BRADLEY D. BILLHIMER
Ocean County Prosecutor

JOSEPH F. MITCHELL
Chief of Detectives

MICHAEL T. NOLAN, JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR
Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027

December 2, 2020

Via OPRA Machine: opra+request-18777-286358a9@requests.opramachine.com

RE: Open Public Records Act (OPRA) Request
OCPO Case# 20001002

Dear Sir/Madam:

I am in receipt of your request for documents made under the New Jersey Open Public Records Act (OPRA) pertaining to the above matter. The complaints, motor vehicle summons, accusation and waiver of indictment, which are the subject of item one of your request, are attached. The list of involved officers, which is the subject of item two of your request, is attached. The use of force reports, which is the subject of item four of your request, is also attached. The documents provided should fulfill the information you seek in item three of your request.

If I can be of further assistance, please contact me at 732-929-2027, x3135.

Yours very truly,
Dina R. Khajezadeh
Dina R. Khajezadeh
Assistant Prosecutor

DRK/dp

Enclosures

From: Khajezadeh, Dina
To: Prestia , Donna
Subject: FW: OPRA request - Please
Date: Tuesday, December 1, 2020 2:26:08 PM

-----Original Message-----
From: alecia <xxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxxxxxxxxx.xxx>
Sent: Tuesday, December 1, 2020 2:25 PM
To: Khajezadeh, Dina <xxxxxxxxxxx@xx.xxxxx.xx.xx>
Subject: OPRA request - Please

Deer Ocean County prosecutor's office

This is a request for public records made under OPRA and the common law right of access.
Please acknowledge receipt of this message.

I seek all information required to be released pursuant to NJSA 47;1A-3(b)

Please Release information within 24 hours Please send me All documents via xxxxxxxxxx@xxxxx.xxx

.Date of crime 3/22/20 and 3/23/20

1.Text of charges, complaint, indictment

2.Identity of all officers and investigators involved

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2f3.info&c=E,1,eDSDkFhNtP2GfsLeP4YQGEFOM3Y_pWFa203OXB2CeWhqHm2IpAQ3TgbGvmcyMsp6ioRqiADje6CXpOnWgIT-_-fNkQmu-sE082yTgbGovpCeXhs,&typo=1 of circumstances surrounding arrest time and place of arrest Pursuit

4.All use-of-force reports

Yours faithfully, alecia

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
xxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxxxxxxxxx.xxx

Is xxxxxxxxxx@xx.xxxxx.xx.xx the wrong address for OPRA requests to Ocean County Prosecutor's Office? If so, please contact us using this form:
https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3docean_county_prosecutors_office&c=E,1,MASrX12zIz-mDsRwZM2J5qRbxBLPTxIh7e3It3DCpg4jVPAkn2xcAoGWQdfkDrc9MiGG793iCvk2NDyalAkCff5576fr_aLiuIiaUF92-0U9nIo,&typo=1

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fhelp%2fofficers&c=E,1,_002f9mXmC1LOJbwdfI2dB7Txwy64YOaRdOOnKb912nH1Y_pi3LAhSJlCSAFbjqiOau7TKzvEhWQ_H86tXiKhkpoLjDU5KAH8d9Q9fFt8W3BdPiyXM3F8E24kxlu&typo=1

View this OPRA request & responses online:
https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2frequest%2fplease&c=E,1,n69NF_040vf4N8SCDHFo0UA1bcI7LqHA7B1YYbWAZdHFG9t0GjMdmQXtU9ho6SeuQaxvmZ4h0FiZzpA0cbe5bUTQ5TRvYGeHaR9Hh0xkg,,&typo=1

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1507	W	2020	000471
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: **OCEAN**

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS: **64 MONROE AVENUE**
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
3		20-15061

COMPLAINANT NAME: **PTL A PACIULLI**
POBX876/250AKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

DEFENDANT INFORMATION
SEX: **M** EYE COLOR: **BLUE** DOB: **10/17/1984**
DRIVER'S LIC. #. [redacted] DL STATE: **NJ**
SOCIAL SECURITY #: [redacted] SBI #:
TELEPHONE #: [redacted] (**C**)
LIVESCAN PCN #:

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **03/22/2020** in **TOMS RIVER TWP**, **OCEAN** County, **NJ** did:

