                                                                                                 |          |                |              | LIVESCAN PCN #: 135203008198                  |  |
| 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:  
Suspicious person at the economy inn. Consent search of the room yielded a handgun on the bed. reasonable suspicion was plain furtive moments, the defendant appearing to be under the influence. Defendant is a certain persons.

Affidavit of Probable Cause

## Affidavit of Probable Cause

### COMPLAINT NUMBER

1352

W

2019

000538

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

DANIEL C KLANE

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

I was there

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

NA

### 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: TIM MARGADONNA LAW ENFORCEMENT OFFICER

Date: 06/19/2019

Affidavit of Probable Cause

# Preliminary Law Enforcement Incident Report

|                                         |                     |                        |                           |                                                                                                                                                                                              |  |
|-----------------------------------------|---------------------|------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| COMPLAINT NUMBER                        |                     |                        |                           | <b>THE STATE OF NEW JERSEY</b><br><b>VS.</b><br><b>DANIEL C KLANE</b>                                                                                                                        |  |
| <b>1352</b>                             | <b>W</b>            | <b>2019</b>            | <b>000538</b>             |                                                                                                                                                                                              |  |
| COURT CODE                              | PREFIX              | YEAR                   | SEQUENCE NO.              | ADDRESS: <b>34 MEADOW GREEN CIRCLE</b><br><b>MANALAPAN NJ 07726-0000</b>                                                                                                                     |  |
| <b>WALL TOWNSHIP</b>                    | <b>MUNICIPAL CT</b> | <b>2700 ALLAIRE RD</b> | <b>WALL NJ 07719-0000</b> |                                                                                                                                                                                              |  |
| <b>732-449-4666 COUNTY OF: MONMOUTH</b> |                     |                        |                           |                                                                                                                                                                                              |  |
| # of CHARGES                            | CO-DEFTS            | POLICE CASE #:         |                           | DEFENDANT INFORMATION                                                                                                                                                                        |  |
| <b>4</b>                                |                     | <b>201901871</b>       |                           | SEX: M EYE COLOR: GREEN DOB: 07/30/1985<br>DRIVER'S LIC. # K50661536307856 DL STATE: NJ<br>SOCIAL SECURITY #: xxx-xx-x082 SBI #: 587848D<br>TELEPHONE #: ( )<br>LIVESCAN PCN #: 135203008198 |  |
| COMPLAINANT NAME:                       |                     | MARGADONNA             |                           |                                                                                                                                                                                              |  |
| TIM                                     |                     |                        |                           |                                                                                                                                                                                              |  |
| PO BOX 1168                             |                     |                        |                           |                                                                                                                                                                                              |  |
| ATTN WARRANTS                           |                     |                        |                           |                                                                                                                                                                                              |  |
| WALL                                    |                     | NJ 07719               |                           |                                                                                                                                                                                              |  |

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 complaining officer personally observed the offense,
- Another law enforcement officer(s) personally observed the offense, List the officer(s) and their badge#
- The defendant made statements/admissions.
  - \*It was recorded using:
  - \*Stationhouse interview room camera
- A weapon was involved in the incident:
  - \*Handgun
- Physical evidence was seized/recovered:
  - \*Weapon(s)
  - \*CDS:
    - \*Marijuana
    - \*Drug Paraphernalia
- The case involves CDS and the evidence was recovered via:
  - \*Pedestrian Stop
- The case involves a consent search.

## 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.

TIM

MARGADONNA LAW ENFORCEMENT OFFICER

Date: 06/19/2019

**WALL TOWNSHIP POLICE DEPARTMENT  
MONMOUTH COUNTY, NEW JERSEY  
ARREST REPORT**

|                                                                           |                  |                          |                                     |                      |                                   |                          |                                            |                                            |  |
|---------------------------------------------------------------------------|------------------|--------------------------|-------------------------------------|----------------------|-----------------------------------|--------------------------|--------------------------------------------|--------------------------------------------|--|
| Complaint Number<br><b>201901871</b>                                      |                  | Mun. Code<br><b>1352</b> | Phone Number<br><b>732-449-4500</b> |                      | UCR                               | Prosecutor's Case Number |                                            | Department Case Number<br><b>201901871</b> |  |
| Name (Last, First, Middle)<br><b>KLANE, DANIEL C</b>                      |                  |                          |                                     |                      | Phone                             |                          | Alias - Nickname                           |                                            |  |
| Current Address<br><b>34 Meadaow Green Circle, A, Manalapan, NJ 07726</b> |                  |                          |                                     |                      | Place of Birth<br><b>Red Bank</b> |                          |                                            |                                            |  |
| D.O.B.<br><b>07/30/1985</b>                                               | Age<br><b>33</b> | Race<br><b>W</b>         | Sex<br><b>M</b>                     | Height<br><b>5'0</b> | Weight<br><b>150</b>              | Hair<br><b>Brown</b>     | Eyes<br><b>Green</b>                       | Complexion                                 |  |
| Scars, Marks, Tattoos<br><b>TATT/FRON/NECK/ANGEL, TATT/RI</b>             |                  |                          |                                     |                      |                                   |                          | OLN and State<br><b>K50661536307856-NJ</b> |                                            |  |
| Employer's Name (School Name)                                             |                  |                          |                                     |                      |                                   | Occupation (Grade)       |                                            | Social Security #<br><b>[REDACTED]</b>     |  |
| Address                                                                   |                  |                          |                                     |                      |                                   | Phone                    |                                            |                                            |  |

**DETAILS OF ARREST**

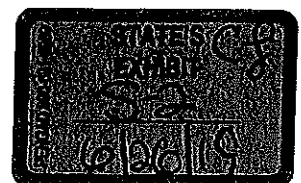
|                                                     |                     |                                                            |                        |                                      |                                    |                                 |                               |  |
|-----------------------------------------------------|---------------------|------------------------------------------------------------|------------------------|--------------------------------------|------------------------------------|---------------------------------|-------------------------------|--|
| Date / Time Reported<br><b>06/19/2019 10:13 Wed</b> |                     | Place of Arrest<br><b>2035 STATE HWY 35, WALL TOWNSHIP</b> |                        |                                      |                                    |                                 | Municipal Code<br><b>1352</b> |  |
| Charge #1<br><b>Unlawful Possession Of</b>          | Type<br><b>Fel</b>  | Counts<br><b>1</b>                                         | IBR Code<br><b>150</b> | Warrant / Summons #<br><b>000538</b> | Statute #<br><b>2C:39-5B</b>       | Warr. Date<br><b>06/19/2019</b> |                               |  |
| Charge #2<br><b>Certain Persons Not To</b>          | Type<br><b>Fel</b>  | Counts<br><b>1</b>                                         | IBR Code<br><b>150</b> | Warrant / Summons #<br><b>000538</b> | Statute #<br><b>2C:39-7B</b>       | Warr. Date<br><b>06/19/2019</b> |                               |  |
| Charge #3<br><b>Possession Of Marijuana</b>         | Type<br><b>Misd</b> | Counts<br><b>1</b>                                         | IBR Code<br><b>18F</b> | Warrant / Summons #<br><b>000538</b> | Statute #<br><b>2C:35-10(A)(4)</b> | Warr. Date<br><b>06/19/2019</b> |                               |  |
| If Armed, Type of Weapon<br><b>HANDGUN</b>          |                     | Type of Arrest<br><b>ON-VIEW</b>                           |                        |                                      |                                    |                                 |                               |  |
| VYR                                                 | Make                | Model                                                      | Style                  | Color                                | Lie/Las                            | Vin                             |                               |  |
| Vehicle:                                            |                     |                                                            |                        |                                      |                                    |                                 |                               |  |

**BAIL INFORMATION**

|                                                  |                                                                 |                         |                                                     |
|--------------------------------------------------|-----------------------------------------------------------------|-------------------------|-----------------------------------------------------|
| Date/Time Confined<br><b>06/19/2019</b>          | Court of<br><b>Wall Township</b>                                | City<br><b>FREEHOLD</b> | Committing Magistrate<br><b>JUDGE JOSEPH DEFINO</b> |
| Amount Bond                                      | Type Bond<br><b>No Bond</b>                                     | Trial Date              | Place Confined<br><b>WALL POLICE HQ</b>             |
| Date/Time Released<br><b>06/19/2019 00:00:00</b> | Released By: Name/ID Number/Bureau<br><b>ROLAND, S. PATL3RD</b> |                         |                                                     |

**NARRATIVE**

Subsequent to a suspicious persons investigation, Daniel Klane was arrested for possession of marijuana, possession of drug paraphernalia, unlawful possession of a firearm and certain persons not to possess a firearm. Daniel was processed and transported to MCCI on a warrant.



# ARREST REPORT (Additional Charges)

|                                                       |                         |                                               |                               |
|-------------------------------------------------------|-------------------------|-----------------------------------------------|-------------------------------|
| Agency Name<br><b>Wall Township Police Department</b> | ORI<br><b>NJ0135200</b> | Date/Time Arrested<br><b>06/19/2019 10:13</b> | Case #<br><b>201901871</b>    |
| Arrestee Name<br><b>KLANE, DANIEL C</b>               |                         |                                               | Arrest Number<br><b>30087</b> |

| Charge                         | Fel/Misd | Counts | IBR Code | Warren/Summons # | Statute # | Warr. Date |
|--------------------------------|----------|--------|----------|------------------|-----------|------------|
| 4) Possession Of Paraphernalia | Misd     | 1      | 260      | 000538           | 2C:36-2   | 06/19/2019 |



OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

LORI LINSKEY  
FIRST ASSISTANT PROSECUTOR  
MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR

JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

December 5, 2019

Jacquelyn Reaves  
[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)

*Not  
Served  
waiting for  
Reaves  
to answer  
Be delivery*

Re: OPRA request dated November 23, 2019

Dear Ms. Reaves,

This thumb drive is provided in response to your records requests of October 29, 2019, November 7, 13, and 22, 2019. On the thumb drive are the files to permit you to view the recording of the MVR of your transport to the hospital by Detective Sergeant Keith Mitchell in 2015.

You can play the recording by selecting the file "Autoplay" or by selecting the "Flashplayer" application itself. When a Flashplayer window opens, then select the thumbnail image of the video.

Please note that **this thumb drive will only allow you to play the video when you are signed in under the administrator's user profile of the computer you are using.** When you select the video in the Flashplayer application, you may be prompted to enter the administrator's user name and password for the computer you are using. That will be different for every computer you use, so I cannot provide that information to you. If you have administrator rights for the computer you are using, then that will be your user profile name and password.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

/s/ Carey J. Huff  
By: Carey J. Huff  
Assistant Prosecutor

## Carey Huff

---

**From:** Cisco Unity Connection Messaging System <unityconnection@mcits-cuc01.co.monmouth.nj.us>  
**Sent:** Friday, December 6, 2019 10:01 AM  
**To:** lintern\_5@mcits-cuc01.co.monmouth.nj.us  
**Subject:** Message from WIRELESS CALLER (2016479971)  
**Attachments:** VoiceMessage.wav

*Call Back 11:15 AM  
12/6/19*

## Carey Huff

---

**From:** OPRA  
**Sent:** Thursday, December 5, 2019 3:59 PM  
**To:** 'jacquelyn.reaves@gmail.com'  
**Subject:** November 22, 2019 OPRA request  
**Attachments:** Jacquelyn Reaves - MVR 12.5.19.pdf; Jacquelyn Reaves 11.22.19 request.pdf; Jacquelyn Reaves - complaints re NCPD.pdf; Jacquelyn Reaves 11.22.19 request FORM.pdf

Ms. Reaves,

Please see the attached documents in response to your OPRA request (copy also attached).

As noted in the letter of today's date, the MVR recording has been transferred to a thumb drive, as you requested.

Please inform whether you will be coming in person to retrieve it, or provide an address where it can be mailed.

Carey J. Huff  
Assistant Prosecutor  
Monmouth County Prosecutor's Office



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CHIEF OF DETECTIVES

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

December 5, 2019

Jacquelyn Reaves  
[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)

Re: OPRA request dated November 23, 2019

Dear Ms. Reaves,

This office received your records request dated November 22, 2019 via e-mail and it was received by the records custodian on November 23, 2019. The deadline for the response is December 5, 2019. You initially made an OPRA request via email on October 29, 2019, and it was responded to on November 6, 2019. You sent a second email on November 7, 2019, which was responded to on November 12, 2019. You sent a third email on November 13, 2019, which was responded to on November 21, 2019. This is now your fourth request.

In this correspondence you again requested "the MVR and Complaint #PI 15 142." As noted previously, the recording from the MVR will be produced. It has been transferred to a thumb drive, as you requested. Please inform whether you will be coming to pick up the drive in person, or provide an address to which the drive can be mailed to you. As noted previously, the recording cannot be emailed to you.

Your request for "Complaint #PI 15 142" relates to an internal affairs investigation. The Attorney General's "Internal Affairs Policy and Procedures" directs that the annual summary reports are available to the public, but all other internal affairs documents are confidential. Office of the Attorney General, Internal Affairs Policy and Procedures, 42 and Attachment A (Rev. Nov. 2017); Patti v. Sussex Cty. Prosecutor's Office, GRC Complaint 2009-76 (January 2010); Merino v. Borough of Ho-HoKus, GRC Complaint No. 2003-10 (Interim Decision March 2004); see also O'Shea v. Township of West Milford, 410 N.J. Super. 371, 384-85 (App. Div. 2009). See also Ganzweig v. Township of Lakewood, et.al., Docket No. L-2392-13 (an opinion written by the Honorable Vincent Grasso, A.J.S.C., dated September 27, 2013, in which the plaintiff sought items that were included in an internal affairs investigation. The Court concluded that the plaintiff's OPRA request did not seek "the nature, the source, nor the substance of any internal affairs investigation. Plaintiff seeks only the information that was recorded at the time of two separate incidents, but prior to any internal affairs investigation."). Your request for the complaint is seeking the nature, source, and substance of an internal affairs investigation, which is confidential. Thus, your request is denied.

