

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 16, 2019 10:44 AM
To: 'Viento, Jennifer'
Subject: RE: Attn: OPRA Custodian of Records
Attachments: Jennifer Viento - civil discovery.pdf

Please see attached.

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

From: Viento, Jennifer <JViento@njm.com>
Sent: Wednesday, October 9, 2019 3:49 PM
To: OPRA <opra@mcponj.org>
Subject: Attn: OPRA Custodian of Records

Jennifer Viento

Claims Representative
NJM Insurance Group
P: 800-367-6564 ext. 5246
F: 609-493-1500
E: JViento@NJM.com

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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: Jennifer Viento

Address: NJM

301 Sullivan Way

West Trenton, NJ, 08628

Telephone Number: (800)367-6564 ext 5246 Fax 609-493-1500

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: [Handwritten Signature]

Date of Request: 10/9/2019

Description of Record(s) Requested:

I am requesting the crash diagram done by Eric Kerecman of the MCPO Monmouth County Serious Collision Analysis Response Team for the accident occurring on 11/15/2017 at approximately 9:05 PM on Rt 9 in Freehold, NJ. The police report number is 17FT27866. NJM is the insurance company for Marie R Casalino. If you have any questions, please do not hesitate to contact me at the above number. Thank you.

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

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. 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.

Jennifer Lipp

From: JONATHAN BAUDOIN <baudoin@bigspin.nyc>
Sent: Wednesday, October 16, 2019 11:43 AM
To: Jennifer Lipp
Cc: Christopher Swendeman
Subject: Re: Records Request, Fuji Television (Case of Liam McAtasney)

Thank you for the response. Yes, Mr. Swenderman has replied to us.
We will withdraw the OPRA request.
Please pardon any inconvenience.
Jonathan

On Wed, Oct 16, 2019 at 11:38 AM Jennifer Lipp <JLipp@mcponj.org> wrote:

The majority of the records you have requested are not available under OPRA. They are criminal investigatory records. However, our office has provided many of those records to numerous news and TV agencies outside of OPRA. PIO Chris Swendeman can help you. You may have spoken to him already.

I am going to assume that you are withdrawing your OPRA request and will work with PIO Swendeman.

Thank you.

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

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 16, 2019 11:39 AM
To: 'JONATHAN BAUDOIN'
Cc: Christopher Swendeman
Subject: RE: Records Request, Fuji Television (Case of Liam McAtasney)

The majority of the records you have requested are not available under OPRA. They are criminal investigatory records. However, our office has provided many of those records to numerous news and TV agencies outside of OPRA. PIO Chris Swendeman can help you. You may have spoken to him already.

I am going to assume that you are withdrawing your OPRA request and will work with PIO Swendeman.

Thank you.

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

From: JONATHAN BAUDOIN <baudoin@bigspin.nyc>
Sent: Tuesday, October 15, 2019 1:24 PM
To: OPRA <opra@mcponj.org>
Subject: Records Request, Fuji Television (Case of Liam McAtasney)

Hello.

Attached is a records request I'm submitting on behalf of Fuji Television of Japan. Please let me know if I need to provide any additional information.

Thank you.

Jonathan Baudoin
Producer
Fuji Television / Big Spin Production
646-244-1636
baudoin@bigspin.nyc
jonathanbaudoin@gmail.com

Diana Weiss

From: JONATHAN BAUDOIN <baudoin@bigspin.nyc>
Sent: Tuesday, October 15, 2019 1:24 PM
To: OPRA
Subject: Records Request, Fuji Television (Case of Liam McAtasney)
Attachments: OpenRecordsRequest-FujiTelevision.pdf

Hello.

Attached is a records request I'm submitting on behalf of Fuji Television of Japan.
Please let me know if I need to provide any additional information.

Thank you.

Jonathan Baudoin
Producer
Fuji Television / Big Spin Production
646-244-1636
baudoin@bigspin.nyc
jonathanbaudoin@gmail.com



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: BAUDOIN, JONATHAN for Fuji Television, Japan

Address: 1801 7th Ave, #1A, New York, New York 10026

Telephone Number: (646) 244-1636

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: [Signature] Date of Request: 10/15/2019

Description of Record(s) Requested:

Exhibits related to the case of Liam McAtasney (Case# 17000519) convicted of murdering Sarah Stern. Also, exhibits related to the case of Preston Taylor, co-conspirator.

- 911 call audio
- Police dashcam video (discovering victim's abandoned car)
- Police bodycam video
- Home security camera video
- McAtasney's police interview video
- Video of Preston Taylor demonstrating to police how body was disposed of
- McAtasney's secretly-recorded explanation of the crime to Mr. Anthony Curry
- Crime scene photo/video (include hidden safe locations)
- Photos of defendants and victim before the crime
- Complete exhibits list if possible

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.



OFFICE OF THE COUNTY PROSECUTOR
COUNTY OF MONMOUTH

132 JERSEYVILLE AVENUE
FREEHOLD, NJ 07728-2374

(732) 431-7160

Date Received: _____
Date Records will be available, if applicable: _____
Records Provided: _____

Fee**: _____

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

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

CUSTODIAN'S SIGNATURE: _____ Date: _____

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 16, 2019 12:03 PM
To: 'Koren Whitehouse'
Subject: RE: OPRA CUSTODIAN OF RECORDS
Attachments: Koren Whitehouse - Kader Mustafa.pdf; Kader Mustafa indictment.pdf

Please see attached.

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

From: Koren Whitehouse <kwhitehouse@stark-stark.com>
Sent: Tuesday, October 15, 2019 3:50 PM
To: OPRA <opra@mcponj.org>
Cc: Michael C. Ksiazek <mksiazek@stark-stark.com>; Joan Mahalis <jmahalis@stark-stark.com>
Subject: OPRA CUSTODIAN OF RECORDS

Good Afternoon Sir and/or Madam:

Attached please find the completed and signed OPRA Request. Kindly be in touch at your earliest opportunity. If you have any questions or concerns, please feel free to contact our office.
Thank you, Koren

Koren Rene' Whitehouse

*Paralegal to Jeffrey A. Krawitz, Esq.,
and Michael C. Ksiazek, Esq.*

t: 267.907.9628 | f: 267.907.9659
e: kwhitehouse@stark-stark.com

Stark & Stark - Attorneys at Law
777 Township Line Road, Suite 120, Yardley, PA 19067

Website | Blog | Offices | Facebook | LinkedIn | Twitter | YouTube

STARK & STARK
ATTORNEYS AT LAW

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Diana Weiss

From: Koren Whitehouse <kwhitehouse@stark-stark.com>
Sent: Tuesday, October 15, 2019 3:50 PM
To: OPRA
Cc: Michael C. Ksiazek; Joan Mahalis
Subject: OPRA CUSTODIAN OF RECORDS
Attachments: OPRA Request to Monmouth Co Prosecutor's Office20191015_15454360.pdf

Good Afternoon Sir and/or Madam:

Attached please find the completed and signed OPRA Request. Kindly be in touch at your earliest opportunity. If you have any questions or concerns, please feel free to contact our office.
Thank you, Koren

Koren Rene' Whitehouse

*Paralegal to Jeffrey A. Krawitz, Esq.,
and Michael C. Ksiazek, Esq.*

t: 267.907.9628 | f: 267.907.9659
e: kwhitehouse@stark-stark.com

Stark & Stark - Attorneys at Law
777 Township Line Road, Suite 120, Yardley, PA 19067

[Website](#) | [Blog](#) | [Offices](#) | [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

STARK&STARK
ATTORNEYS AT LAW

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OFFICE OF THE COUNTY PROSECUTOR
COUNTY OF MONMOUTH

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

Public Record Request Form

Requestor Information (Optional)*

Name: Michael C. Kizilek Esq.
Address: Stark & Stark, P.C. - 777 Township Lake Rd, Suite 120, Yardley, PA 19067
Telephone Number: (267) 907-9600

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: [Signature] Date of Request: 10/15/19

Description of Record(s) Requested:

Copies of all criminal background information and records concerning Kader Mustafa, for incident dated May 3, 2018.