WITHIN THE JURISDICTION OF THIS COURT, COMMIT BURGLARY BY ENTERING A RESEARCH FACILITY, STRUCTURE, OR A SEPARATELY SECURED OR OCCUPIED PORTION THEREOF WHICH WAS NOT OPEN TO THE PUBLIC AT THE TIME NOR LICENSED OR PRIVILEGED TO ENTER, WITH PURPOSE TO COMMIT AN OFFENSE THEREIN OR THEREON, SPECIFICALLY BY MAKING ENTRY TO BROOKLYN BISTRO LOCATED AT 1861 HOOPER AVENUE, WHICH WAS CLOSED FOR BUSINESS AND UNOCCUPIED AT THE TIME, BY SMASHING A GLASS DOOR IN ORDER TO GAIN ENTRY TO THE BUSINESS TO DAMAGE PROPERTY (AN ELECTRICAL PANEL VALUED AT $200) AND REMOVE FOOD (STEAK VALUED AT $50) AND A TELEPHONE ($35) FROM THE BUSINESS.

WITHIN THE JURISDICTION OF THIS COURT, COMMIT THE OFFENSE OF THEFT BY UNLAWFULLY TAKING CERTAIN MOVEABLE PROPERTY, NAMELY, STEAK, A PIECE OF CHEESECAKE AND A TELEPHONE, VALUED AT $90.00, BELONGING TO THE BROOKLYN BISTRO, WITH PURPOSE TO DEPRIVE THE OWNER THEREOF, SPECIFICALLY BY ENTERING THE VICTIM'S PROPERTY, TAKING POSSESSION OF THE ABOVE DESCRIBED ITEMS, AND EXITING THE PROPERTY WITH

in violation of:

Original Charge	1) **2C:18-2A(1)**	2) **2C:20-3A**	3) **2C:17-3A(1)**
AmendedCharge			

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: **PTL A PACIULLI** **Date:** **03/23/2020**

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

120 HOOPER AVE **TOMS RIVER NJ 08753-0000**

Date of Arrest: **Appearance Date:** **Time:** **Phone:** **732-504-0700**

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. **ERIN LANGE JUDICIAL OFFICER** **03/23/2020**
Signature and Title of Judicial Officer Issuing Warrant — Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: _____ **by:** _____
(if different from judicial officer that issued warrant)

☐ **Domestic Violence – Confidential**

☐ **Related Traffic Tickets or Other Complaints**

☐ **Serious Personal Injury/ Death Involved**

Special conditions of release:
- ☐ **No phone, mail or other personal contact w/victim**
- ☐ **No possession firearms/weapons**
- ☐ **Other** (specify): _____

ORIGINAL

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1507	W	2020	000471
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

STATE V.

DAVID R GIORDANO

THEM.

WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY PURPOSELY OR KNOWINGLY DAMAGING TANGIBLE PROPERTY OF ANOTHER, SPECIFICALLY BY BREAKING A GLASS DOOR (TOTAL VALUE APPROXIMATELY $600.00) BELONGING TO THE BROOKLYN BISTRO, IN ORDER TO STEAL MERCHANDISE FROM WITHIN.

Original Charge			
Amended Charge			

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER				STATE V.
1507	W	2020	000471	DAVID R GIORDANO
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	

FTA Bail Information	Date Bail Set:	Amount Bail Set: $_____ by:_____	❑ Bail Recog. Attached

Released on Bail (√)	R.O.R.	Committed Default	Committed w/o Bail	Place Committed:	Date Referred to County Prosecutor: _____

Date of First Appearance:	❑ Advised of Rights by_____	Defendant Desires Counsel: ❑ Yes ❑ No

Prosecuting Attorney Information				Defense Counsel Information					
Name:				Name:					
State	County	Municipal	Other	None	Retained	Public Def	Assigned	Waived	Other

	1)	2)	3)
Original Charge	2C:18-2A(1)	2C:20-3A	2C:17-3A(1)
Amended Charge			
Waiver Indt/Jury			
Plea/Date of Plea	Plea: Date:	Plea: Date:	Plea: Date:
Adjudication (* see code)	Finding Code: Date:	Finding Code: Date:	Finding Code: Date:
Jail Term	Jail time credit / Susp. Imp	Jail time credit / Susp. Imp	Jail time credit / Susp. Imp
Probation Term	Susp. Imp	Susp. Imp	Susp. Imp
Cond. Discharge Term			
Community Service			
D/L Suspension Term			
Fines/Costs	Fines: Costs:	Fines: Costs:	Fines: Costs:
VCCB/SNSF	VCCB: SNSF:	VCCB: SNSF:	VCCB: SNSF:
DEDR/Lab Fee	DEDR: LAB:	DEDR: LAB:	DEDR: LAB:
CD Fee/Drug Ed Fnd	CD: DAEF:	CD: DAEF:	CD: DAEF:
DV Surch/Other Fees	DV: Other:	DV: Other:	DV: Other:
Restitution Beneficiary:_____			