You also requested "A copy of all documents in 'my file' (with date of inception, and names, dates, and the information was accessed)." The term "my file" is not clear as to what

records you are requesting. However, as you referenced "Complaint #PI 15 142," I will respond to your requests as to that file.

Please be advised, this office does not have a record that is responsive to your request for "names, dates, and the information was accessed." See Back v. Tp of River Vale, GRC Complaint No. 2005-209, Analysis (Feb 2006) (Custodian's certification that she did not provide a list of all township employees and a list of all department heads, titles, and responsibilities because these documents did not exist was sufficient to meet Custodian's burden to prove denial of access was lawful pursuant to N.J.S.A. 47:1A-6).

Your general request for an entire file cannot be fulfilled as it neither identifies nor describes with any specificity or particularity the records sought. MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007), certif. denied, 190 N.J. 394 (2007), and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).

What is more, this office previously denied your request for all documents in this file via the November 6, 2019, letter. I have attached the original letter denying your request. This office relies on its prior denial and the reasons stated therein.

You also requested "Record of the names, dates, times, the MVR was accessed and watched." Please be advised, this office does not have a record that is responsive to your request. Back v. Tp of River Vale, GRC Complaint No. 2005-209, Analysis (Feb 2006).

Your email also contains four questions and two statements. OPRA deals with the production of identifiable records, not information. MAG, 375 N.J. Super. at 546-47; Reda v. Tp of West Milford, GRC Complaint No. 2002-58, Analysis (January 17, 2003).

Please also note that this office is only obligated to search its own files for responsive records. Bent v. Tp of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30, 38-39 (App. Div. 2005).

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

/s:/ Carey J. Huff

By: Carey J. Huff  
Assistant Prosecutor

Diana Weiss

---

From: Jacquelyn R <jacquelyn.reaves@gmail.com>  
Sent: Friday, November 22, 2019 8:56 AM  
To: Jennifer Lipp  
Cc: OPRA  
Subject: Re: OPRA Custodian of Records

Good Morning, Ms. Lipp,

Thank you for your attention to this correspondence.

So just to clarify, you are telling me Daniel Newman's criminal investigation against Keith Mitchell was solely based on an MVR, and Keith's police report?

Why was the MVR of the assault just floating around Monmouth County Prosecutor's office for unlimited access by whomever, and then used to supplant the BWC's, and the excessive force report?

Additionally, why did the Prosecutor's office fail to obtain the BWC's, and the excessive force from Neptune City Police?

All of that information is accessible by the Prosecutor's office, and should have been used in the criminal investigation against Keith Mitchell, and the other offenders.

Now (just so we are clear), you are suggesting I might have been able to help Daniel Newman with his investigation, and obtain the BWC's, and the excessive force report from Neptune City Police on my own (for whatever reason) in the absence of the prosecutor's office including that information in the criminal investigation against my offenders, when that information is available at your fingertips, and I am not a prosecutor.

Does Neptune City Police use MVR's in regular policing practice?

In addition to the MVR, and complaint #PI 15 142, please provide the following:

- A copy of all the documents in 'my file' (with date of inception, and names, dates, and the information was accessed)
- Record of the names, dates, times, the MVR was accessed and watched

Please let me know whether you were successfully able to convert the MVR to jump drive.

I appreciate your time.

Jacquelyn Reaves  
201-647-9971

On Thu, Nov 21, 2019 at 10:45 AM Jennifer Lipp <[JLipp@mcponj.org](mailto:JLipp@mcponj.org)> wrote:



OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

CHRISTOPHER J. GRAMICCIONI  
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MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR  
JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

November 6, 2019

Jacquelyn Reaves  
[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)

Re: OPRA request dated October 29, 2019

Dear Ms. Reaves,

This office received your records request dated October 29, 2019 via e-mail on October 29, 2019 and it was received by the records custodian on the same date. The deadline for the response is November 8, 2019. Specifically, you requested the following:

1. I am contacting you to obtain a copy of all investigations conducted by det. Daniel Newman, in the office of professional responsibility at Monmouth County Prosecutor's Office, against Keith Mitchell, of Neptune City Police, between 2015-2016.
2. I also request a copy of the MVR, related to an incident of assault that happened to against me in one of Det. Newman's investigations against Keith Mitchell (incident date: 1/15/15).
3. In addition, I also need to know the names of detectives at Monmouth County Prosecutor's office responsible for investigating all complaints (and type) against Neptune City police, between 2012-2019.

1. Investigations by Det. Newman against Officer Mitchell

I was able to identify one (1) file in this office. Specifically, it was the investigation conducted in response to your complaint against Officer Mitchell. The file contains both police reports pertaining to the investigation into crimes you alleged Officer Mitchell committed against you, as well as internal affairs investigation reports. The Attorney General's "Internal Affairs Policy and Procedures" directs that the annual summary reports are available to the public, but all other internal affairs documents are confidential. Office of the Attorney General, Internal Affairs Policy and Procedures, 42 and Attachment A (Rev. Nov. 2017); Patti v. Sussex Cty. Prosecutor's Office, GRC Complaint 2009-76 (January 2010); Merino v. Borough of Ho-Ho-Kus, GRC Complaint No. 2003-10 (Interim Decision March 2004); see also O'Shea v. Township of West Milford, 410 N.J. Super. 371, 384-85 (App. Div. 2009). See also Ganzweig v. Township of Lakewood, et.al., Docket No. L-2392-13 (an opinion written by the Honorable

Vincent Grasso, A.J.S.C., dated September 27, 2013, in which the plaintiff sought items that were included in an internal affairs investigation. The Court concluded that the plaintiff's OPRA request did not seek "the nature, the source, nor the substance of any internal affairs investigation. Plaintiff seeks only the information that was recorded at the time of two separate incidents, but prior to any internal affairs investigation."). Your request for the report pertaining to the complaints made against Officer Mitchell is, therefore, seeking the nature, source, and substance of an internal affairs investigation, which is confidential. Thus, your request is denied.

In addition, the responsive records, specifically the reports pertaining to the crimes allegedly committed by Officer Mitchell, are criminal investigatory records. N.J.S.A. 47:1A-1.1 defines a criminal investigatory record: A record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency, which pertains to any criminal investigation. "Criminal investigatory files include records involving all manner of crimes, resolved or unresolved, and include information that is part and parcel of an investigation, confirmed or unconfirmed." Janecko v. New Jersey Department of Law and Public Safety, GRC Complaint Nos. 2002-79 and 2002-80, Analysis and Conclusion; Nance v. Scotch Plains Township Police Department Custodian of Record, GRC Complaint No. 2003-125 ("records pertaining to disorderly persons offenses, including petty offenses, which are not required by law to be made, maintained or kept on file that is held by a law enforcement agency involving a criminal investigation are deemed to be "criminal investigatory records," and are not disclosable, pursuant to OPRA"). Police reports are not part of public record. R. 1:38-3(f)(3). Criminal investigatory records are exempt from disclosure in response to an OPRA request. N.J.S.A. 47:1A-1.1(1). North Jersey Media Group, Inc. v. Township of Lyndhurst, 229 N.J. 541 (July 11, 2017). Thus, your request for criminal investigatory records is denied.

## 2. MVR

I have the MVR available to give to you. I cannot email it because the video is too long. Please let me know when you can come pick it up or if you prefer that I mail it to you.

## 3. Names of detectives at MCPO responsible for investigating all complaints (and type) against Neptune City police between 2012-2019

There were no detectives responsible for investigating "all" complaints against Neptune City police between those dates. Complaints made against police officers are generally investigated by the Professional Responsibility Unit. However, depending on the allegations, other units in this office could conduct the investigation. In addition, there is no list of names that would be responsive to your request. Therefore, there is no record that can be produced in response to your request.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

/s/ *Jennifer Lipp*

By: Jennifer A. Lipp  
Assistant Prosecutor



OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

Public Record Request Form

Requestor Information (Optional)\*

Name: Jacquelyn Reaves

Address: N/A

Telephone Number: ( )

Check one:

☐ I have **NOT** been convicted of an indictable offense.

☐ I have been convicted of an indictable offense and I am aware that I am not entitled to any information about any victim(s) of that crime and/or their family. N.J.S.A. 47:1A-2.2.

I certify that the above information is true and correct and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. N.J.S.A. 2C:28-3.

Signature: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Description of Record(s) Requested:

See email dated 11/22/19

Date Received: 11/23/19

Date Records will be available, if applicable: 12/5/19

Records Provided:

MVR recording

Fee\*\*: \_\_\_\_\_

1.

\* If requestor information is not provided a deposit of \$10.00 will be required. N.J.S.A. 47:1A-5(f). This deposit will be put toward any cost incurred. The request will be reviewed in accordance with N.J.S.A. 47:1A-2.2.

\*\* This office reserves the right to require that all fees must be paid in full before release of requested records. If the cost of producing the records is over \$25.00 a deposit may be requested before beginning reproduction.  
All checks payable to the County of Monmouth.

Unable to provide requested material

  X   Request partially Denied

**Reason:**

The records requested by you are not being provided because the document or documents are not public records as provided by law, as noted below:

**Privileged or Protected Category**

**Authority**

- |                                                                               |                                             |
|-------------------------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Autopsy Reports                                      | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Child abuse or sex assault victim name or address    | N.J.S.A. 2A:82-46b                          |
| <input type="checkbox"/> Court records sealed                                 | Executive Order 69                          |
| <input type="checkbox"/> Computer security information                        | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input checked="" type="checkbox"/> Criminal investigatory records            | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Credit Card Numbers                                  | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Grand Jury testimony, information                    | Court Rule 3:6-7                            |
| <input type="checkbox"/> Grievance information with public employer           | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Domestic Violence data                               | N.J.S.A. 2C:25-33                           |
| <input type="checkbox"/> Drivers' license numbers                             | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> DYFS information                                     | N.J.S.A. 9:6-8.10                           |
| <input type="checkbox"/> Electronic Surveillance Materials                    | N.J.S.A. 2A:156A-19                         |
| <input type="checkbox"/> Emergency or security information or procedures      | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Employee sexual harassment complaints                | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Fingerprint cards                                    | Executive Order 69                          |
| <input type="checkbox"/> Inter-agency or intra agency advisory communications | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Juvenile records                                     | N.J.S.A. 2A:4A-60                           |
| <input type="checkbox"/> Labor Negotiation information, strategy or positions | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Medical Examiner Photographs                         | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Otherwise inappropriate material                     | Executive Order 69                          |
| <input type="checkbox"/> Pension and personnel records                        | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Photographs                                          | N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69 |
| <input type="checkbox"/> Pre Sentence Investigations                          | State v. DeGeorge, 113 NJ Super.542 (App.   |
| Div. 1971)                                                                    |                                             |
| <input type="checkbox"/> Public Agency insurance communications               | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Safety of persons or public                          | N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69 |
| <input type="checkbox"/> Security measures and surveillance techniques        | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Social Security Numbers                              | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Unlisted Telephone Numbers                           | N.J.S.A. 47:1A-1.1, et seq.                 |
| <input type="checkbox"/> Victim locations (Domestic Violence)                 | N.J.S.A. 2C:25-26c.                         |
| <input type="checkbox"/> Victim records                                       | N.J.S.A. 47:1A-1.1, et seq.                 |

**Other**

- ☐ Record has been destroyed/not retained pursuant to:

Records Retention and Disposition Schedule  
(NJ Dept. of State, Div. of Archives Mgmt.)

☒ Other Internal Affairs Records or Records do not exist

CUSTODIAN'S SIGNATURE: \_\_\_\_\_

Date: 12/5/19

### **Procedure for Submission:**

Members of the public who are requesting copies of records are encouraged to complete this Request for Public Records form. Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009). The form or other written request must be placed in an envelope addressed to:

Monmouth County Prosecutor's Office  
132 Jerseyville Avenue  
Freehold, New Jersey 07728  
Attn: OPRA Custodian of Records

and either mailed or taken directly to the Prosecutor's Office. This office also accepts requests by fax when clearly addressed to the attention of the "OPRA Custodian of Records." This office accepts requests by email **ONLY** at the following address: [opra@mcponj.org](mailto:opra@mcponj.org). See Paff v. City of East Orange, 407 N.J. Super. 221, 227-28 (App. Div.), cert. denied, 200 N.J. 476 (2009). When a request is received by email, a confirmation of receipt will be sent in reply; until and unless a reply confirmation is received, requestors should not assume their email request was received by the records custodian. Ibid. Requests sent to other email addresses and/or not addressed to the OPRA Custodian of Records may not be received by the Custodian.

### **A Right to Discovery is Separate and Distinct from a Right to Access Public Records.**

OPRA is a public disclosure statute and is **not** intended to replace or supplement the discovery of private litigants. Constantine v. Township of Bass River, 406 N.J. Super. 305, 324-25 (App. Div. 2009), cert. denied, 200 N.J. 208 (2009); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 545-46 (App. Div. 2005). Requests for discovery of materials that are not public government records should be made in accordance with the applicable Court Rules.