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.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

THE STATE OF NEW JERSEY :
Plaintiff, :
v. :
KADER MUSTAFA, :
Defendant. :

Indictment No. 18-010059
Case No. 18-01842

FIRST COUNT

MURDER

FIRST DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that KADER MUSTAFA, on or about May 3, 2018, in or about the Township of Freehold, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Murder, by purposely or knowingly causing the death of S.C., or by purposely or knowingly causing serious bodily injury resulting in the death of S.C., contrary to the provisions of N.J.S.A. 2C:11-3a(1) and/or N.J.S.A. 2C:11-3a(2), and against the peace of this State, the Government, and dignity of the same.

FIRST COUNT - SENTENCING ENHANCER

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths also present that KADER MUSTAFA used or possessed a firearm while in the course of committing or attempting to commit the foregoing crime, or in the immediate flight therefrom, contrary to the provisions of N.J.S.A. 2C:43-6c.

SECOND COUNT

POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that KADER MUSTAFA, on or about May 3, 2018, in or about the Township of Freehold, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Possession of a Weapon for an Unlawful Purpose, by possessing a weapon, to wit: a handgun, with a purpose to use it unlawfully against the person and/or property of S.C., contrary to the provisions of N.J.S.A. 2C:39-4(a), and against the peace of this State, the Government, and dignity of the same.

THIRD COUNT

UNLAWFUL POSSESSION OF A WEAPON

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that KADER MUSTAFA, on or about May 3, 2018 and/or May 4, 2018, in or about the Township of Freehold and/or the Township of Manalapan, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Unlawful Possession of a Weapon, by knowingly possessing a handgun, to wit: Smith and Wesson .38 revolver, without first having obtained a permit to carry same as provided in N.J.S.A. 2C:58-4, contrary to the provisions of N.J.S.A. 2C:39-5b, and against the peace of this State, the Government, and dignity of the same.

FOURTH COUNT

UNLAWFUL POSSESSION OF A WEAPON

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that KADER MUSTAFA, on or about May 3, 2018 and/or May 4, 2018, in or about the Township of Freehold and/or the Township of Manalapan, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Unlawful Possession of a Weapon, by knowingly possessing a handgun, to wit: Taurus .40 semiautomatic handgun, without first having obtained a permit to carry same as provided in N.J.S.A. 2C:58-4, contrary to the provisions of N.J.S.A. 2C:39-5b, and against the peace of this State, the Government, and dignity of the same.

FIFTH COUNT

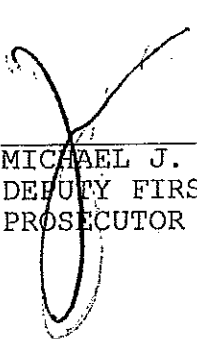
ENDANGERING ANOTHER PERSON

THIRD DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that KADER MUSTAFA, on or about May 3, 2018, in or about the Township of Freehold, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Endangering Another Person, to wit: H.M., by engaging in conduct which creates a substantial risk of death to another person, contrary to the provisions of N.J.S.A. 2C:24-7.1, and against the peace of this State, the Government, and dignity of the same.

SIXTH COUNT
ENDANGERING ANOTHER PERSON
THIRD DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that KADER MUSTAFA, on or about May 3, 2018, in or about the Township of Freehold, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Endangering Another Person, to wit: A.M., by engaging in conduct which creates a substantial risk of death to another person, contrary to the provisions of N.J.S.A. 2C:24-7.1, and against the peace of this State, the Government, and dignity of the same.


MICHAEL J. WOJCIECHOWSKI
DEPUTY FIRST ASSISTANT
PROSECUTOR

Endorsed:

Foreperson

Jennifer Lipp

From: Jennifer Lipp
Sent: Monday, October 21, 2019 8:44 AM
To: 'Avalon Zoppo'
Subject: RE: Records request- 10/20/2019

This office does not handle police involved shootings. That is handled by the Attorney General's Office. We do not have records pertaining to that matter.

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

From: Avalon Zoppo <AZoppo2@njadvancemedia.com>
Sent: Sunday, October 20, 2019 5:19 PM
To: OPRA <opra@mcponj.org>
Subject: Records request- 10/20/2019

October 20, 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:

—All 911 or emergency calls related to the police-involved shooting on Walnut Street in Farmingdale, New Jersey on Oct. 18, 2019.

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.

e: avalonrzoppo@gmail.com

c: 732-236-9202

Avalon Zoppo | Breaking News Reporter

NJ Advance Media

485 US-1, Iselin, NJ, 08830

p: 732-236-9202

e: azoppo2@njadvancemedia.com

Diana Weiss

From: Avalon Zoppo <AZoppo2@njadvancemedia.com>
Sent: Sunday, October 20, 2019 5:19 PM
To: OPRA
Subject: Records request- 10/20/2019

October 20, 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:

—All 911 or emergency calls related to the police-involved shooting on Walnut Street in Farmingdale, New Jersey on Oct. 18, 2019.

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.

e: avalonrzoppo@gmail.com
c: 732-236-9202

Avalon Zoppo | Breaking News Reporter
NJ Advance Media
485 US-1, Iselin, NJ, 08830
p: 732-236-9202
e: azoppo2@njadvancemedia.com

Jennifer Lipp

From: Jennifer Lipp
Sent: Monday, October 21, 2019 11:11 AM
To: 'Masnick, Marion'; Cynthia Scott; Schenk, Veronica; Cerreta, James
Cc: Spracklen, Nicholas; Fitzgerald, Michael; Lisi, Allyce; Gero, Ginger
Subject: RE: Emailing: OPRA1439-19 (10.17.19)

We have no records regarding this matter. We followed up with the requestor to check on the names of the parties involved. Sarah McNey and Don Vona. We have nothing pertaining to those two people.

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

-----Original Message-----

From: Masnick, Marion <Marion.Masnick@co.monmouth.nj.us>
Sent: Thursday, October 17, 2019 7:16 AM
To: Cynthia Scott <CScott@mcsonj.org>; Jennifer Lipp <JLipp@mcponj.org>; Schenk, Veronica <Veronica.Schenk@co.monmouth.nj.us>; Cerreta, James <James.Cerreta@co.monmouth.nj.us>
Cc: Spracklen, Nicholas <Nicholas.Spracklen@co.monmouth.nj.us>; Fitzgerald, Michael <Michael.Fitzgerald@co.monmouth.nj.us>; Lisi, Allyce <Allyce.Lisi@co.monmouth.nj.us>; Gero, Ginger <Ginger.Gero@co.monmouth.nj.us>
Subject: Emailing: OPRA1439-19 (10.17.19)

OPRA-1439-19



MONMOUTH COUNTY

OPEN PUBLIC RECORDS ACT REQUEST FORM
Hall of Records, One East Main Street, Freehold, NJ 07728
Records Custodian: Marion Masnick, Clerk of the Board
to the Monmouth County Board of Chosen Freeholders
Marion.Masnick@co.monmouth.nj.us

Telephone 732-431-7387
Fax 732-431-8519

CLERK OF THE BOARD

2019 OCT 17 A 6:52

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name Inv John MI JK Last Name Kuczynski
E-mail Address jkuczynski@jksassociates.com
Mailing Address 88 Chrysville-Stanley Rd
City Flemingham State N.J. Zip 08822
Telephone 908 797-5554 FAX _____
Preferred Delivery: Pick Up ☒ US Mail _____ On-Site Inspect _____ Fax _____ E-mail ☒
If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
Signature John Kuczynski Date Oct 16 2019

Payment Information

Maximum Authorization Cost \$ _____
Select Payment Method
☐ Cash ☐ Check ☐ Money Order
Fees: Letter size pages - \$0.05 per page
Legal size pages - \$0.07 per page
CD & DVD - \$1.00 per disc
Other materials - actual cost of material
Delivery: Delivery / postage fees additional depending upon delivery type.
Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Dear Monmouth County, I am working on behalf of Mr. SARAH McVAY and her law office of Lexicon/Excelled. The following records we request concerning A TRUCK VS BICYCLIST IN FREEHOLD TWP ON August 25, 2019 AT APPROX 8:45AM ON ELTON-ADELPHIA ROAD / County Rd. Rt. 524
• 911 Recording • Sheriff's and Prosecutor reports
• CAD Reports • Property owner and tax map / for #675 Rt 524, Freehold Twp #665 Rt 524, Freehold Twp
* Additional:
Any notice or schedule pick-up of wood/brush on for Residents of Rt 524 AKA ELTON ADELPHIA ROAD - Freehold Twp / Name of Entity or Contractor
John - Dec. 2019 Address: 88 wood brush pick up

AGENCY USE ONLY

Est. Document Cost _____
Est. Delivery Cost _____
Est. Extras Cost _____
Total Est. Cost _____
Deposit Amount _____
Estimated Balance _____
Deposit Date _____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
Denied - Closed _____
Filled - Closed _____
Partial - Closed _____

AGENCY USE ONLY

Tracking Information

Tracking # _____ Total Rec'd _____
Date _____ Deposit _____
Ready Date _____ Balance Due _____
Total Pages _____ Balance Paid _____

Records Provided

Custodian Signature

Date

Jennifer Lipp

From: Jennifer Lipp
Sent: Monday, October 21, 2019 11:42 AM
To: 'Rebecca Everett'
Subject: RE: OPRA and common law request for records in Tsakiris case

Correct

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

From: Rebecca Everett <REverett@njadvancemedia.com>
Sent: Monday, October 21, 2019 10:39 AM
To: Jennifer Lipp <JLipp@mcponj.org>
Subject: Re: OPRA and common law request for records in Tsakiris case

OK. So just to confirm, your office has none of the following records in its possession?

- CAD dispatch reports or logs
- Police reports including use of force reports, incident and investigative reports
- Audio recordings of all 911 or other calls to police about the incident
- Audio recordings of all dispatch radio transmissions from 10:15 p.m. to 11:15 p.m.
- All body and dashboard camera footage of the police response to the incident between when the first officer began responding to the scene and 11:30 p.m., or when the last camera was switched off.

From: Jennifer Lipp <JLipp@mcponj.org>
Date: Monday, October 21, 2019 at 10:37 AM
To: Rebecca Everett <REverett@njadvancemedia.com>
Subject: RE: OPRA and common law request for records in Tsakiris case

We are not handling the death. It happened in NJSP jurisdiction. So AG's Office handling both.

We do not have any records from the medical examiner's office.

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office

132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

From: Rebecca Everett <REverett@njadvancemedia.com>
Sent: Monday, October 21, 2019 10:34 AM
To: Jennifer Lipp <JLipp@mcponj.org>
Subject: Re: OPRA and common law request for records in Tsakiris case

Good morning,
I am also OPRAing records from the Attorney General's Office, but I was assuming your office is investigating the death of Teresa Oshel. Is that correct, or is the AG's office now investigating the circumstances of her death?
There are also a few records — such as the RIME for Ms. Oshel — that I believe can only come from the prosecutor's office.
Thanks,
Rebecca

From: Jennifer Lipp <JLipp@mcponj.org>
Date: Monday, October 21, 2019 at 10:30 AM
To: Rebecca Everett <REverett@njadvancemedia.com>
Subject: RE: OPRA and common law request for records in Tsakiris case

Police involved shootings are handled by the Attorney General's Office. We are not the investigating agency. Please contact the AG's Office for records.

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

From: Rebecca Everett <REverett@njadvancemedia.com>
Sent: Monday, October 21, 2019 10:18 AM
To: OPRA <opra@mcponj.org>
Subject: OPRA and common law request for records in Tsakiris case

Good morning,
Please find attached an OPRA and common law request for records in Tsakiris case. Please let me know if you have any questions.
Best,
Rebecca

Rebecca Everett | Supervisor, Reporter

NJ Advance Media

161 Bridgeton Pike Bldg E | Mullica Hill, NJ 08062

p: +1 856-812-7392

e: REverett@njadvancemedia.com

NJ ADVANCE MEDIA REPORTING FOR



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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: Rebecca Everett <REverett@njadvancemedia.com>
Sent: Monday, October 21, 2019 10:18 AM
To: OPRA
Subject: OPRA and common law request for records in Tsakiris case
Attachments: opra-tsakiris-MCPO.pdf

Good morning,
Please find attached an OPRA and common law request for records in Tsakiris case. Please let me know if you have any questions.
Best,
Rebecca

Rebecca Everett | Supervisor, Reporter
NJ Advance Media
161 Bridgeton Pike Bldg E | Mullica Hill, NJ 08062
p: +1 856-812-7392
e: REverett@njadvancemedia.com

NJ ADVANCE MEDIA REPORTING FOR

South Jersey TIMES nj.com

CONFIDENTIALITY NOTICE: This e-mail may contain information that is privileged, confidential or otherwise protected from disclosure. If you are not the intended recipient of this e-mail, please notify the sender immediately by return e-mail, purge it and do not disseminate or copy it.

Please consider this a formal request under OPRA and common law for the following public records regarding the fatal incident Friday, Oct. 18, between 10 and 11 p.m. at a home on Walnut Street in Farmingdale:

- CAD dispatch reports or logs
- Police reports including use of force reports, incident and investigative reports
- Audio recordings of all 911 or other calls to police about the incident
- Audio recordings of all dispatch radio transmissions from 10:15 p.m. to 11:15 p.m.
- All body and dashboard camera footage of the police response to the incident between when the first officer began responding to the scene and 11:30 p.m., or when the last camera was switched off.
- Report of the Investigating Medical Examiner (RIME) or Abstract of Death Certificate Information for Teresa Oshel, with redactions as appropriate.