### **Procedure for Filing an Appeal.**

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may:

Institute a proceeding to challenge the custodian's decision by filing an action in Monmouth County Superior Court which shall be heard by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records;

Or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established in subsection 8 of P.L.2001, c.404 (C.47:1A-7).

The right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

**Diana Weiss**

---

**From:** Jacquelyn R <jacquelyn.reaves@gmail.com>  
**Sent:** Friday, November 22, 2019 8:56 AM  
**To:** Jennifer Lipp  
**Cc:** OPRA  
**Subject:** Re: OPRA Custodian of Records

Good Morning, Ms. Lipp,

Thank you for your attention to this correspondence.

So just to clarify, you are telling me Daniel Newman's criminal investigation against Keith Mitchell was solely based on an MVR, and Keith's police report?

Why was the MVR of the assault just floating around Monmouth County Prosecutor's office for unlimited access by whomever, and then used to supplant the BWC's, and the excessive force report?

Additionally, why did the Prosecutor's office fail to obtain the BWC's, and the excessive force from Neptune City Police?

All of that information is accessible by the Prosecutor's office, and should have been used in the criminal investigation against Keith Mitchell, and the other offenders.

Now (just so we are clear), you are suggesting I might have been able to help Daniel Newman with his investigation, and obtain the BWC's, and the excessive force report from Neptune City Police on my own (for whatever reason) in the absence of the prosecutor's office including that information in the criminal investigation against my offenders, when that information is available at your fingertips, and I am not a prosecutor.

Does Neptune City Police use MVR's in regular policing practice?

In addition to the MVR, and complaint #PI 15 142, please provide the following:

- A copy of all the documents in 'my file' (with date of inception, and names, dates, and the information was accessed)
- Record of the names, dates, times, the MVR was accessed and watched

Please let me know whether you were successfully able to convert the MVR to jump drive.

I appreciate your time.

Jacquelyn Reaves  
201-647-9971

On Thu, Nov 21, 2019 at 10:45 AM Jennifer Lipp <[JLipp@mcponj.org](mailto:JLipp@mcponj.org)> wrote:

We do not have any BWC videos from January 14 or 15, 2015 or any Use of Force reports. You may wish to contact Neptune City PD.

I will see if I can get the MVR converted to a thumb drive.

Monmouth County Prosecutor's Office

132 Jerseyville Avenue

Freehold, NJ 07728

**From:** Jacquelyn R <[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)>

**Sent:** Wednesday, November 13, 2019 8:28 AM

**To:** Jennifer Lipp <[JLipp@mcponj.org](mailto:JLipp@mcponj.org)>

**Cc:** OPRA <[opra@mcponj.org](mailto:opra@mcponj.org)>

**Subject:** Re: OPRA Custodian of Records

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2. Allow me to clarify, since those indicators were also in the response you sent me related to my initial records request. Please provide a record count of all criminal investigations against Keith Mitchell, and Edward Kirschenbaum, with corresponding dates, offense type, and corresponding status indicator.

3. Right, arrest, huh? I get it; I suppose it has just been easier to attempt to persecute and vilify me into the "crazy" stereotypical (black/brown/bi-racial/hispanic) "woman" persona (after I was assaulted, and victimized), than it has been for you and the other officers/attorneys to prosecute, and arrest yourselves/turn yourselves in, in your sadistic complacency. Why is there no excessive force report? Are you telling me that one does not exist?

4. In addition to the MVR (which is normally used by the State police), I request a copy of the BWC's that include all his interactions with Joanne Jodry, in January 2015, the January 13th, 2015 BWC, which should include the illegal search of my apartment in the absence of a search warrant, and probable cause, any BWC on January 14th, 2015, and the BWC's related to the assault Keith committed against me on January 15th, 2015.

Unfortunately, I do not have a drop box, since I do not work for you, or the prosecutor's office. And I do not have a dvd player, and really do not plan on buying one. If I mail you a jump drive, could you transfer the BWC request, as well as the MVR (?) onto the drive?

I appreciate your time.

Jacquelyn Reaves

201-647-9971

On Tue, Nov 12, 2019 at 4:17 PM Jennifer Lipp <[JLipp@mcponj.org](mailto:JLipp@mcponj.org)> wrote:

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Monmouth County Prosecutor's Office

132 Jerseyville Avenue

Freehold, NJ 07728

From: Jacquelyn R <[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)>

Sent: Thursday, November 7, 2019 9:32 AM

To: Jennifer Lipp <[JLipp@mcponj.org](mailto:JLipp@mcponj.org)>; [cgramiccioni@mcponj.com](mailto:cgramiccioni@mcponj.com); OPRA <[opra@mcponj.org](mailto:opra@mcponj.org)>

Subject: Re: OPRA Custodian of Records

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I reviewed the correspondence in reply to three separate record requests I made through the Open Public Records Act - those requests are outlined as follows:

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3. In addition, I also need to know the names of detectives at Monmouth County Prosecutor's office responsible for investigating all complaints (and type) against Neptune City police, between 2012-2019.

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If possible, please download the MVR to a jump drive (and then email it to me), since that is a more suitable manner for me to receive the information.

I appreciate your time, and enjoy your day.

Sincerely,

Jacquelyn Reaves

201-647-9971

On Wed, Nov 6, 2019 at 1:46 PM Jennifer Lipp <[JLipp@mcponj.org](mailto:JLipp@mcponj.org)> wrote:

Please see attached.

Please advise if you would like to pick up the MVR or have it mailed to you. If you want it mailed, please provide an address.

Monmouth County Prosecutor's Office

132 Jerseyville Avenue

Freehold, NJ 07728

**From:** Jacquelyn R <[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)>

**Sent:** Tuesday, October 29, 2019 9:24 AM

**To:** OPRA <[opra@mcponj.org](mailto:opra@mcponj.org)>

**Subject:** Re: OPRA Custodian of Records

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Please contact me with questions, or if you require further identifying information to retrieve this data.

I appreciate your time.

Sincerely,

Jacquelyn Reaves

201-647-9971

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## Jennifer Lipp

---

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**Sent:** Thursday, November 21, 2019 10:46 AM  
**To:** 'Jacquelyn R'  
**Subject:** RE: OPRA Custodian of Records

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Monmouth County Prosecutor's Office  
132 Jerseyville Avenue  
Freehold, NJ 07728

**From:** Jacquelyn R <jacquelyn.reaves@gmail.com>  
**Sent:** Wednesday, November 13, 2019 8:28 AM  
**To:** Jennifer Lipp <JLipp@mcponj.org>  
**Cc:** OPRA <opra@mcponj.org>  
**Subject:** Re: OPRA Custodian of Records

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Monmouth County Prosecutor's Office

132 Jerseyville Avenue

Freehold, NJ 07728

**From:** Jacquelyn R <jacquelyn.reaves@gmail.com>

**Sent:** Thursday, November 7, 2019 9:32 AM

**To:** Jennifer Lipp <JLipp@mcponj.org>; cgramiccioni@mcponj.com; OPRA <opra@mcponj.org>

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**Diana Weiss**

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**Sent:** Thursday, November 07, 2019 9:32 AM  
**To:** Jennifer Lipp; cgramiccioni@mcponj.com; OPRA  
**Subject:** Re: OPRA Custodian of Records

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Monmouth County Prosecutor's Office

132 Jerseyville Avenue

Freehold, NJ 07728

**From:** Jacquelyn R <[jacquelyn.reaves@gmail.com](mailto:jacquelyn.reaves@gmail.com)>

**Sent:** Tuesday, October 29, 2019 9:24 AM

**To:** OPRA <[opra@mcponj.org](mailto:opra@mcponj.org)>

**Subject:** Re: OPRA Custodian of Records

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**Diana Weiss**

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Jacquelyn Reaves  
201-647-9971

## **Jennifer Lipp**

---

**From:** Jennifer Lipp  
**Sent:** Wednesday, November 6, 2019 1:46 PM  
**To:** 'Jacquelyn R'  
**Subject:** RE: OPRA Custodian of Records  
**Attachments:** Jacquelyn Reaves - complaints re NCPD.pdf

Please see attached.

Please advise if you would like to pick up the MVR or have it mailed to you. If you want it mailed, please provide an address.

Monmouth County Prosecutor's Office  
132 Jerseyville Avenue  
Freehold, NJ 07728

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**From:** Jacquelyn R <jacquelyn.reaves@gmail.com>  
**Sent:** Tuesday, October 29, 2019 9:24 AM  
**To:** OPRA <opra@mcponj.org>  
**Subject:** Re: OPRA Custodian of Records

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**OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH**

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

LORI LINSKEY  
FIRST ASSISTANT PROSECUTOR

MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR

JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

December 9, 2019

Avalon Zoppo  
[AZoppo2@njadvancemedia.com](mailto:AZoppo2@njadvancemedia.com)

Re: OPRA request dated November 26, 2019

Dear Mr. Zoppo,

This office received your records requests dated November 26, 2019 via e-mail on November 26, 2019. You requested the following:

A copy of 911 calls or emergency calls related to the death of John Ozbilgen on Nov. 22 at 198 Kings Mountain Road in Freehold.

Your request will be fulfilled. The copy of the recording you will receive has been redacted to eliminate a private phone number. N.J.S.A. 47:1A-5. The redaction is at approximately 2 minutes 27 seconds into the call.

You requested the record via email. I will attempt to send it in a second email separate from this written response, as too many attachments may cause our email system to block it. Please confirm receipt. If you do not receive it, please provide an address where I can mail you a copy on CD, or advise if you will come in person to retrieve the CD.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By: /s/ Carey J. Huff  
Carey J. Huff  
Assistant Prosecutor

Enclosure

## Carey Huff

---

**From:** OPRA  
**Sent:** Monday, December 9, 2019 4:40 PM  
**To:** 'AZoppo2@njadvancemedia.com'  
**Subject:** OPRA request Nov 26  
**Attachments:** Avalon Zoppo - 911 call 11.22.19.pdf

Please see the attached document regarding your OPRA request.

As noted in the letter, your request will be fulfilled. I will attempt to send you the audio file in a second email. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

## Carey Huff

---

**From:** OPRA  
**Sent:** Monday, December 9, 2019 4:42 PM  
**To:** 'AZoppo2@njadvancemedia.com'  
**Subject:** 911 call 11.22.19 redacted  
**Attachments:** 11.22.19CALL REDACTED.wav

Please confirm receipt.

Carey Huff  
Assistant Prosecutor

## Carey Huff

---

**From:** Avalon Zoppo <AZoppo2@njadvancemedia.com>  
**Sent:** Monday, December 9, 2019 4:43 PM  
**To:** OPRA  
**Subject:** Re: OPRA request Nov 26

Thank you Ms. Huff. I'm in receipt of this first email.

---

**From:** OPRA <opra@mcponj.org>  
**Sent:** Monday, December 9, 2019 4:40 PM  
**To:** Avalon Zoppo <AZoppo2@njadvancemedia.com>  
**Subject:** OPRA request Nov 26

Please see the attached document regarding your OPRA request.

As noted in the letter, your request will be fulfilled. I will attempt to send you the audio file in a second email. Please confirm receipt.

Yours Truly,

Carey Huff  
Assistant Prosecutor

**NOTICE OF CONFIDENTIALITY** This message, including any prior messages and attachments, may contain advisory, consultative and/or deliberative material, confidential information or privileged communications of the Office of the Monmouth County Prosecutor. Access to this message by anyone other than the sender and the intended recipient(s) is unauthorized. If you are not the intended recipient of this message, any disclosure, copying, distribution or action taken or not taken in reliance on it, without the expressed written consent of the Office of the Monmouth County Prosecutor, is prohibited. If you have received this message in error, you should not save, scan, transmit, print, use or disseminate this message or any information contained in this message in any way and you should promptly delete or destroy this message and all copies of it. Please notify the sender by return e-mail if you have received this message in error.

**Carey Huff**

---

**From:** Avalon Zoppo <AZoppo2@njadvancemedia.com>  
**Sent:** Monday, December 9, 2019 4:47 PM  
**To:** OPRA  
**Subject:** Re: 911 call 11.22.19 redacted

I received this second email, thank you.

---

**From:** OPRA <opra@mcponj.org>  
**Sent:** Monday, December 9, 2019 4:41 PM  
**To:** Avalon Zoppo <AZoppo2@njadvancemedia.com>  
**Subject:** 911 call 11.22.19 redacted

Please confirm receipt.

Carey Huff  
Assistant Prosecutor

**NOTICE OF CONFIDENTIALITY** This message, including any prior messages and attachments, may contain advisory, consultative and/or deliberative material, confidential information or privileged communications of the Office of the Monmouth County Prosecutor. Access to this message by anyone other than the sender and the intended recipient(s) is unauthorized. If you are not the intended recipient of this message, any disclosure, copying, distribution or action taken or not taken in reliance on it, without the expressed written consent of the Office of the Monmouth County Prosecutor, is prohibited. If you have received this message in error, you should not save, scan, transmit, print, use or disseminate this message or any information contained in this message in any way and you should promptly delete or destroy this message and all copies of it. Please notify the sender by return e-mail if you have received this message in error.

**Diana Weiss**

---

**From:** Avalon Zoppo <AZoppo2@njadvancemedia.com>  
**Sent:** Tuesday, November 26, 2019 8:05 AM  
**To:** OPRA  
**Subject:** Re: The Star-Ledger- Records request

Apologies, my original email sent a minute ago was dated incorrectly.