Please consider this a formal request under OPRA and common law for the following public records:

Please consider the following reasons these records should be produced under OPRA:

Courts and the GRC have held that because dispatch recordings and 911 calls do not pertain to an investigation when they were created, they cannot be denied under the criminal investigatory exemption. 911 calls and dispatch recordings are not created as part of investigations, but merely in the course of regular operations, and are available for public inspection when they are created.

Specifically, the OPRA statute says: "This provision shall not be construed to allow any public agency to prohibit access to a record of that agency that was open for public inspection, examination, or copying before the investigation commenced."

I've attached one such court case, a 2009 published appellate decision, *Martin O'Shea vs. Township of West Milford*. The decision found West Milford wrongly denied O'Shea use of force reports by claiming they were investigative records. The decision said Superior Court Judge Brogan correctly interpreted a criminal investigatory record as "a record created while a criminal investigation is going on[,] or "the work product of . . . the people investigating."

Another supporting decision is an unpublished opinion of the Superior Court from 2014, *Paff vs. Township of Little Egg Harbor*, in which Paff sought police dispatch recordings that became part of an IA investigation. The court ruled in Paff's favor, saying "the statute makes clear that information that later forms the basis of an investigation does not become retroactively exempt from OPRA's disclosure requirements."

We are entitled to body camera videos under N.J.S.A. 47:1A3(b) as a result of the state Supreme Court ruling in *North Jersey Media Group v. Twp of Lyndhurst* (A-35-15) (076184). The Court said that "to qualify for OPRA's criminal investigatory records exception—and be exempt from disclosure—a record (1) must not be 'required by law to be made,' and (2) must "pertain[] to a criminal investigation."

Therefore, this request cannot be denied under the exemption of an "ongoing investigation" since the video recordings are required by Attorney General directive to be maintained and kept by the police department.

Furthermore, the Attorney General's Law Enforcement Directive No. 2018-1 (Feb 26, 2018) specifically states that body camera and dashboard camera footage of police use of deadly force should be released as soon as the initial investigation is complete, which generally should be "within 20 days of the incident itself."

I would also assert that any argument that releasing the body camera video, 911 calls or dispatch recordings would be "inimical to the public interest" is rendered moot by the fact that Howell police have already released the basic information of the police shooting and response, as well as the contents of one 911 call (that a man said he was dying after being stabbed by his brother). There can be no argument that releasing these records could interfere with witness interviews or other investigations because the Howell police have already publicly released the substance of the police call, shooting and response.

Please consider the following under common law:

My interest, as a news reporter, in obtaining these records and video footage is to report any matters of public importance rising from this incident to citizens of New Jersey.

In balancing whether my interest in obtaining the video and audio recordings and records outweighs the need to keep them private, the records custodian should consider that the courts and even the Attorney General have said the public has a real interest in understanding the circumstances surrounding fatal police shootings.

The common law balancing test was created for situations just like this, where the public interest demands transparency.

Lastly, I am able to pick up these records if it is not possible to send them electronically.

Thank you,

Rebecca Everett



Rebecca Everett | Supervisor, Reporter

NJ Advance Media

p: +1 856-812-7392

e: REverett@njadvancemedia.com

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 23, 2019 3:15 PM
To: 'Hopkins, Kathleen'
Subject: OPRA request
Attachments: Quamere Smith 190000258.pdf

See attached

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 23, 2019 3:14 PM
To: 'Hopkins, Kathleen'
Subject: OPRA Request
Attachments: 2019_10_23_15_13_36.pdf

Quamere Smith indictment attached.

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 23, 2019 3:11 PM
To: 'Hopkins, Kathleen'
Subject: OPRA Request
Attachments: 2019_10_23_15_10_13.pdf

Quamere Smith indictment attached

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 23, 2019 3:09 PM
To: 'Hopkins, Kathleen'
Subject: OPRA Request
Attachments: Quamere Smith 19003294_Redacted.pdf; Quamere Smith 19001845_Redacted.pdf

See attached. SS# and DL# and license plate redacted.

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

Jennifer Lipp

From: Jennifer Lipp
Sent: Tuesday, October 22, 2019 2:34 PM
To: 'Hopkins, Kathleen'
Subject: OPRA
Attachments: 2019_10_22_14_32_49.pdf

Jonathan Marvine attached

Jennifer Lipp

From: Jennifer Lipp
Sent: Tuesday, October 22, 2019 2:32 PM
To: 'Hopkins, Kathleen'
Subject: OPRA
Attachments: 2019_10_22_14_31_16.pdf

Gary Brooks attached

Jennifer Lipp

From: Jennifer Lipp
Sent: Tuesday, October 22, 2019 2:29 PM
To: 'Hopkins, Kathleen'
Subject: OPRA Request
Attachments: 2019_10_22_14_28_14.pdf

Prince Young indictment attached. 19-09-1260

Jennifer Lipp

From: Jennifer Lipp
Sent: Tuesday, October 22, 2019 2:28 PM
To: 'Hopkins, Kathleen'
Subject: OPRA Request
Attachments: Chyrod Freeman 19003220_Redacted.pdf

Attached is the Freeman complaint 19003220. His DL and SS# are redacted. Also redacted is the location of where the incident took place in order to protect the victim.

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

Jennifer Lipp

From: Jennifer Lipp
Sent: Tuesday, October 22, 2019 2:09 PM
To: 'Hopkins, Kathleen'
Subject: OPRA Request
Attachments: 2019_10_22_14_07_15.pdf

Indictment for Jonathan Marvine attached. 14-09-1580. There is no affidavit of probable cause. This case is pre-bail reform.



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: Kathleen Hopkins

Address: 3600 Rt. 66, Neptune, NJ 07754

Telephone Number: (732) 822-7867

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: Kathleen Hopkins Date of Request: 10-14-19

Description of Record(s) Requested: Indictment, Complaint
& affidavit of probable cause against
Quamere Smith, Co. case # 19000258;
Indictment # 19-03-00367

Date Received: _____

Date Records will be available, if applicable: _____

Records Provided: _____

DONE

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.

MONMOUTH COUNTY PROSECUTOR
132 JERSEYVILLE AVENUE
FREEHOLD, NJ 07728-2374

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

INDICTMENT No. 19-03-367.....

STATE OF NEW JERSEY,

v.

QUAMERE M. SMITH

Defendants

DEMAND FOR
BILL OF PARTICULARS
WHERE ALIBI IS RELIED
UPON BY DEFENDANT

TO

QUAMERE M. SMITH

DOB: 5-28-91

1100 ATLANTIC AVE

ASBURY PARK, NJ 07712

PURSUANT TO R. 3:12-2,

If you, the defendant in this case, in any way intend to rely on the defense of alibi, the State demands that within ten (10) days after receipt of this written demand, you furnish to the State a written bill of particulars, signed by you, the defendant, stating the specific place or places at which you claim to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom you wanted to rely to establish your alibi.

DATED 03-11-19
Case No. 19-258



Monmouth County Prosecutor

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

THE STATE OF NEW JERSEY

:

Plaintiff,

:

v.

:

Indictment No. 19-3-367
Case No. 19-258

QUAMERE M. SMITH,

:

Defendant.

:

FIRST COUNT

TERRORISTIC THREATS

THIRD DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that QUAMERE M. SMITH, on or about December 22, 2018, in or about the Township of Neptune, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Terroristic Threats, by threatening to commit a crime of violence with the purpose to terrorize S.S., or in reckless disregard of the risk of causing such terror, and/or by threatening to kill S.S., with the purpose to put him in imminent fear of death under circumstances reasonably causing S.S. to believe the immediacy of the threat and the likelihood that it would be carried out, contrary to the

provisions of N.J.S.A. 2C:12-3a and/or b, and against the peace
of this State, the Government, and dignity of the same.



MICHAEL J. WOJCIECHOWSKI
DEPUTY FIRST ASSISTANT
PROSECUTOR

Endorsed:

Foreperson



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: Kathleen Hopkins

Address: 3600 Rt 66, Neptune, NJ 07754

Telephone Number: (732) 822-7867

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: Kathleen Hopkins

Date of Request: _____

Description of Record(s) Requested:

- ① Complaint & affidavit of probable cause in state vs Quamere Smith, county case # 19003294 (threats, weapons).
- ② Indictment, complaint and affidavit of probable cause in state v. Quamere Smith, CO. case # 19001845; Indictment # 19-09-01200

Date Received: _____

Date Records will be available, if applicable: _____

Records Provided: _____

Done

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.

MONMOUTH COUNTY PROSECUTOR
132 JERSEYVILLE AVENUE
FREEHOLD, NJ 07728-2374

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

INDICTMENT No. 19-09-1300

STATE OF NEW JERSEY, :
v. : DEMAND FOR
QUAMERE M. SMITH, : BILL OF PARTICULARS
: WHERE ALIBI IS RELIED
: UPON BY DEFENDANT
.....
Defendant

TO QUAMERE M. SMITH DOB: 5-28-91
.....
95 MYRTLE AVE
.....
NEPTUNE, NJ 07753
.....

PURSUANT TO R. 3:12-2,

If you, the defendant in this case, in any way intend to rely on the defense of alibi, the State demands that within ten (10) days after receipt of this written demand, you furnish to the State a written bill of particulars, signed by you, the defendant, stating the specific place or places at which you claim to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom you wanted to rely to establish your alibi.

DATED 9-5-19
Case No. 19-1845



.....
Monmouth County Prosecutor

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

THE STATE OF NEW JERSEY :
Plaintiff, :
v. :
QUAMERE M. SMITH, :
Defendant. :

Indictment No. 19-9-1200
Case No. 19-1845

FIRST COUNT

TERRORISTIC THREATS

THIRD DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that QUAMERE M. SMITH, on or about May 3, 2019, in or about the Borough of Red Bank, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Terroristic Threats, by threatening to commit a crime of violence with the purpose to terrorize C.S. and/or E.M., or in reckless disregard of the risk of causing such terror, contrary to the provisions of N.J.S.A. 2C:12-3a, and against the peace of this State, the Government, and dignity of the same.

SECOND COUNT

POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE

THIRD DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that QUAMERE M. SMITH, on or about May 3, 2019, in or about the Borough of Red Bank, County of Monmouth, and within the jurisdiction of this

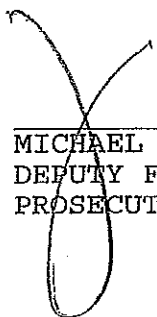
Court, did commit the crime of Possession of a Weapon for an Unlawful Purpose, by possessing a weapon, to wit: a knife, with a purpose to use it unlawfully against the person or property of C.S. and/or E.M. and/or the vehicle of C.S., contrary to the provisions of N.J.S.A. 2C:39-4(d), and against the peace of this State, the Government, and dignity of the same.

THIRD COUNT

UNLAWFUL POSSESSION OF A WEAPON

FOURTH DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that QUAMERE M. SMITH, on or about May 3, 2019, in or about the Borough of Red Bank, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Unlawful Possession of a Weapon, by knowingly possessing a weapon, to wit: a knife, under circumstances not manifestly appropriate for such lawful uses as it may have, contrary to the provisions of N.J.S.A. 2C:39-5d, and against the peace of this State, the Government, and dignity of the same.


MICHAEL J. WOJCIECHOWSKI
DEPUTY FIRST ASSISTANT
PROSECUTOR

Endorsed:

Foreperson



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: Kathleen Hopkins

Address: 3600 Rt. 66, Neptune, NJ 07754

Telephone Number: (732) 822-7867

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: Kathleen Hopkins Date of Request: 10-14-19

Description of Record(s) Requested: complaints & affidavits of probable cause in state vs. Jonathan Marvinel & Gary R. Brooks, Co. case #19003124 (attempted murder, conspiracy, weapons)

Done

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.



OFFICE OF THE COUNTY PROSECUTOR
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FREEHOLD, NJ 07728-2374

(732) 431-7160

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Requestor Information (Optional)*

Name: Kathleen Hopkins

Address: 3600 Rt. 166, Neptune, NJ 07754

Telephone Number: (732) 822-7867

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: Kathleen Hopkins Date of Request: 10-14-19

Description of Record(s) Requested: Indictment # 19-09-01260

defendant - Prince D. Young, dob - 2-19-97

② Complaint & affidavit of probable cause against
Chyrod Freeman, co. case # 19003220 (witness tampering)

③ Indictment # I-14-09-01580 & affidavit of probable
cause against Jonathan Marvine - Co case # 14002256 (robbery)

Date Received: _____

Date Records will be available, if applicable: _____

Records Provided: _____

Done

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.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

THE STATE OF NEW JERSEY :

Plaintiff, :

v. :

Indictment No. 14-9-1580
Case No. 14-2256

MIQUAN FARMER,
JONATHAN M. MARVINE,

Defendants. :

FIRST COUNT

ARMED ROBBERY

FIRST DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that MIQUAN FARMER and JONATHAN M. MARVINE, on or about May 23, 2014, in or about the City of Long Branch, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Armed Robbery, by, while in the course of committing a Theft, inflicting bodily injury or using force upon J.M., or threatening J.M. with or purposely putting J.M. in fear of immediate bodily injury, and was armed with or threatened the immediate use of a deadly weapon, to wit: imitation firearm, contrary to the provisions of N.J.S.A. 2C:15-1, and against the peace of this State, the Government, and dignity of the same.

SECOND COUNT

UNLAWFUL POSSESSION OF AN IMITATION FIREARM

FOURTH DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that MIQUAN FARMER

and JONATHAN M. MARVINE, on or about May 23, 2014, in or about the City of Long Branch, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Unlawful Possession of an Imitation Firearm, by knowingly possessing an imitation firearm under circumstances that would lead an observer to reasonably believe that it was possessed for an unlawful purpose, contrary to the provisions of N.J.S.A. 2C:39-4(e), and against the peace of this State, the Government, and dignity of the same.


LORI LINSKEY
DEPUTY FIRST ASSISTANT
PROSECUTOR

Endorsed:

Foreperson

MONMOUTH COUNTY PROSECUTOR
132 JERSEYVILLE AVENUE
FREEHOLD, NJ 07728-2374

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

INDICTMENT No. 19-09-01260

STATE OF NEW JERSEY

Plaintiff,

v.

PRINCE D. YOUNG,

Defendant.