-----  
November 26, 2019

Dear Custodian of Records:

This is a request for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law right of citizens of the state to obtain access to public documents. (South Jersey Publishing Co. v. New Jersey Expressway Auth., 124 N.J. 478, 487-89 [1991]). Please note that this letter contains the statutory requirements for a written OPRA request and I am not required to fill out an official form. (Renna v. County of Union, 407 N.J. Super. 230 [App. Div. 2009]).

The documents I seek:

—A copy of 911 calls or emergency calls related to the death of John Ozbilgen on Nov. 22 at 198 Kings Mountain Road in Freehold.

I prefer delivery of records by email. If that is not possible, please contact me to schedule a time for an on-site inspection of documents. Access to electronic records shall be provided free of charge. (N.J.S.A. 47:1A-5[b])

The reasons offered by a custodian for denying access to a document must be specific. (Communications Workers of America v. McCormac, 417 N.J. Super. 412, 442 [2008])

Under penalty of NJSA 2C:28-3, I certify that I HAVE NOT been convicted of any indictable offense.

---

**From:** Avalon Zoppo  
**Sent:** Tuesday, November 26, 2019 8:04 AM  
**To:** [opra@mcponj.org](mailto:opra@mcponj.org) <[opra@mcponj.org](mailto:opra@mcponj.org)>  
**Subject:** The Star-Ledger- Records request

November 6, 2019

Dear Custodian of Records:

This is a request for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law right of citizens of the state to obtain access to public documents. (South Jersey Publishing Co. v. New Jersey Expressway Auth., 124 N.J. 478, 487-89 [1991]). Please note that this letter contains the statutory

requirements for a written OPRA request and I am not required to fill out an official form. (Renna v. County of Union, 407 N.J. Super. 230 [App. Div. 2009]).

The documents I seek:

—A copy of 911 calls or emergency calls related to the death of John Ozbilgen on Nov. 22 at 198 Kings Mountain Road in Freehold.

I prefer delivery of records by email. If that is not possible, please contact me to schedule a time for an on-site inspection of documents. Access to electronic records shall be provided free of charge. (N.J.S.A. 47:1A-5[b])

The reasons offered by a custodian for denying access to a document must be specific. (Communications Workers of America v. McCormac, 417 N.J. Super. 412, 442 [2008])

Under penalty of NJSA 2C:28-3, I certify that I HAVE NOT been convicted of any indictable offense.

**Avalon Zoppo | Breaking News Reporter**

**NJ Advance Media**

485 US-1, Iselin, NJ, 08830

p: 732-236-9202

e: [azoppo2@njadvancemedia.com](mailto:azoppo2@njadvancemedia.com)



**OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH**

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

CHRISTOPHER J. GRAMICCIONI  
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LORI LINSKEY  
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MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR

MICHAEL PASTERCHICK JR.  
CHIEF OF DETECTIVES

December 5, 2019

Priscilla Johnson  
618 Fletcher Drive  
Neptune, NJ 07753  
[priscprisci@yahoo.com](mailto:priscprisci@yahoo.com)

Re: OPRA Request dated November 24, 2019

Dear Ms. Johnson,

This office received your numerous records requests dated November 24, 2019, and they were received by the records custodian on November 25, 2019. Due to the holiday, the last day to respond to your request is December 6, 2019. You requested the following:

I am requesting record of of my complaint in regards to officer Vetrano and Gualario and charging them with criminal charges of deprivation of my civil rights, I am requesting copy of record that the Monmouth County Prosecutors office found no criminal wrong or my complaints unfounded.

I am requesting record of my being in the monmouth county witness protection in june of 2019 in regards to June 17, 2019 arrest of Brittany Smalls.

I am requesting record in regards to my complaints of Neptune Township denying to enforce my rights through attempted murder and threats to kill me and assault on me by Brittany Smalls.

Your office is causing me serious emotional problems due to handling of my complaints and cover up of illegal deprivation of my civil rights through the involuntary commitment through mental health.

I am requesting record and letter denying my complaint and enforcing my rights through the Neptune Township internal affairs department constructing an illegal case file/letter of premeditated assault on me to deprive me of my civil rights that has numerous and enormous repercussions including medical. Permanent medical damage.

I am requesting letter denying enforcing my rights and not finding criminal wrong or unfounded complaints in regards to Neptune township internal affairs compiling an illegal case claiming I have weapons and creating an environment were I can be shot if I call 911 for assistance.

I need my other OPRA requests.

If the Monmouth County Prosecutors office is going to claim they sent me correspondence to all of my previous my complaints, I need copy of those correspondence. I have never received any correspondence to my complaints and I need copies.

Your office allowed the continued abuse on me through Neptune Police Station. Your office allows berardi to spend almost 10 hours a day next door to me while in uniform, next to me continually menacing me.

Your office allowed and instructed Neptune Township police department to violate my rights to cover up Neptune townships wrong doing of wrongly committing me and after I was committed Brittany Smalls had a knife on her and was aggressively coming after me and threatening my life and your office refused to press charges against Brittany Smalls and sent me to a violent police department to request the officers to reconsider pressing charges where I was treated violently and harmed. Your office refuses to charge Neptune police for deprivation of my civil rights. I never tried to get weapons, I asked for someone to help me and I was deprived my civil rights, forced medication and treated like a violent criminal. I was refused contact with college and failed all of my courses because I missed final exams. I deal with discrimination at college and the permanent damage the forced drugs caused me and abuse, my grades have suffered and I had to take a whole semester over and set me back a year and a half. I was trying to salvage the little I had left of my life after what Berardis and Neptune Police did to me.

I now have to stop pursuing college and have no social life to try to correct the medical damage the Neptune police caused me including permanent medical records stating that the police have a list of behavior of me proving that I am schizophrenic and violent and over and over illegally charging me with illegal violence that I did not do and deny me due process through a corrupt medical involuntary commitment. Your office refuses to help the highest level of criminal corruption through mental health and continue to allow severe abuse and criminal behavior of law enforcement through a corrupt process of involuntary civil commitment and leaving the victim/me of this involuntary commitment with no legal assistance and no way out and have to try to fight for my rights myself and then violently assault me when I try to fight for my rights. Which it is impossible for me to protect myself and my rights because of the enormous situation it is and the involvement of so many enormous entities and I am alone trying to defend myself and protect myself after I been forced drugs to harm my ability to function and harm my brain and memory. A process set up to abuse and harm me so I can not protect myself. I have no one to report the harm the hospital did to me and your office refuses to enforce my rights on all levels and I need my records to protect myself. I become a victim in every direction. I have had many unnecessary operations because of what my medical files say and bad doctors looking to make money and practice procedures and advance themselves through my harm. I ended up in an unnecessary induced coma and refusal to treat an infection caused by unnecessary surgery that left me paralyzed and permanently disabled - permanent damage to organs lungs, heart, kidneys, liver and with severe neurological disorders and muscular disorders and brain functions that control movement and speech. I need to protect myself from further medical assaults and victimization. I need my records.

The legal problems caused by illegal deprivation of my civil rights are enormous and it is the responsibility of the Monmouth county prosecutors office to persecute Neptune police for the deprivation of my civil rights and the monmouth county prosecutors office refuses to enforce my rights and causes me more harm by not providing me my records.

The Berardi spread word of mouth what the Neptune police station did to me for them and am continually victimized through violence and the Smalls is an example and the Neptune municipal judge and prosecutor further victimizing me and denying my rights and ability to due process to have an avenue for safety as the rest of citizens have and exercise. I need my records.

I need my records. You took my life from me. Because of what the Neptune police and prosecutors office has done to me, I lost my life.

I am stalked by Neptune police including vetrano. I fear for my safety. At same time, I am stalked by Brittany Smalls and her father and mother and am threatened by them and again I am facing extremely violent lies made against me. I know your office knows I did not do the things that desiree Smalls is claiming I did in a criminal complaint she signed against me in Neptune court house. Karyn of your office staed that the monmouth county prosecutors office does not care one bit of the weight of the lies the Smalls made up and the harm through legal system.

I know you know the neptune prosecutor is illegally pursuing these complaint made by desiree smalls and I know your are aware of the corruption of the Neptune municipal judge throwing out my charge of terroristic threats against brittany smalls.

I know you know that your office is aware of the effects of the abuse this is having on me and not in a way that I am violent but degrading severely my quality of life and being able to go about my day. ,

I have to enforce my own rights. I need my records and not more violence from your office denying my records and abusing me to have to figure out how to get my records - since my life was taken away from me and I have no money or resources. Your office is deliberately shaming and humiliating me and forcing me to beg for my own records that I am more than entitled to . Your office has stripped me of my rights over and over, everyday for decades and forcing me to beg for something I should never have to beg for. Monmouth County prosecutors accusing me of speaking to them in a way that they do not like and stating that I have to talk to them they way they like or I go without what I request. I never violated any one in my life - ever. I certainly never did anything wrong to any monmouth county prosecutor. Just more violent lies and false accusations. Forcing me to protect myself from a violent internal affairs department that is eager to harm me to protect berardi and each other. That has told me that they would kill me in a split second. Vetrano stating he would shot me and enjoy harming me. Vetrano making statements to me that I am just a paranoid person and I do not matter and saying nothing I say matters. I have never been paranoid.

I need my records to protect myself. The last time I begged for my records and help, I was falsely accused of aggressively trying to obtain guns and targeting Brittany Smalls. I need my records. I need to protect myself through the legal system.

I am fearful of the outcome of this violent court case in Neptune Township and fearful of the Neptune police making good on their threats towards me if I try to get copy of video made on June 17, 2019 of the arrest police made of brittany smalls at my house through my call to 911.

I am fearful for my life and I need my records.

Attached are copies of numerous letters this office has sent to you over the past 3 years regarding complaints you have made regarding the Neptune Township Police Department and other agencies, several Neptune Township police reports that this office has reviewed, and responses to your OPRA requests. Please note that these records were previously provided to you in response to your OPRA requests submitted in August of this year. Also attached is a letter sent to you on November 18, 2019 by Assistant Prosecutor Melanie Falco, Director of the Professional Responsibility and Bias Crime Bureau. I have also attached a copy of the arrest report for Brittany Smalls dated June 17, 2019.

To the extent that you are requesting a request for our complete file or for police reports, your request is denied. First, OPRA does not authorize a party to make a blanket request for "all records" related to a defendant. In addition, it is unclear what specific records you are requesting Bent v. Township of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30, 37, 39 (App. Div. 2005). The requestor's obligation is to specifically describe the document sought; the request may not be a broad, generic description of documents because the custodian is not required to speculate about what the requestor seeks, nor survey agency employees regarding the request. Bart v. Passaic Cnty. Pub. Hous. Agency, 406 N.J. Super. 445, 451-52 (App. Div. 2009). Therefore, your general request cannot be fulfilled as it neither identifies nor describes with any specificity or particularity the records sought. MAG Entertainment, LLC v. Division of

Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007), certif. denied, 190 N.J. 394 (2007), and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).

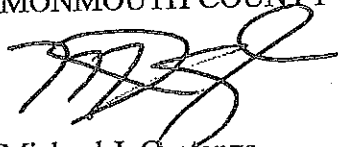
In addition, your request for a file that contains police reports is a request for criminal investigatory records. N.J.S.A. 47:1A-1.1 defines a criminal investigatory record: A record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency, which pertains to any criminal investigation. "Criminal investigatory files include records involving all manner of crimes, resolved or unresolved, and include information that is part and parcel of an investigation, confirmed or unconfirmed." Janeczko v. New Jersey Department of Law and Public Safety, GRC Complaint Nos. 2002-79 and 2002-80, Analysis and Conclusion; Nance v. Scotch Plains Township Police Department Custodian of Record, GRC Complaint No. 2003-125. Police reports are not part of public record. R. 1:38-3(f)(3). Criminal investigatory records are exempt from disclosure in response to an OPRA request. N.J.S.A. 47:1A-1.1(1). North Jersey Media Group, Inc. v. Township of Lyndhurst, 229 N.J. 541 (July 11, 2017).

Other than the within enclosures, there are no other records responsive to your request.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR



By: Michael J. Cestanzo  
Assistant Prosecutor

Enclosures



OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

Public Record Request Form

Requestor Information (Optional)\*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

Check one:

\_\_\_\_\_ I have **NOT** been convicted of an indictable offense.

\_\_\_\_\_ I have been convicted of an indictable offense and I am aware that I am not entitled to any information about any victim(s) of that crime and/or their family. N.J.S.A. 47:1A-2.2.

I certify that the above information is true and correct and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. N.J.S.A. 2C:28-3.

Signature: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Description of Record(s) Requested:

Date Received: \_\_\_\_\_

Date Records will be available, if applicable: 12/5/19

Records Provided:

*- See Attached Letter*

Fee\*\*: \_\_\_\_\_

1.

\* If requestor information is not provided a deposit of \$10.00 will be required. N.J.S.A. 47:1A-5(f). This deposit will be put toward any cost incurred. The request will be reviewed in accordance with N.J.S.A. 47:1A-2.2.

\*\* This office reserves the right to require that all fees must be paid in full before release of requested records. If the cost of producing the records is over \$25.00 a deposit may be requested before beginning reproduction.

All checks payable to the County of Monmouth.