DEMAND FOR
BILL OF PARTICULARS
WHERE ALIBI IS RELIED
UPON BY DEFENDANT

TO

Prince D. Young

DOB 02/19/1997

95 Myrtle Avenue

Asbury Park, New Jersey 07712

PURSUANT TO R. 3:12-2,

If you, the defendant in this case, in any way intend to rely on the defense of alibi, the State demands that within ten (10) days after receipt of this written demand, you furnish to the State a written bill of particulars, signed by you, the defendant, stating the specific place or places at which you claim to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom you wanted to rely to establish your alibi.

DATED September 16, 2019
19-02442


Monmouth County Prosecutor

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY

THE STATE OF NEW JERSEY :

Plaintiff, :

v. :

Indictment No. 19-09-01260
Case No. 19-02442

PRINCE D. YOUNG, :

Defendant. :

FIRST COUNT

OBSTRUCTING THE ADMINISTRATION OF LAW

OR OTHER GOVERNMENTAL FUNCTION

FOURTH DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that PRINCE D. YOUNG, on or about June 25, 2019, in or about the Township of Neptune, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Obstructing the Administration of Law or Other Governmental Function, by purposely obstructing, impairing or perverting the administration of law or other governmental function, or preventing or attempting to prevent a public servant from lawfully performing an official function by means of flight, intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act, thereby obstructing the detection or investigation of a crime, to wit: Resisting arrest and/or Unlawful Possession of a Weapon, contrary to the provisions of N.J.S.A. 2C:29-1, and against the peace of this State, the Government, and dignity of the same.

SECOND COUNT

RESISTING ARREST

THIRD DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that PRINCE D. YOUNG, on or about June 25, 2019, in or about the Township of Neptune, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Resisting Arrest, by purposely preventing or attempting to prevent F.S. and/or E.R. and/or J.C., law enforcement officers, from effecting an arrest, by using or threatening to use physical force or violence against the law enforcement officers or another or by using any other means to create a substantial risk of causing physical injury to the public servants or another, contrary to the provisions of N.J.S.A. 2C:29-2a(3), and against the peace of this State, the Government, and dignity of the same.

THIRD COUNT

ATTEMPTED ESCAPE

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that PRINCE D. YOUNG, on or about June 25, 2019, in or about the Township of Neptune, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Escape by purposely attempting to remove himself from official detention, and did employ force or other dangerous instrumentality to effect the escape, contrary

to the provisions of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:29-5, and against the peace of this State, the Government, and dignity of the same.

THIRD COUNT - SENTENCING ENHANCER

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths also present that PRINCE D. YOUNG used or possessed a firearm while in the course of committing or attempting to commit the foregoing crime, or in the immediate flight therefrom, contrary to the provisions of N.J.S.A. 2C:43-6c.

FOURTH COUNT

UNLAWFUL POSSESSION OF A WEAPON

SECOND DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that PRINCE D. YOUNG, on or about June 25, 2019, in or about the Township of Neptune, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Unlawful Possession of a Weapon, by knowingly possessing a handgun without first having obtained a permit to carry same as provided in N.J.S.A. 2C:58-4, contrary to the provisions of N.J.S.A. 2C:39-5b, and against the peace of this State, the Government, and dignity of the same.

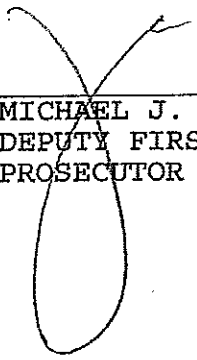
FIFTH COUNT

POSSESSION OF A PROHIBITED WEAPON

FOURTH DEGREE CRIME

The Grand Jurors of the State of New Jersey, for the County of Monmouth, upon their oaths present that PRINCE D.

YOUNG, on or about June 25, 2019, in or about the Township of Neptune, County of Monmouth, and within the jurisdiction of this Court, did commit the crime of Possession of a Prohibited Weapon or Device, by knowingly possessing a prohibited weapon or device, to wit: hollow nose ammunition, contrary to the provisions of N.J.S.A. 2C:39-3f, and against the peace of this State, the Government, and dignity of the same.



MICHAEL J. WOJCIECHOWSKI
DEPUTY FIRST ASSISTANT
PROSECUTOR

Endorsed:

Foreperson

Jennifer Lipp

From: Jennifer Lipp
Sent: Friday, October 25, 2019 12:14 PM
To: 'mattcap27@aol.com'
Cc: 'Masnick, Marion'
Subject: OPRA 1453-19 and 1454-19
Attachments: DWI Strike Force resolution.pdf; DWI Strike Force Operation Reports.pdf

You requested:

1. Copies of persons arrested at the October 18th DWI checkpoint – see attached.
2. Copies of the officer in charge reports for September 1-October 18 checkpoints. Same reports as 1. See attached.
3. Monmouth County grant agreement for the DWI Checkpoint grant. It is unclear what you mean by that. Attached is the resolution the Freeholders signed allowing the DWI task force to apply for the grant. If that is not what you were looking for, please clarify and be more specific. Also please be more specific as to what you are looking for. 2018/2019 is attached.

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

Masnick, Marion

OPCA-1453-19

From: mattcap27@aol.com
Sent: Saturday, October 19, 2019 1:06 PM
To: Masnick, Marion

CLERK OF THE BOARD
2019 OCT 21 A 7:11

OPEN PUBLIC RECORDS ACCESS REQUEST
MONMOUTH COUNTY, NEW JERSEY
(Submitted by email.)

To The Custodian of Records: Please accept this as my request for government records. Please note that the Open Public Records Act is not the only basis for my request. I claim entitlement to the records sought, both under OPRA and the Common Law right of access.

Requestors Name: Matthew T. Miller

Address: DO NOT use regular mail either for replying to this request or sending the responsive records. Email the responsive records. Thank you.

Email: mattcap27@aol.com

Records Requested :

1. I request copies of the persons arrested at the October 18, 2019 DWI checkpoint in Redbank, NJ.
2. I request copies of the officer in charges reports for the DWI checkpoints of September 1, 2019 - October 18, 2019.

Jennifer Lipp

From: Masnick, Marion <Marion.Masnick@co.monmouth.nj.us>
Sent: Monday, October 21, 2019 7:36 AM
To: Jennifer Lipp
Subject: Emailing: OPRA1454-19 (10.21.19)
Attachments: OPRA1454-19 (10.21.19).pdf

Your message is ready to be sent with the following file or link attachments:

OPRA1454-19 (10.21.19)

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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Jennifer Lipp

From: Jennifer Lipp
Sent: Friday, October 25, 2019 2:40 PM
To: 'Rebecca Everett'
Subject: RE: OPRA and common law request for records in death of Domingo Rafael
Attachments: 19_54360_911_Dispatch1 REDACTED.wav

1. We do not have CAD reports or logs
2. 911 call attached. Caller's name and phone number redacted.
3. We do not have any BWC or MVR footage
4. We do not have any records from the ME's office

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

From: Rebecca Everett <REverett@njadvancemedia.com>
Sent: Monday, October 21, 2019 11:14 AM
To: OPRA <opra@mcponj.org>
Subject: OPRA and common law request for records in death of Domingo Rafael

Good morning,
Please find attached an OPRA and common law request for records in the death of Domingo Rafael. Please let me know if you have any questions.
Best,
Rebecca

Rebecca Everett | Supervisor, Reporter
NJ Advance Media
161 Bridgeton Pike Bldg E | Mullica Hill, NJ 08062
p: +1 856-812-7392
e: REverett@njadvancemedia.com

NJ ADVANCE MEDIA REPORTING FOR
South Jersey TIMES + nj.com

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Diana Weiss

From: Rebecca Everett <REverett@njadvancemedia.com>
Sent: Monday, October 21, 2019 11:14 AM
To: OPRA
Subject: OPRA and common law request for records in death of Domingo Rafael
Attachments: Rafael-death-opra.pdf

Good morning,
Please find attached an OPRA and common law request for records in the death of Domingo Rafael. Please let me know if you have any questions.
Best,
Rebecca

Rebecca Everett | Supervisor, Reporter
NJ Advance Media
161 Bridgeton Pike Bldg E | Mullica Hill, NJ 08062
p: +1 856-812-7392
e: REverett@njadvancemedia.com

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Oct. 21, 2019

Please consider this a formal request under OPRA and common law for the following public records regarding the death of Domingo Merino Rafael, who was discovered dead Friday, Oct. 18, around 3:46 p.m. on Hurley Pond Road in Howell Township:

- CAD dispatch reports or logs
- Audio recordings of all 911 or other calls to police about the incident
- All body and dashboard camera footage of the police response to the incident between when the first officer began responding to the scene and 4:46 p.m., or when the last camera was switched off:
- Report of the Investigating Medical Examiner (RIME) or Abstract of Death Certificate Information for Domingo Merino Rafael, with redactions as appropriate.

Please consider the following reasons these records should be produced under OPRA: Courts and the GRC have held that because 911 calls do not pertain to an investigation when they were created, they cannot be denied under the criminal investigatory exemption. 911 calls are not created as part of investigations and in fact pre-date the start of the investigation. Specifically, the OPRA statute says: "This provision shall not be construed to allow any public agency to prohibit access to a record of that agency that was open for public inspection, examination, or copying before the investigation commenced."

We are entitled to body camera videos under N.J.S.A. 47:1A3(b) as a result of the state Supreme Court ruling in North Jersey Media Group v. Twp of Lyndhurst (A-35-15) (076184). The Court said that "to qualify for OPRA's criminal investigatory records exception—and be exempt from disclosure—a record (1) must not be 'required by law to be made,' and (2) must 'pertain[] to a criminal investigation.'"

Therefore, this request cannot be denied under the exemption of an "ongoing investigation" since the video recordings are required by Attorney General directive to be maintained and kept by the police department.

Please consider the following under common law:

My interest, as a news reporter, in obtaining these records and video footage is to report any matters of public importance rising from this incident to citizens of New Jersey. The public has real interest in understanding the circumstances of homicides in their community, and the media is the main way that they obtain that information.

Lastly, I am able to pick up these records if it is not possible to send them electronically.

Thank you,

Rebecca Everett



Rebecca Everett | Supervisor, Reporter

NJ Advance Media

p: +1 856-812-7392

e: REverett@njadvancemedia.com

Jennifer Lipp

From: Jayme DiGeronimo <jdigeronimo@demlplaw.com>
Sent: Tuesday, October 29, 2019 11:41 AM
To: Jennifer Lipp
Cc: Christina Hardman-O'Neal
Subject: RE: OPRA Request Re: Jennifer Caneiro, deceased Surrogate Docket No: 255358

Thank you for your assistance.

Jayme DiGeronimo
Paralegal
Davison • Eastman • Muñoz • Paone

Main Phone: 732.462.7170
Facsimile: 732.810.1533
www.respondlaw.com
jdigeronimo@respondlaw.com
100 Willow Brook Road, Suite 100
Freehold, NJ, 07728



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*Managing Shareholder James A. Paone, Esq.

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YOU MUST CALL OUR OFFICE TO VERIFY ANY WIRING INSTRUCTIONS BEFORE SENDING FUNDS!

From: Jennifer Lipp <JLipp@mcponj.org>
Sent: Tuesday, October 29, 2019 11:40 AM
To: Jayme DiGeronimo <jdigeronimo@demlplaw.com>; Nicole Wallace <NWallace@mcponj.org>; Christopher Decker <CDecker@mcponj.org>
Cc: Christina Hardman-O'Neal <coneal@demlplaw.com>
Subject: RE: OPRA Request Re: Jennifer Caneiro, deceased Surrogate Docket No: 255358

I cannot provide a coroner's report under OPRA in a homicide. Please send a written request to the assistant prosecutors handling that case and they can assist you.

Assistant Prosecutor Nicole Wallace
Assistant Prosecutor, Director of Major Crimes, Chris Decker

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

From: Jayme DiGeronimo <jdigeronimo@demlplaw.com>
Sent: Tuesday, October 29, 2019 11:37 AM
To: OPRA <opra@mcponj.org>
Cc: Christina Hardman-O'Neal <coneal@demlplaw.com>
Subject: OPRA Request Re: Jennifer Caneiro, deceased Surrogate Docket No: 255358

Dear Sir/Madam:

Attached please find the following: Cover letter, Short Certificate of Temporary Administration, Death Certificate and Public Record Request Form.

Thank you.

Jayme DiGeronimo
Paralegal to Christina D. Hardman-O'Neal, Esq. — coneal@respondlaw.com
Davison • Eastman • Muñoz • Paone

Main Phone: 732.462.7170
Facsimile: 732.810.1533
www.respondlaw.com
jdigeronimo@respondlaw.com
100 Willow Brook Road, Suite 100
Freehold, NJ, 07728



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*Managing Shareholder James A. Paone, Esq.

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DAVISON • EASTMAN • MUÑOZ • PAONE, P.A.

DUANE O. DAVISON
EDWARD C. EASTMAN, JR. †
ROBERT F. MUÑOZ • ▼
JAMES A. PAONE, II †
JAMES M. McGOVERN, JR. ▼ ▲
ROBERT S. BONNEY, JR. □ ▼
ANNE MARIE MAZZU •
CHRISTINA D. HARDMAN O'NEAL
BLAKE R. LAURENCE • □
MATTHEW K. BLAINE □
CHRISTOPHER D. OLSZAK ►
BRIAN J. CHABAREK ▼
GREG S. GARGULINSKI ▼
DOUGLAS J. WIDMAN □ ▼
DENNIS M. GALVIN

COUNSEL
NICOLE SOROKOLIT CRODDICK ▼

OF COUNSEL
DANIEL D. OLSZAK ►
TRACEE A. DANNER
MICHELE R. DONATO

CHRISTINA HARDMAN-O'NEAL

Attorney at Law

coneal@respondlaw.com

100 Willow Brook Road, Suite 100
Freehold, NJ 07728

DIRECT DIAL NUMBER
732-410-2357
DEPARTMENT FAX NUMBER
732-810-1538
NJ ATTORNEY ID NUMBER
10571999

ANDREW J. BALL □
PETER A. CHACANIAS
NOAH A. SCHWARTZ □
HERSCHEL P. ROSE ▼
KAITLYN R. CAMPANILE

CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A:
† CIVIL TRIAL ATTORNEY
□ CRIMINAL TRIAL ATTORNEY
▲ MUNICIPAL COURT ATTORNEY

• LL.M. IN TAXATION
□ R. 1:40 QUALIFIED MEDIATOR

OTHER STATE ADMISSIONS:
▼ NEW YORK
□ PENNSYLVANIA
▲ ILLINOIS

► CERTIFIED AS AN ELDER LAW ATTORNEY
BY THE ABA APPROVED NATIONAL ELDER
LAW FOUNDATION

WWW.RESPONDLAW.COM

October 29, 2019

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

Re: Estate of Jennifer Caneiro, Deceased
Surrogate Docket No. 255358

Investigating Officer's Report

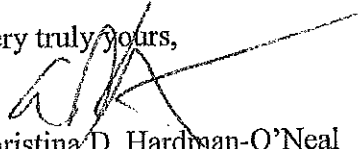
Dear Madam/Sir:

Please be advised that I am the Court-appointed Temporary Administrator for the Estate of Jennifer Caneiro, Deceased. Enclosed herewith please find a copy of the Letters of Temporary Administration and a death certificate of Jennifer Caneiro for your reference.