☒ Unable to provide requested material

☐ Request Denied

Reason:

SEE ATTACHED LETTER

The records requested by you are not being provided because the document or documents are not public records as provided by law, as noted below:

**Privileged or Protected Category**

**Authority**

- ☐ Autopsy Reports
- ☐ Child abuse or sex assault victim name or address
- ☐ Court records sealed
- ☐ Computer security information
- ☒ Criminal investigatory records
- ☐ Credit Card Numbers
- ☐ Grand Jury testimony, information
- ☐ Grievance information with public employer
- ☐ Domestic Violence data
- ☐ Drivers' license numbers
- ☐ DYFS information
- ☐ Electronic Surveillance Materials
- ☐ Emergency or security information or procedures
- ☐ Employee sexual harassment complaints
- ☐ Fingerprint cards
- ☐ Inter-agency or intra agency advisory communications
- ☐ Juvenile records
- ☐ Labor Negotiation information, strategy or positions
- ☐ Medical Examiner Photographs
- ☐ Otherwise inappropriate material
- ☐ Pension and personnel records
- ☐ Photographs
- ☐ Pre Sentence Investigations  
Div. 1971)
- ☐ Public Agency insurance communications
- ☐ Safety of persons or public
- ☐ Security measures and surveillance techniques
- ☐ Social Security Numbers
- ☐ Unlisted Telephone Numbers
- ☐ Victim locations (Domestic Violence)
- ☐ Victim records

N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2A:82-46b  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Court Rule 3:6-7  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2C:25-33  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 9:6-8.10  
N.J.S.A. 2A:156A-19  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2A:4A-60  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
Executive Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69  
State v. DeGeorge, 113 NJ Super.542 (App.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 47:1A-1.1, et seq.  
N.J.S.A. 2C:25-26c.  
N.J.S.A. 47:1A-1.1, et seq.

**Other**

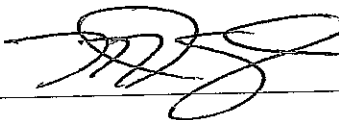
- ☐ Record has been destroyed/not retained pursuant to:

Records Retention and Disposition Schedule  
(NJ Dept. of State, Div. of Archives Mgmt.)

- ☒ Other

SEE ATTACHED LETTER

CUSTODIAN'S SIGNATURE:



Date: 12/5/19

### **Procedure for Submission:**

Members of the public who are requesting copies of records are encouraged to complete this Request for Public Records form. Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009). The form or other written request must be placed in an envelope addressed to:

Monmouth County Prosecutor's Office  
132 Jerseyville Avenue  
Freehold, New Jersey 07728  
Attn: OPRA Custodian of Records

and either mailed or taken directly to the Prosecutor's Office. This office also accepts requests by fax when clearly addressed to the attention of the "OPRA Custodian of Records." This office accepts requests by email **ONLY** at the following address: [opra@mcponj.org](mailto:opra@mcponj.org). See Paff v. City of East Orange, 407 N.J. Super. 221, 227-28 (App. Div.), certif. denied, 200 N.J. 476 (2009). When a request is received by email, a confirmation of receipt will be sent in reply; until and unless a reply confirmation is received, requestors should not assume their email request was received by the records custodian. Ibid. Requests sent to other email addresses and/or not addressed to the OPRA Custodian of Records may not be received by the Custodian.

### **A Right to Discovery is Separate and Distinct from a Right to Access Public Records.**

OPRA is a public disclosure statute and is **not** intended to replace or supplement the discovery of private litigants. Constantine v. Township of Bass River, 406 N.J. Super. 305, 324-25 (App. Div. 2009), certif. denied, 200 N.J. 208 (2009); MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 545-46 (App. Div. 2005). Requests for discovery of materials that are not public government records should be made in accordance with the applicable Court Rules.

### **Procedure for Filing an Appeal.**

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may:

Institute a proceeding to challenge the custodian's decision by filing an action in Monmouth County Superior Court which shall be heard by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records;

Or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established in subsection 8 of P.L.2001, c.404 (C.47:1A-7).

The right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.



**OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH**

132 JERSEYVILLE AVENUE  
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(732) 431-7160

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

LORI LINSKEY  
FIRST ASSISTANT PROSECUTOR  
MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR

JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

**November 18, 2019**

Priscilla Johnson  
618 Fletcher Drive  
Neptune, New Jersey 07753

**Re: Complaints against MCPO  
PO1901641  
PO1903337**

Dear Ms. Johnson:

In recent weeks, you have sent numerous emails to this office making complaints about the Monmouth County Prosecutor's Office. In sum, you allege that the Monmouth County Prosecutor's Office is "punishing" you with "extreme violence", that this office is "corrupt", that we are allowing the Neptune Township Police Department to cover up criminal activity, that members of this office set you up to be "harmed", and that this office refuses to prosecute anyone from the Neptune Township Police Department.

Please be advised that if you wish to file a complaint against this office, you must contact the New Jersey Attorney General's Office, Division of Criminal Justice, Prosecutors Supervision & Training Bureau, P.O. Box 085, Trenton, New Jersey 08625-0085.

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By: Melanie Falco  
Director, Professional Responsibility and Bias  
Crime Bureau

SCANNED ON: 11/19/19 @



# NEPTUNE TOWNSHIP POLICE DEPARTMENT

25 NEPTUNE BLVD NEPTUNE TWP, NJ 07753 (732)988-8000

## Individual Arrest Report

Name: BRITTANY A SMALLS

(213114)

Street Address: 611 PROSPECT PL

Date of Birth: 11/27/95

Local ID Numbers: 34430

State ID Number:

Attorney:

Place of Birth: LONG BRANCH

Sex: F

Height: 5'05"

Hair Color: BLK

Drivers License: [REDACTED]

Marital Status: Not Married

Home Phone: [REDACTED]

Employer: Enterprise

Alias For:

City, State Zip: NEPTUNE TWP, NJ 07753

Social Security: [REDACTED]

FBI number:

Occupation: Car rep

State: NJ

Race: B

Weight: 105

Eyes Color: BRO

State: NJ

Work Phone: () -

### Scars, Marks, and Tattoo Information

|               |            |      |        |                     |
|---------------|------------|------|--------|---------------------|
| Scars, Marks: | TAT FACE   | TATT | FACE   | Ijanes              |
|               | TAT L ARM  | TATT | L ARM  | Keshiah             |
|               | TAT R ARM  | TATT | R ARM  | Desiree William     |
|               | TAT RF ARM | TATT | LR ARM | "B" and stars       |
|               | TAT LF ARM | TATT | LL ARM | Billy with a Heart  |
|               | TAT L HND  | TATT | L HAND | Alexis with a crown |
|               | TAT FHD    | TATT | FHD    | name with a heart   |

### Arrest/Offense Information

Booking Number: 19BK07196

Arrest Reference Number: 19NT19212

Time/Date Arrested: 14:06:20 06/17/19

Arresting Officer: Schuster, K

Arresting Agency: P34

Age at Arrest: 23

Statute: 2C:29-2A(1), Resisting Arrest

Class: 4D

Court: 1334

Offense: RIPO, Resist or Interfere w/ Police

Counts: 1

OTN:

Warr/Cmplnt #: 1334 W 2019 000610

Related Incident: 19NT19212

Statute: 2C:39-5D, Unlawful Possession/Other Weap

Class: DP

Court: 1334

Offense: WOFF, Weapons Offense

Counts: 1

OTN:

Warr/Cmplnt #: 1334 W 2019 000610

Statute: 2C:29-1, Obstruct Admin Law

Offense: OBST, Obstructing Justice

Warr/Cmplnt #: 1334 W 2019 000610

Statute: 2C:33-2B, Offensive Language

Offense: DCON, Disorderly Conduct

Warr/Cmplnt #: 1334 W 2019 000610

Related Incident: 19NT19212

Class: DP

Court: 1334

Counts: 1

OTN:

Related Incident: 19NT19212

Class: DP

Court: 1334

Counts: 1

OTN:

Related Incident: 19NT19212

**Report Includes:**

All dates arrested, All booking numbers matching '19BK07196', All arresting agencies, All arresting officers, All arrest types, All arrest area codes, All judicial age statuses, All inmate name numbers, All offense codes, All statute codes, All alcohol/drug codes, All crime class codes, All law jurisdictions, All court codes, All entry codes, All custody flags, All offenses and arrests,



**OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH**

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

LORI LINSKEY  
FIRST ASSISTANT PROSECUTOR  
MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR  
MICHAEL PASTERCHICK JR.  
CHIEF OF DETECTIVES

August 27, 2019

Priscilla Johnson  
618 Fletcher Drive  
Neptune, NJ 07753  
[priscprisci@yahoo.com](mailto:priscprisci@yahoo.com)

Re: Multiple OPRA requests

Dear Ms. Johnson,

This office received your numerous records requests dated August 19, August 25, and August 26, 2019, and they were received by the records custodian on the same date. You requested the following:

August 19, 2019

Today I spoke with Lieutenant Brazile of the Monmouth County Prosecutors office. Lieutenant Brilzile stated that every complaint I sent I received a response. I have never received a response. Please forward copies of all of response to my complaints by the monmouth county prosecutors office.

August 19, 2019

I am also looking for specific records stating regarding the Neptune Township police and my complaints against neptune township police and mental health screener. I need result of investigation. I need response to my complaints including why screener was brought to my house by law enforcement.

August 25, 2019

Recently, I spoke with Daniel Newman at the Monmouth County Prosecutors office. Daniel Newman many times has violently told me that all of my complaints are unfounded. I am requesting record telling me why my complaints are unfounded. I am entitled by law all information regarding investigation to my complaints to illegal mental evaluations. The deprivation of my civil rights through mental health screener and relationship with police and prosecutors office. I am entitled and it is my right to have all investigative records into mental health. I am requesting my records regarding neptune police and monmouth county prosecutors office institutionalizing me in december.

I was told by daniel newman that he had to be violent with me because of who I am. Not explaining to me what that means.

I am requesting record on why daniel newman says he has to be violent with me.

I am still waiting for my previous records requests.

I am requesting all of my records not some reply as does not rise to the occasion especially since daniel newman said all of my complaints are unfounded.

I am requesting record as to why the monmouth county prosecutors office denies all my complaints and is violent and hostile towards me when I seek opra request and understanding of why I am being treated violently.

August 26, 2019

Struggling with a way to word this I will just say it like this, It was implied that I am lying and crazy and no one attacked me in manasquan reservoir.

My understanding is law enforcement has some kind of advanced surveillance/camera system.

I need a copy of all record of visual of me in manasquan reservoir that allegedly proofs that I am a liar.

I am being treated violently and hostilely by the monmouth county prosecutors office and neptune township police department.

Violating my victim rights by claiming I am the violent and hostile one.

Violently try to scare me not to call 911 and contact police when I am enduring violence.

I need copies of all records stating that I am the violent person and all records stating I am not a victim and all records stating I have a mental illness and all records stating what that mental illness is.

Attached are copies of numerous letters this office has sent to you over the past 3 years regarding complaints you have made regarding the Neptune Township Police Department and other agencies, several Neptune Township police reports that this office has reviewed, and responses to your OPRA requests.

There are no records responsive to the following:

- I am requesting record on why daniel newman says he has to be violent with me.
- I am requesting record as to why the monmouth county prosecutors office denies all my complaints and is violent and hostile towards me when I seek opra request and understanding of why I am being treated violently.
- I need a copy of all record of visual of me in manasquan reservoir that allegedly proofs that I am a liar.
- I am requesting record telling me why my complaints are unfounded.
- I am requesting my records regarding neptune police and monmouth county prosecutors office institutionalizing me in december.
- I need copies of all records stating that I am the violent person and all records stating I am not a victim and all records stating I have a mental illness and all records stating what that mental illness is.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

*/s/ Jennifer Lipp*

By: Jennifer A. Lipp  
Assistant Prosecutor

Enclosures



# NEPTUNE TOWNSHIP POLICE DEPARTMENT

25 NEPTUNE BLVD NEPTUNE TWP, NJ 07753 (732)988-8000

Officer Report for Incident 18NT21287

Nature: MENTAL/SUICIDAL  
Location: P345

Address: 618 Fletcher Dr  
NEPTUNE TWP NJ 07753

---

|                                         |                                                           |             |
|-----------------------------------------|-----------------------------------------------------------|-------------|
| Offense Codes: PESS                     |                                                           |             |
| Received By: Keavney, W                 | How Received: T                                           | Agency: P34 |
| Responding Officers: Kocen, M, Davis, K |                                                           |             |
| Responsible Officer: Davis, K           | Disposition: CLO 07/24/18                                 |             |
| When Reported: 09:42:49 07/24/18        | Occurred Between: 09:41:45 07/24/18 and 09:41:45 07/24/18 |             |

---

|              |                       |                         |
|--------------|-----------------------|-------------------------|
| Assigned To: | Detail:               | Date Assigned: **/**/** |
| Status:      | Status Date: **/**/** | Due Date: **/**/**      |

---

## Complainant:

|               |         |          |
|---------------|---------|----------|
| Last:         | First:  | Mid:     |
| DOB: **/**/** | Dr Lic: | Address: |
| Race:         | Sex:    | Phone:   |
|               |         | City: ,  |

## Offense Codes

|                                             |                                   |
|---------------------------------------------|-----------------------------------|
| Reported:                                   | Observed: PESS Mental Health Call |
| Additional Offense: PESS Mental Health Call |                                   |

## Circumstances

LT20 Residence or Home

|                      |        |
|----------------------|--------|
| Responding Officers: | Unit : |
| Kocen, M             | P34149 |
| Davis, K             | P34139 |

Responsible Officer: Davis, K

Received By: Keavney, W

How Received: T Telephone

When Reported: 09:42:49 07/24/18

Judicial Status: NCI

Misc Entry:

Agency: P34

Last Radio Log: 10:09:39 07/24/18 C

Clearance: RR Report Required

Disposition: CLO Date: 07/24/18

Occurred between: 09:41:45 07/24/18

and: 09:41:45 07/24/18

Statute:

Description :

Method :

---

**Involvements**

| Date     | Type     | Description                       | Involved        |
|----------|----------|-----------------------------------|-----------------|
| 07/24/18 | Name     | JOHNSON, PRISCILLA A              | Employee        |
| 07/24/18 | Name     | OHEARN, JENNIFER                  | Employee        |
| 07/24/18 | Name     | MEMON, YASMEEN K                  | Employee        |
| 07/24/18 | Name     | DAWSON, RJ                        | Employee        |
| 07/24/18 | Cad Call | 09:42:49 07/24/18 MENTAL/SUICIDAL | Initiating Call |

### Narrative

Responded to 618 Fletcher Dr. at the direction of Sgt. Petillo to stand by along with PO Kocen as a screener from the Monmouth County Screeners spoke with Priscilla Johnson. For more information into why the request was made, reference PO McKinley's Supplemental Report.

Once at the location I met with Jennifer O'Hearn a screener from the Monmouth County Screening Center located at [REDACTED] NJ. She, PO Kocen, and I walked to the home from our vehicles. Prior to us getting to the door Priscilla met us on the lawn. She and O'Hearn spoke about her calls in the past as well as the recent calls of service. After speaking with her O'Hearn spoke with both her supervisors PJ Dawson and the doctor currently at the Monmouth Medical Crisis Unit, Dr. Memon. After speaking with both individuals it was determined that Priscilla would not be involuntarily committed. She was advised that if she felt anxious and needed to speak with someone she can contact the Crisis unit at JSUMC or Monmouth Medical Medical Center.

Sgt. Petillo was made aware of this outcome. It should be noted that prior to making contact with Priscilla both PO Kocen and I activated our respective vehicle MVRs and memorialized the incident.

---

**Supplement**

10:09:39 07/24/2018 - Incremona, R

CAD Call info/comments

=====

34149,34139 out with screener for evaluation

### Supplement

10:34:22 07/24/2018 - McKinley, C  
LOCATION: 618 Fletcher Drive  
INCIDENT: Mental/Suicidal  
DATE: July 24, 2018  
CASE: 18NT21287

On July 23, 2018, I responded to the office of Captain Gualario. At that time, he spoke to me regarding Priscilla Johnson. I responded to a call for service at her home on July 17, 2018 (case #18NT20525). We discussed this call for service and Johnson.

Captain Gualario presented me with the reports for the last twelve calls for service at Johnson's home. He advised me to review the calls for service. Johnson has made numerous complaints against officers and is calling the Attorney General's Office, Monmouth County Prosecutors Office as well as this authority complaining about the services rendered by this authority.

At this time, Captain Gualario requested I review the calls for service and make contact with the Monmouth Screeners to have Johnson evaluated due to the numerous calls regarding unsubstantiated calls for service.

On this date July 24, 2018, I completed my review of the twelve calls for service. At 0830 hours this date, after conferring with Captain Gualario again regarding this matter, I would make contact with Jennifer at Monmouth Screeners and advised them of the following:

1. December of 2013: we responded to the home for a domestic incident. At that time, a family member advised Johnson has a history of mental illness, but was not specific about the diagnosis.
2. December of 2015: This was the first time she was reporting her property line was being divided and was a point of contention among family members. This call would prompt Johnson to make contact with the Attorney General's Office about her property being divided. While officers were on scene she would complain of someone in a truck harassing her, but was unable to provide any further information.
3. November of 2016: The Neptune Township Business Administrator would push the panic button prompting a police response to his office. He advised Johnson was acting disorderly and Johnson would be escorted from the property with a verbal warning regarding her actions and behavior.
4. May of 2018: Johnson wanted to report she has been harassed by families in her neighborhood for the past twenty years. No documented incidents like this have been reported by Johnson since the inception of the Spillman System in 2012. When asked to provide specifics of the harassment against her, Johnson could not recall the exact incidents. The responding officer found Johnson was anxious and appeared to be in a state of paranoia. Responding officer spoke with Johnson's mother, who advised Johnson does have a history of mental health issues, but was not specific of her diagnosis.
5. July 17, 2018: Johnson called to complain of landscapers coming on to her property from the lot behind hers and damaging her plants. It was found with the property markers in place, the landscapers were working within the boundary of the property located to the rear of Johnson's home. Johnson would become irate with the officer when told this.

6. Johnson is making complaints on officers to the Attorney General's Office, Monmouth County Prosecutors Office and to the Neptune Township Police Department. She has a long history of making these complaints in which they are unfounded.

Jennifer would advise me she would pass the information on to her supervisor and contact this authority with a response time. At 0942 hours this date, the Monmouth Screeners would respond to the home along with P.O. Davis and P.O. Kocen (see P.O. Davis report for actions taken on scene).

P.O. Christopher McKinley #135

July 24, 2018

## Name Involvements:

Involved : 141784

Last: JOHNSON

DOB: 06/20/68

First: PRISCILLA

Mid: A

Dr Lic: [REDACTED]

Address: 618 FLETCHER DR

4

Race: W

Sex: F

Phone: (732)922-2381

City: NEPTUNE TWP, NJ 07753

Employee : 364377

Last: DAWSON

DOB: \*\*/\*\*/\*\*

First: RJ

Mid: [REDACTED]

Dr Lic: [REDACTED]

Address: [REDACTED]

Race: W

Sex: M

Phone: [REDACTED]

City: [REDACTED]

Employee : 356801

Last: MEMON

DOB: [REDACTED]

First: YASMEEN

Mid: [REDACTED]

Dr Lic: [REDACTED]

Address: [REDACTED]

Race: P

Sex: F

Phone: [REDACTED]

City: [REDACTED]

Employee : 273868

Last: OHEARN

DOB: [REDACTED]

First: JENNIFER

Mid: [REDACTED]

Dr Lic: [REDACTED]

Address: [REDACTED]

Race: W

Sex: M

Phone: ()-

City: [REDACTED]



# Complaint Regarding Police Misconduct

PO190/641

RECEIVED

06-14-2019

MONMOUTH COUNTY  
PROSECUTOR'S OFFICE

Complainant Name: Priscilla Johnson  
Street Address: 618 Fletcher Drive  
City: Neptune State: NJ Zip Code: 07753  
Home Phone: 732-682-1977 Other Phone: \_\_\_\_\_  
Date of Birth: 06-20-1968 Sex: F Race: wh. / e

Were you arrested? ☐ Yes ☒ No Charge(s) \_\_\_\_\_

Court Date: \_\_\_\_\_ Handcuffed? ☐ Yes ☐ No

Injured ☐ Yes ☐ No --- If injured, did you receive medical treatment? ☐ Yes ☒ No

Are you represented by an attorney? ☐ Yes ☐ No

Attorney Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Has your attorney advised you to make this complaint? ☐ Yes ☐ No

Have you made a complaint with the Internal Affairs Officer of the police agency where this incident occurred? ☐ Yes ☐ No

Location of Incident: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ ☐ AM ☐ PM

Name/Shield Number/Description of accused officer(s): \_\_\_\_\_

Explain your complaint: I have been threatened violence over and over by Brenda Smalls that lives behind me

I call 911 but it keeps happening. In past Neptune Police has used my repetitive calls to become violent towards me. Brenda Smalls is

threatening severe violence against me, including racial violence

(List name, address and phone number of any and all witness(es) to incident)  
I am very concerned about violence in regards to this complaint  
N.J.S.A. 2C:28-4 - False Reports to Law Enforcement Authorities makes it a fourth degree crime to knowingly give false information to the Monmouth County Prosecutor's Office in this complaint. Any false information made by you in this complaint may result in you being criminally prosecuted. Do you understand this? ☐ Yes ☐ No

Signature Priscilla Johnson Date 06-14-2019



# Complaint Regarding Police Misconduct

RECEIVED

JUL 20 2019

Complainant Name: Russella Johnson MONMOUTH COUNTY  
PROSECUTOR'S OFFICE  
Street Address: 618 Fletcher Drive  
City: Neptune State: NJ Zip Code: 07753  
Home Phone: Cell 732-682-1977 Other Phone: \_\_\_\_\_  
Date of Birth: 06-20-1968 Sex: Female Race: White

Were you arrested? ☐ Yes ☐ No Charge(s) \_\_\_\_\_

Court Date: \_\_\_\_\_ Handcuffed? ☐ Yes ☐ No

Injured ☐ Yes ☐ No --- If injured, did you receive medical treatment? ☐ Yes ☐ No

Are you represented by an attorney? ☐ Yes ☐ No

Attorney Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Has your attorney advised you to make this complaint? ☐ Yes ☐ No

Have you made a complaint with the Internal Affairs Officer of the police agency where this incident occurred? ☐ Yes ☐ No

Location of Incident: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ ☐ AM ☐ PM

Name/Shield Number/Description of accused officer(s): \_\_\_\_\_

Explain your complaint: I am denied information as to why or what happened to my complaints. Just aggressively stating that my complaints are unfounded. Denying me information so I can appeal these decisions or make complaint. Refusal to let me speak and explain my complaints or questions.  
Name(s) of Witness(es): Very aggressively manipulating conversation.

My complaints are founded. I was aggressively almost violently told that there was no connection with municipality and Smalls. I was  
(List name, address and phone number of any and all witness(es) to incident) staked down possible county prosecutor

N.J.S.A. 2C:28-4 - False Reports to Law Enforcement Authorities makes it a fourth degree crime to knowingly give false information to the Monmouth County Prosecutor's Office in this complaint. Any false information made by you in this complaint may result in you being criminally prosecuted. Do you understand this? ☐ Yes ☐ No  
to county clerk's office and online to Neptune Housing Authority.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Falsely putting in information

**FOR PRU PERSONNEL ONLY - DO NOT WRITE BELOW THIS LINE**

Received by \_\_\_\_\_ Reviewed by \_\_\_\_\_

Assigned to \_\_\_\_\_ Date \_\_\_\_\_



## Complaint Regarding Police Misconduct

P01901870

Complainant Name: Priscilla Johnson  
Street Address: 618 Fletcher Drive  
City: Neptune State: NJ Zip Code: 07753  
Home Phone: \_\_\_\_\_ Other Phone: 732-682-1977  
Date of Birth: 06-20-1968 Sex: Female Race: White

Were you arrested? ☐ Yes ☒ No Charge(s) \_\_\_\_\_

Court Date: \_\_\_\_\_ Handcuffed? ☐ Yes ☐ No

Injured ☐ Yes ☐ No --- If injured, did you receive medical treatment? ☐ Yes ☐ No

Are you represented by an attorney? ☐ Yes ☐ No

Attorney Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Has your attorney advised you to make this complaint? ☐ Yes ☐ No

Have you made a complaint with the Internal Affairs Officer of the police agency where this incident occurred? ☐ Yes ☐ No

Location of Incident: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ ☐ AM ☐ PM

Name/Shield Number/Description of accused officer(s): \_\_\_\_\_

Explain your complaint: I need to speak to someone in regards to  
all my complaints and on going problems with Neptune Police  
Department. I believe in past when I called for assistance  
the police dispatched deliberately knowing I would not receive  
assistance but hostility

Name(s) of Witness(es): \_\_\_\_\_

(List name, address and phone number of any and all witness(es) to incident)

N.J.S.A. 2C:28-4 - False Reports to Law Enforcement Authorities makes it a fourth degree crime to knowingly give false information to the Monmouth County Prosecutor's Office in this complaint. Any false information made by you in this complaint may result in you being criminally prosecuted. Do you understand this? ☐ Yes ☐ No

Signature Priscilla Johnson Date 7-29-2019

**FOR PRU PERSONNEL ONLY - DO NOT WRITE BELOW THIS LINE**

Received by \_\_\_\_\_ Reviewed by \_\_\_\_\_

Assigned to \_\_\_\_\_ Date \_\_\_\_\_



## Complaint Regarding Police Misconduct

P0190187C

Complainant Name: Priscilla Johnson

Street Address: 618 Fletcher Drive

City: Neptune State: NJ Zip Code: 07753

Home Phone: \_\_\_\_\_ Other Phone: 732-682-1977

Date of Birth: 06-20-1968 Sex: Female Race: White

Were you arrested? ☐ Yes ☒ No Charge(s) \_\_\_\_\_

Court Date: \_\_\_\_\_ Handcuffed? ☐ Yes ☐ No

Injured ☐ Yes ☐ No — If injured, did you receive medical treatment? ☐ Yes ☐ No

Are you represented by an attorney? ☐ Yes ☐ No

Attorney Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Has your attorney advised you to make this complaint? ☐ Yes ☐ No

Have you made a complaint with the Internal Affairs Officer of the police agency where this incident occurred? ☐ Yes ☐ No

Location of Incident: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ ☐ AM ☐ PM

Name/Shield Number/Description of accused officer(s): \_\_\_\_\_

Explain your complaint: I need to speak to someone in regards to  
all my complaints, and ongoing problems with Neptune Police  
Department. I believe in past when I called for assistance -  
the police dispatched delibrately - knowing I would not receive  
assistance but hostility

Name(s) of Witness(es): \_\_\_\_\_

(List name, address and phone number of any and all witness(es) to incident)

N.J.S.A. 2C:28-4 -- False Reports to Law Enforcement Authorities makes it a fourth degree crime to knowingly give false information to the Monmouth County Prosecutor's Office in this complaint. Any false information made by you in this complaint may result in you being criminally prosecuted. Do you understand this? ☐ Yes ☐ No

Signature Priscilla Johnson Date 7-29-2019

**FOR PRU PERSONNEL ONLY - DO NOT WRITE BELOW THIS LINE**

Received by \_\_\_\_\_ Reviewed by \_\_\_\_\_

Assigned to \_\_\_\_\_ Date \_\_\_\_\_

## Jennifer Lipp

---

**From:** Priscilla Johnson <priscprisci@yahoo.com>  
**Sent:** Monday, August 26, 2019 11:18 AM  
**To:** OPRA  
**Subject:** OPRA request

Priscilla Johnson  
618 Fletcher Drive  
Neptune, New Jersey 07753

Struggling with a way to word this I will just say it like this, It was implied that I am lying and crazy and no one attacked me in manasquan reservoir.