I am in the process of claiming life insurance proceeds for the Estate. Due to the nature of the decedent's death, a coroner's report is being requested. Also enclosed is a Public Record Request Form. Kindly advise if you should require any further information of any related fees.

Thank you for your anticipated courtesies.

Very truly yours,


Christina D. Hardman-O'Neal

CDHO/jdg
Enc.



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: Christina D. Hardman-O'Neal, Esq. Temp Administrator of Estate of Jennifer Caneiro

Address: Davison Eastman Muñoz Paone, P.A. 100 Willow Brook Rd., Freehold, NJ 07728

Telephone Number: (732) 462-7170

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: [Signature]

Date of Request: 10/29/19

Description of Record(s) Requested:

Investigating Officer's Report

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

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. 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.

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 30, 2019 3:16 PM
To: 'Avalon Zoppo'
Subject: RE: NJ.com records request
Attachments: 19_54360_911_Dispatch1 REDACTED.wav

911 call attached. Caller's name and phone number redacted.

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

From: Avalon Zoppo <AZoppo2@njadvancemedia.com>
Sent: Monday, October 28, 2019 9:34 AM
To: OPRA <opra@mcponj.org>
Subject: NJ.com records request

October 28, 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 the 911 or emergency call related to the Oct. 18 incident in which the body of Domingo Merino Rafael was found on Hurley Pond Road in Howell Township.

—The complaint, preliminary law enforcement incident report, and affidavit of probable cause for Juan Carlos Rivera Rojas in his October 20, 2019 arrest, including any appendixes or attachments.

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])

Diana Weiss

From: Avalon Zoppo <AZoppo2@njadvancemedia.com>
Sent: Monday, October 28, 2019 9:34 AM
To: OPRA
Subject: NJ.com records request

October 28, 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 the 911 or emergency call related to the Oct. 18 incident in which the body of Domingo Merino Rafael was found on Hurley Pond Road in Howell Township.

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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.

e: azoppo2@njadvancemedia.com
c: 732-236-9202

Avalon Zoppo | Breaking News Reporter
NJ Advance Media
485 US-1, Iselin, NJ, 08830
p: 732-236-9202
e: azoppo2@njadvancemedia.com

Jennifer Lipp

From: Jennifer Lipp
Sent: Wednesday, October 30, 2019 3:16 PM
To: 'Avalon Zoppo'
Subject: RE: NJ.com records request
Attachments: Complaint Omar Rivera-Rojas.pdf

Complaint and aff of probable cause attached.

Your request for the police incident report 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).

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

From: Avalon Zoppo <AZoppo2@njadvancemedia.com>
Sent: Monday, October 28, 2019 9:34 AM
To: OPRA <opra@mcponj.org>
Subject: NJ.com records request

October 28, 2019

Dear Custodian of Records:

Jennifer Lipp

From: Jennifer Lipp
Sent: Friday, November 1, 2019 11:40 AM
To: 'Masnick, Marion'; Cynthia Scott
Subject: RE: Emailing: OPRA1511-19 (10.31.19)

That appears to be a DWI. We do not have any records pertaining to that arrest.

Assistant Prosecutor Jennifer Lipp
Director, Family Division
Monmouth County Prosecutor's Office
132 Jerseyville Avenue
Freehold, NJ 07728
Desk 732-431-7160 x. 8930
Fax: (732) 866-3644

-----Original Message-----

From: Masnick, Marion <Marion.Masnick@co.monmouth.nj.us>
Sent: Thursday, October 31, 2019 12:45 PM
To: Cynthia Scott <CScott@mcsonj.org>; Jennifer Lipp <JLipp@mcponj.org>
Subject: Emailing: OPRA1511-19 (10.31.19)

Sorry - not sure who would get this.

Your message is ready to be sent with the following file or link attachments:

OPRA1511-19 (10.31.19)

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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 County of Monmouth. 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 County, 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.

OPRA-1511-19

MONMOUTH COUNTY



OPEN PUBLIC RECORDS ACT REQUEST FORM

Hall of Records, One East Main Street, Freehold, NJ 07728

Records Custodian: Marion Masnick, Clerk of the Board
to the Monmouth County Board of Chosen FreeholdersTelephone 732-431-7387
Fax 732-431-6519

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name: Kevin MI Last Name: Leckerman

E-mail Address: kl@leckermanlaw.com

Mailing Address: 1101 Marlton Pike West

City: Cherry Hill State: NJ Zip: 08002

Telephone: 800-378-2110 FAX: 800-313-8177

Preferred Delivery: Pick Up ☐ US Mail ☐ On-Site Inspect ☐ Fax ☐ E-mail ☒If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature: _____ Date: 10/31/19

Payment Information

Maximum Authorization Cost: \$20

Select Payment Method
☐ Cash ☒ Check ☐ Money OrderFees: Letter size pages - \$0.05 per page
Legal size pages - \$0.07 per page
CD & DVD - \$1.00 per disc
Other materials - actual cost of material

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Please forward a copy of all communications between police officers and county dispatchers regarding the motor vehicle stop, investigation, and arrest of Anthony J. Scuderi on 8/30/19 at approximately 22:39 at SR 71 in Sea Girt. License plate - T21FBJ-NJ

CLERK OF THE BOARD
2019 OCT 31 11:12

AGENCY USE ONLY

Est. Document Cost: _____
Est. Delivery Cost: _____
Est. Extras Cost: _____
Total Est. Cost: _____
Deposit Amount: _____
Estimated Balance: _____
Deposit Date: _____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here:In Progress _____ Open _____
Denied _____ Closed _____
Filed _____ Closed _____
Partial _____ Closed _____

AGENCY USE ONLY

Tracking Information

Tracking #: _____
Rec'd Date: _____
Ready Date: _____
Total Pages: _____
Total Cost: _____
Deposit: _____
Balance Due: _____
Balance Paid: _____
Records Provided: _____

Custodian Signature

Date

(571) 285-7703

From: Elaine Kassin

Sent: Tuesday, September 24, 2019 12:56:19 AM

To: prosecutor@mcponj.org <prosecutor@mcponj.org>; SCCO.Mailbox@njcourts.gov <SCCO.Mailbox@njcourts.gov>

Cc: theresa.romano@njcourts.gov <theresa.romano@njcourts.gov>

Subject: RECORDS REQUEST - 16003156

Thank you.