My understanding is law enforcement has some kind of advanced surveillance/camera system.

I need a copy of all record of visual of me in manasquan reservoir that allegedly proves that I am a liar.

I am being treated violently and hostilely by the monmouth county prosecutors office and neptune township police department.

Violating my victim rights by claiming I am the violent and hostile one.

Violently try to scare me not to call 911 and contact police when I am enduring violence.

I need copies of all records stating that I am the violent person and all records stating I am not a victim and all records stating I have a mental illness and all records stating what that mental illness is.

## Jennifer Lipp

---

**From:** Priscilla Johnson <priscprisci@yahoo.com>  
**Sent:** Sunday, August 25, 2019 11:56 AM  
**To:** OPRA  
**Subject:** OPRA request

Priscilla Johnson  
618 Fletcher Drive  
Neptune, New Jersey 07753

Recently, I spoke with Daniel Newman at the Monmouth County Prosecutors office. Daniel Newman many times has violently told me that all of my complaints are unfounded.

I am requesting record telling me why my complaints are unfounded.

I am entitled by law all information regarding investigation to my complaints to illegal mental evaluations. The deprivation of my civil rights through mental health screener and relationship with police and prosecutors office. I am entitled and it is my right to have all investigative records into mental health. I am requesting my records regarding neptune police and monmouth county prosecutors office institutionalizing me in december.

I was told by daniel newman that he had to be violent with me because of who I am. Not explaining to me what that means.

I am requesting record on why daniel newman says he has to be violent with me.

I am still waiting for my previous records requests.

I am requesting all of my records not some reply as does not rise to the occasion especially since daniel newman said all of my complaints are unfounded.

I am requesting record as to why the monmouth county prosecutors office denies all my complaints and is violent and hostile towards me when I seek opira request and understanding of why I am being treated violently.

**Diana Weiss**

---

**From:** Priscilla Johnson <priscprisci@yahoo.com>  
**Sent:** Monday, August 19, 2019 4:45 PM  
**To:** OPRA  
**Subject:** OPRA request

Priscilla Johnson  
618 Fletcher Drive  
Neptune, New Jersey 07753

August 19, 2019

Today I spoke with Lieutenant Brazile of the Monmouth County Prosecutors office. Lieutenant Brilzile stated that every complaint I sent I received a response. I have never received a response. Please forward copies of all of response to my complaints by the monmouth county prosecutors office.

**Diana Weiss**

---

**From:** Priscilla Johnson <priscprisci@yahoo.com>  
**Sent:** Monday, August 19, 2019 6:19 PM  
**To:** OPRA  
**Subject:** OPRA request

Priscilla Johnson  
618 Fletcher Drive  
Neptune, New Jersey 07753

I am also looking for specific records stating regarding the Neptune Township police and my complaints against neptune township police and mental health screener.  
I need result of investigation. I need response to my complaints including why screener was brought to my house by law enforcement.



**OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH**

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DEPUTY FIRST ASSISTANT PROSECUTOR

JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

**July 3, 2019**

Priscilla Johnson  
618 Fletcher Drive  
Neptune, New Jersey 07753

**Re: Complaints against Neptune PD**

Dear Ms. Johnson:

We have received the recent email correspondence you sent to the Monmouth County Prosecutor's Office regarding your complaints about how the Neptune Township Police Department handled a recent incident you had with the Smalls family. Please be advised that the Monmouth County Prosecutor's Office only investigates crimes committed by police officers. Your complaints about how members of the Neptune Township Police Department handled this matter are more properly addressed to the Internal Affairs Unit of the Neptune Township Police Department. By way of this letter, I am referring this matter to that Unit, and will provide them with your recent correspondence. Thank you.

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By: Melanie Falco  
Director, Professional Responsibility and Bias  
Crime Bureau

cc: Neptune Township Police Department (IA Unit) w/emails enclosed



OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

LORI LINSKEY  
FIRST ASSISTANT PROSECUTOR

MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR

JOHN G. McCABE JR.  
CHIEF OF DETECTIVES

October 19, 2018

Priscilla Johnson  
618 Fletcher Drive  
Neptune, NJ 07753

Re: Complaint against MCPO/MCSPCA  
PO1803843

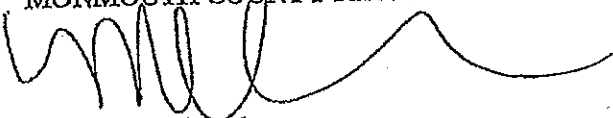
Dear Ms. Johnson:

On October 17, 2018, you contacted the Monmouth County Prosecutor's Office via email with complaints of "corruption" within the Monmouth County Prosecutor's Office and Monmouth County Society for the Prevention of Cruelty to Animals (MCSPCA). Specifically, you allege that "many animals are being discriminated against and euthanized because of there [sic] breed."

As you know, the Monmouth County Prosecutor's Office oversees the enforcement of the animal cruelty laws in this county. I can assure you that no "breed discrimination" is involved in enforcing those laws.

That said, if you wish to pursue your complaints against this office, you should contact the New Jersey Office of the Attorney General.

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By:   
Melanie Falco  
Assistant Prosecutor  
Director Financial Crimes & Public Corruption Bureau



CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

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COUNTY OF MONMOUTH

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FIRST ASSISTANT PROSECUTOR  
MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR  
MICHAEL PASTERCHICK JR.  
CHIEF OF DETECTIVES

May 10, 2018

Priscilla Johnson  
618 Fletcher Drive  
Neptune, NJ 07753  
[priscprisci@yahoo.com](mailto:priscprisci@yahoo.com)

Re: OPRA request dated May 8, 2018

Dear Ms. Johnson,

This office received your records request dated May 8, 2018 at 9:00 p.m. via e-mail on May 9, 2018 and it was received by the records custodian on the same date. You requested the following:

On May 1 I spoke to an Monmouth County Prosecutor over the phone. I was told a police officer was coming to my house to take my complaint. I am asking for a copy of the report from the phone call with the MOnmouth County Prosecutor.

A man came to my house and said his name was Neptune Township Police Officer Robert F O'Heney. I am requesting a copy of the report by Robert O'Heney.

I am requesting copy of report of information obtained by MOnmouth County prosecutors office that influences perception of me. From my conversation with Police Officer Robert F O'Heney, there seems to be a perception that I am not right in the head and all my complaints are dismissed. I am requesting the record that shows or communicates to law enforcement that I am not right in the head and to dismiss my complaints because I am not right in the head.

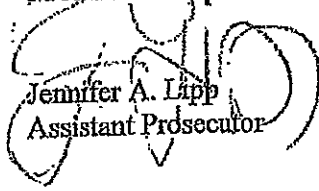
I located one report from the Neptune Township Police Department involving you dated May 1, 2018. Please see attached. I could not locate any other reports from that date involving you.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By:

  
Jennifer A. Lipp  
Assistant Prosecutor

Enclosure



# NEPTUNE TOWNSHIP POLICE DEPARTMENT

25 NEPTUNE BLVD NEPTUNE TWP, NJ 07753 (732)988-8000  
Officer Report for Incident 18NT12249

Nature: POLICE SERVICE  
Location: P345

Address: 618 FLETCHER DR  
NEPTUNE TWP NJ 07753

Offense Codes: POLI  
Received By: Aldycki, L  
How Received: 9  
Agency: P34  
Responding Officers: Doremus, F, Davis, K, Letsch, V  
Responsible Officer: Doremus, F  
Disposition: CLO 05/01/18  
When Reported: 09:20:06 05/01/18  
Occurred Between: 09:18:26 05/01/18 and 09:18:36 05/01/18

Assigned To:  
Status:

Detail:  
Status Date: \*\*/\*\*/\*\*

Date Assigned: \*\*/\*\*/\*\*  
Due Date: \*\*/\*\*/\*\*

Complainant: 141784  
Last: JOHNSON  
DOB: 06/20/68

First: PRISCILLA  
Dr Lic: [REDACTED]  
4

Mid: A  
Address: 618 FLETCHER DR

Race: W Sex: F

Phone: (732)922-2381

City: NEPTUNE TWP, NJ 07753

## Offense Codes

Reported:  
Additional Offense: POLI Police Information

Observed: POLI Police Information

## Circumstances

LT20 Residence or Home

Responding Officers:  
Doremus, F  
Davis, K  
Letsch, V  
Unit:  
P34127  
P34139  
P34140

Responsible Officer: Doremus, F  
Received By: Aldycki, L  
How Received: 9 911 Line  
When Reported: 09:20:06 05/01/18  
Judicial Status: NCI  
Misc Entry:

Agency: P34  
Last Radio Log: 09:52:47 05/01/18 C  
Clearance: RR Report Required  
Disposition: CLO Date: 05/01/18  
Occurred between: 09:18:26 05/01/18  
and: 09:18:36 05/01/18

---

|          |               |          |
|----------|---------------|----------|
| Statute: | Description : | Method : |
|----------|---------------|----------|

---

**Involvements**

| Date | Type | Description |
|------|------|-------------|
|------|------|-------------|

## Narrative

### Investigation Narrative

Responded to 618 Fletcher Dr. in reference to an issue with a nearby construction site. Upon arrival I met with the caller, Priscilla Johnson. Johnson is a resident of 618 Fletcher Dr.

Johnson stated there is a vacant lot directly behind her residence, on Prospect Pl. The lot is currently being excavated for a single family dwelling. Johnson is not supportive of the project. She feels the construction workers are placing mounds of dirt on her property. Johnson also went on to state the workers are parking in the street, near her residence, which she finds to be an annoyance.

I spoke with the employees of Marlin CSI, the company contracted to do the excavating. The employees pointed out property markers placed by a surveyor. Based on the markers, no dirt or equipment was placed on Johnson's property. All of the employees currently working on the site agreed to no longer park near Johnson's residence.

Johnson was advised to contact her own surveyor if she did not agree with the current land markers.

**Supplement**

09:52:47 05/01/2018 - Sheehan, S

CAD Call info/comments

being harrassed by constructions workers - they are working on a home behind her  
09:20:35 05/01/2018 - Aldycki, L  
caller also indicated that they threaten her as well- no details given



# NEPTUNE TOWNSHIP POLICE DEPARTMENT

25 NEPTUNE BLVD NEPTUNE TWP , NJ 07753 (732)988-8000  
Officer Report for Incident 18NT12512

Nature: WELFARE CHECK  
Location: P342

Address: 25 NEPTUNE BLVD; PD 34  
NEPTUNE TWP NJ 07753

Offense Codes: WELF  
Received By: Burdick, L  
Responding Officers: O'Heney, R  
Responsible Officer: O'Heney, R  
When Reported: 14:11:28 05/03/18  
How Received: O  
Agency: P34  
Disposition: CLO 05/03/18  
Occurred Between: 14:11:18 05/03/18 and 14:11:18 05/03/18

Assigned To:   
Status:   
Detail:   
Status Date: \*\*/\*\*/  
Date Assigned: \*\*/\*\*/  
Due Date: \*\*/\*\*/

Complainant:  
Last:   
DOB: \*\*/\*\*/  
Race:   
Sex:   
First:   
Dr Lic:   
Phone:   
Mid:   
Address:   
City: ,

Offense Codes  
Reported:   
Additional Offense: WELF Welfare Check  
Observed: WELF Welfare Check

Circumstances  
LT20 Residence or Home

Responding Officers:   
O'Heney, R  
Unit:   
P34171

Responsible Officer: O'Heney, R  
Received By: Burdick, L  
How Received: O Ofcr, Initiated  
When Reported: 14:11:28 05/03/18  
Judicial Status: NCI  
Misc Entry:   
Agency: P34  
Last Radio Log: 15:15:38 05/03/18 C  
Clearance: RR Report Required  
Disposition: CLO Date: 05/03/18  
Occurred between: 14:11:18 05/03/18  
and: 14:11:18 05/03/18

Statute:   
Description :   
Method :

---

Involvements

| Date     | Type     | Description                  | Contact          |
|----------|----------|------------------------------|------------------|
| 05/03/18 | Name     | JOHNSON, PRISCILLA A         | Contact - Mother |
| 05/03/18 | Name     | JOHNSON, PRISCILLA A         | Initiating Call  |
| 05/03/18 | Cad Call | 14:11:28 05/03/18 GENERAL PD |                  |

## Officer Report for Incident 18NT12512

**Narrative**

Sgt. Byham advised me of a call received by D/IT Clancy of the MCPO from Priscilla A. Johnson (47 YOA) wherein Johnson complained her prior reports made to NTPD were not resolved to her satisfaction. I responded to Johnson's residence at 618 Fletcher Dr. to speak with her. Upon arrival I was greeted by Johnson who advised, excavation work being performed on the property immediately to the south of hers had encroached onto her property. She directed my attention to a pile of topsoil which she stated had encroached onto her property by several feet but was unable to show me exactly where her property boundaries were. I referred her to the Neptune Twp. Construction Department to confirm the encroachment and resolve the matter.

Johnson also advised, for approximately 20 years she has been repeatedly harassed by multiple families in her neighborhood. She was unable however, to recall specific incidents, dates, or times when she was harassed. She also complained that she felt the NTPD was complicit in the harassment and had failed to address her previous reports.

While speaking with Johnson I perceived her general mental state to be paranoid as she was referring to a nonspecific history of her neighbors' conspiring to harass her without any factual point of reference. I advised her that she appeared highly anxious and paranoid to me and asked if she felt she would benefit from a mental health evaluation. She advised, she often has trouble communicating her thoughts due to her stutter but did not require mental health treatment at that time. Aside from a general state of anxiousness and paranoia I did not perceive Johnson's state or behavior to indicate she was in need of emergency mental health treatment.

I also spoke with Johnson's mother, also named Priscilla Johnson. The two both reside at 618 Fletcher Ave. I advised Johnson (mother) of the situation and asked if she felt Johnson (daughter) would benefit from a mental health evaluation. Johnson (mother) advised her daughter did suffer from mental health issues but didn't feel an involuntary evaluation was necessary.

I again spoke with Johnson (daughter) and confirmed she would seek resolution of the property manager with the Neptune Twp. Construction Department. I also asked if she wished to report any specific incident of harassment at that time. She advised, she was unable to recall any specific incidents at that time but would collect her thoughts and determine if she wished to make a report in the future. I provided her with my contact information and advised she could make any future non-emergent reports with me directly. She advised that was acceptable and that her concerns had been addressed to her satisfaction at that time.

---

**Supplement**

15:15:38 05/03/2018 - Johnson, H

CAD Call info/comments

=====

14:20:29 05/03/2018 - Burdick, L  
618 Fletcher

**Name Involvements:**

Contact -373803

Mother :

Last: JOHNSON

DOB: 05/20/40

First: PRISCILLA

Dr Lic: [REDACTED]

Mid: A

Address: 618 FLETCHER DR

7

Race:

Sex: F

Phone: (732)922-2381

City: NEPTUNE, NJ 07753 3911

Contact : 141784

Last: JOHNSON

DOB: 06/20/68

First: PRISCILLA

Dr Lic: [REDACTED]

Mid: A

Address: 618 FLETCHER DR

4

Race: W

Sex: F

Phone: (732)922-2381

City: NEPTUNE TWP, NJ 07753



CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

LORI LINSKEY  
FIRST ASSISTANT PROSECUTOR  
MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR  
MICHAEL PASTERCHICK JR.  
CHIEF OF DETECTIVES

July 27, 2017

Priscilla Johnson  
618 Fletcher Drive  
Neptune, NJ 07753  
[priscprisci@yahoo.com](mailto:priscprisci@yahoo.com)

Re: OPRA request dated July 23, 2017

Dear Ms. Johnson,

This office received your records request dated July 23, 2017 via e-mail on Monday, July 24, 2017 and it was received by the records custodian on the same date. You requested the following:

I am requesting copies of records of contact between the department of Monmouth County tax commissioner and the Monmouth County prosecutors office in regard to my attempts to file a complaint against the Neptune township Tax department and Neptune Township Police department and Neptune Township Administrator.

I tried to make the complaints on November 1st or 3rd 2017. The contact between the Monmouth County Prosecutors Office would have happened after.

I did not attempt to make complaints with the Monmouth County Prosecutors Office but I have a strong conviction that there was interaction between the Monmouth County Prosecutors Office and the Monmouth County tax commission office.

In the past I made an OPRA request to Monmouth county Prosecutors Office in regards to a ticket I received.

The response I received was no information. The contradicting information comes from judicial documents stating otherwise.

I am being threatened/harassed trying to pay my taxes. I am requesting correct and true information in regards to interaction between Monmouth County Prosecutors Office and Neptune Municipality and the county of Monmouth.

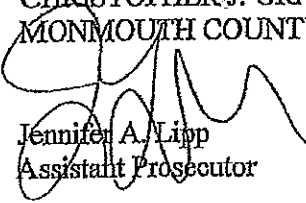
I searched our database for your name. There are no records pertaining to you and the tax department. This office is only obligated to search its own files for responsive records. Bent v. Tp of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30, 38-39 (App. Div. 2005) (where a township was not required by law to maintain certain records, the Appellate Division held that even if such records existed elsewhere, the custodian was not required to search beyond the township's files). Therefore, I am unable to provide the requested material.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By:

  
Jennifer A. Lipp  
Assistant Prosecutor



CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

(732) 431-7160

MARC C. LEBMIEUX  
FIRST ASSISTANT PROSECUTOR

LORI LINSKY  
DEPUTY FIRST ASSISTANT PROSECUTOR

MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR

MICHAEL PASTERCHICK JR.  
CHIEF OF DETECTIVES

October 20, 2016

Priscilla Johnson  
618 Fletcher Drive  
Neptune, NJ 07753

Re: OPRA request dated October 17, 2016

Dear Ms. Johnson,

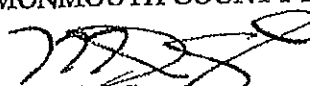
This office received your records request dated October 17, 2016 via e-mail on October 17, 2016 and it was received by the records custodian on the same date. Your October 17, 2016 request states, "I do not understand why I did not get a response and why I have not received the records I am requesting. Please send me my records." This request was made referencing your previous request on September 22, 2016, where you requested, "copies of all and any records on myself...going back to January, 2015." Please be advised that Assistant Prosecutor Jennifer Lipp responded to your September 22<sup>nd</sup> request on September 23, 2016. I have attached an additional copy of that response for your records.

I have searched our database for your name dating back to January, 2015 as requested. I have found no additional records beyond what Assistant Prosecutor Lipp noted in her response of September 23, 2016, referencing a notation documenting your complaint to this office about hunting in Shark River Park. You were referred to the Monmouth County Parks.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

By:   
Michael J. Costanzo  
Assistant Prosecutor



CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR

OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374  
(732) 431-7160

MARC C. LEMIBUX  
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LORI LINSKEY  
DEPUTY FIRST ASSISTANT PROSECUTOR  
MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR  
MICHAEL PASTERCHICK JR.  
CHIEF OF DETECTIVES

September 23, 2016

Priscilla Johnson  
618 Fletcher Drive  
Neptune, NJ 07753

Re: OPRA request dated September 22, 2016

Dear Ms. Johnson,

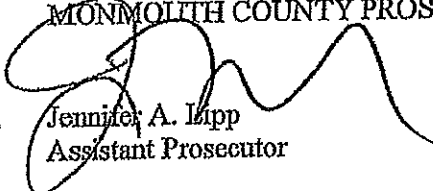
This office received your records request dated September 22, 2016 via e-mail on September 22, 2016 and it was received by the records custodian on the same date. You requested "copies of all and any records on myself...going back to January, 2015"

I searched our database for your name dating back to January, 2015. The only record I found was a notation documenting your complaint to this office about hunting in Shark River Park. You were referred to the Monmouth County Parks.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
MONMOUTH COUNTY PROSECUTOR.

By:   
Jennifer A. Lipp  
Assistant Prosecutor



OFFICE OF THE COUNTY PROSECUTOR  
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE  
FREEHOLD, NJ 07728-2374

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CHRISTOPHER J. GRAMICCIONI  
ACTING MONMOUTH COUNTY PROSECUTOR

MARC C. LEMIEUX  
FIRST ASSISTANT PROSECUTOR  
LORI LINSKEY  
DEPUTY FIRST ASSISTANT PROSECUTOR  
MICHAEL J. WOJCIECHOWSKI  
DEPUTY FIRST ASSISTANT PROSECUTOR  
MICHAEL PASTERCHICK JR.  
CHIEF OF DETECTIVES

January 11, 2016

Priscilla Johnson  
618 Fletcher Drive  
Neptune, NJ 07753

Re: OPRA request dated January 11, 2016

Dear Ms. Johnson,

This office received your records request dated January 11, 2016 via e-mail on January 11, 2016 and it was received by the records custodian on the same date. The last day to respond, in light of the holiday, is January 21, 2016. You requested "all and any records, documents, filing information and information on gun ownership/permit/license for a William Smalls and or William Smalls JR, I believe a wife is D Smalls. I have addresses of 611 Prospect Place Neptune 07753 and 614 Prospect Place Neptune 07753."

I searched our database for the names William Smalls and William Smalls, Jr. with an address of Prospect Place in Neptune, NJ. The searched failed to reveal any records pertaining to those two individuals using that street as an address. This office is only obligated to search its own files for responsive records. Bent v. Tp of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30, 38-39 (App. Div. 2005) (where a township was not required by law to maintain certain records, the Appellate Division held that even if such records existed elsewhere, the custodian was not required to search beyond the township's files). Therefore, I am unable to provide the requested material.

In the event of a clarification or appeal, this office reserves the right to raise any other ground for denial not raised in this response. The failure of this office to assert an exception or privilege at this time does not act as a waiver of any grounds for denial.

Very truly yours,

CHRISTOPHER J. GRAMICCIONI  
ACTING MONMOUTH COUNTY PROSECUTOR

By: Jennifer A. Lipp  
Special Deputy Attorney General  
Acting Assistant Prosecutor  
Director, Professional Responsibility Unit



# NEPTUNE TOWNSHIP POLICE DEPARTMENT

25 NEPTUNE BLVD NEPTUNE TWP, NJ 07753 (732)988-8000  
Officer Report for Incident 19NT19331

Nature: HARASSMENT  
Location: P345

Address: 611 PROSPECT PL  
NEPTUNE TWP NJ 07753

Offense Codes: HARR  
Received By: Andujar, J  
Responding Officers: Vetrano, R  
Responsible Officer: Vetrano, R  
When Reported: 14:51:14 06/18/19  
How Received: T  
Agency: P34  
Disposition: CLO 06/18/19  
Occurred Between: 14:49:59 06/18/19 and 14:49:59 06/18/19

Assigned To: Detail: Date Assigned: \*\*/\*\*/\*\*  
Status: Status Date: \*\*/\*\*/\*\* Due Date: \*\*/\*\*/\*\*

## Complainant:

Last: First: Mid:  
DOB: \*\*/\*\*/\*\* Dr Lie: Address:  
Race: Sex: Phone: City: ,

## Offense Codes

Reported: Observed: HARR Harassment  
Additional Offense: HARR Harassment

## Circumstances

LT13 Highway, Road, Alley

Responding Officers: Unit :  
Vetrano, R P34203

Responsible Officer: Vetrano, R  
Received By: Andujar, J  
How Received: T Telephone  
When Reported: 14:51:14 06/18/19  
Judicial Status: NCI  
Misc Entry:  
Agency: P34  
Last Radio Log: 15:41:07 06/18/19 C  
Clearance: RR Report Required  
Disposition: CLO Date: 06/18/19  
Occurred between: 14:49:59 06/18/19  
and: 14:49:59 06/18/19

Statute: Description : Method :

**Involvements**

| <b>Date</b> | <b>Type</b> | <b>Description</b>           |                 |
|-------------|-------------|------------------------------|-----------------|
| 06/18/19    | Name        | JOHNSON, PRISCILLA A         | Accused         |
| 06/18/19    | Name        | SMALLS, BRITTANY A           | Resident        |
| 06/18/19    | Name        | SMALLS, DESIREE G            | Victim          |
| 06/18/19    | Cad Call    | 14:51:14 06/18/19 HARASSMENT | Initiating Call |

### Narrative

I responded to headquarters for a report of a walk-in harassment complaint. Upon arrival, I spoke with Desiree Smalls, who advised she has been verbally harassed by her neighbor Priscilla Johnson.

Smalls indicated over the past two years, Johnson has yelled profanities and racial slurs at her and her family members. She advised she previously chose not to document any of the alleged incidents as she knows Johnson has severe mental illnesses.

Smalls advised specifically on May 31, 2019, while tending to her garden she observed Johnson exit her home. She advised Johnson began yelling at her from her front yard, specifically saying "Fuck you nigger", and "You're a bitch".

I advised Smalls of the process of signing complaints against Johnson in Neptune Township municipal court. She advised she understood. A bias incident form was completed and handed into the shift commanders office.

I later responded to 618 Fletcher Dr. to speak to Priscilla Johnson. Johnson denied making any vulgar comments or racial slurs towards Smalls. Johnson advised she has been continually harassed by members of the Small's family. She indicated Brittany Smalls constantly parks in front of her driveway and starts verbal altercations with her.

Johnson advised she and Brittany Smalls had a verbal argument the previous day (19NT19212), in which Brittany Smalls was arrested. She explained she believed the Smalls family was attempting to cause her trouble as a result of the aforementioned incident. No further police action was taken.

**Supplement**

15:41:07 06/18/2019 - Wechsler, A

CAD Call info/comments

---

zone 5 for a harassment report

**Name Involvements:**

Accused : 141784

Last: JOHNSON

DOB: 06/20/68

First: PRISCILLA

Mid: A

Dr Lic: [REDACTED]

Address: 618 FLETCHER DR

4

Race: W

Sex: F

Phone: (732)922-2381

City: NEPTUNE TWP, NJ 07753

Victim : 549669

Last: SMALLS

DOB: 03/31/61

First: DESIREE

Mid: G

Dr Lic: [REDACTED]

Address: [REDACTED]

2

Race: B

Sex: F

Phone: ( ) -

City: [REDACTED]

Resident : 213114

Last: SMALLS

DOB: 11/27/95

First: BRITTANY

Mid: A

Dr Lic: [REDACTED]

Address: [REDACTED]

2

Race: B

Sex: F

Phone: [REDACTED]

City: [REDACTED]