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:

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

_____ _____
JUDGE'S SIGNATURE DATE

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER				STATE V.
1507	W	2020	000471	DAVID R GIORDANO
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	

FTA Bail Information	Date Bail Set:	Amount Bail Set: $_____ by:_____	❑ Bail Recog. Attached

Released on Bail (√)	R.O.R.	Committed Default	Committed w/o Bail	Place Committed:	Date Referred to County Prosecutor: _____

Date of First Appearance:	❑ Advised of Rights by_____	Defendant Desires Counsel: ❑ Yes ❑ No

Prosecuting Attorney Information				Defense Counsel Information					
Name:				Name:					
State	County	Municipal	Other	None	Retained	Public Def	Assigned	Waived	Other

Original Charge									
Amended Charge									
Waiver Indt/Jury									
Plea/Date of Plea	Plea:	Date:		Plea:	Date:		Plea:	Date:	
Adjudication (* see code)	Finding Code:	Date:		Finding Code:	Date:		Finding Code:	Date:	
Jail Term		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp
Probation Term			Susp. Imp			Susp. Imp			Susp. Imp
Cond. Discharge Term									
Community Service									
D/L Suspension Term									
Fines/Costs	Fines:	Costs:		Fines:	Costs:		Fines:	Costs:	
VCCB/SNSF	VCCB:	SNSF:		VCCB:	SNSF:		VCCB:	SNSF:	
DEDR/Lab Fee	DEDR:	LAB:		DEDR:	LAB:		DEDR:	LAB:	
CD Fee/Drug Ed Fnd	CD:	DAEF:		CD:	DAEF:		CD:	DAEF:	
DV Surch/Other Fees	DV:	Other:		DV:	Other:		DV:	Other:	
Restitution Beneficiary:_____									

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:

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

_____ _____
JUDGE'S SIGNATURE DATE

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1507	W	2020	000471
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: OCEAN

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS: 64 MONROE AVENUE
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
3		20-15061

COMPLAINANT
NAME: PTL A PACIULLI

DEFENDANT INFORMATION
SEX: M EYE COLOR: BLUE DOB: 10/17/1984
DRIVER'S LIC. #. [redacted] DL STATE: NJ
SOCIAL SECURITY #: [redacted] SBI #:
TELEPHONE #: [redacted] (C)
LIVESCAN PCN #:

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **03/22/2020** in **TOMS RIVER TWP**, **OCEAN** County, **NJ** did:

WITHIN THE JURISDICTION OF THIS COURT, COMMIT BURGLARY BY ENTERING A RESEARCH FACILITY, STRUCTURE, OR A SEPARATELY SECURED OR OCCUPIED PORTION THEREOF WHICH WAS NOT OPEN TO THE PUBLIC AT THE TIME NOR LICENSED OR PRIVILEGED TO ENTER, WITH PURPOSE TO COMMIT AN OFFENSE THEREIN OR THEREON, SPECIFICALLY BY MAKING ENTRY TO BROOKLYN BISTRO LOCATED AT 1861 HOOPER AVENUE, WHICH WAS CLOSED FOR BUSINESS AND UNOCCUPIED AT THE TIME, BY SMASHING A GLASS DOOR IN ORDER TO GAIN ENTRY TO THE BUSINESS TO DAMAGE PROPERTY (AN ELECTRICAL PANEL VALUED AT $200) AND REMOVE FOOD (STEAK VALUED AT $50) AND A TELEPHONE ($35) FROM THE BUSINESS.

WITHIN THE JURISDICTION OF THIS COURT, COMMIT THE OFFENSE OF THEFT BY UNLAWFULLY TAKING CERTAIN MOVEABLE PROPERTY, NAMELY, STEAK, A PIECE OF CHEESECAKE AND A TELEPHONE, VALUED AT $90.00, BELONGING TO THE BROOKLYN BISTRO, WITH PURPOSE TO DEPRIVE THE OWNER THEREOF, SPECIFICALLY BY ENTERING THE VICTIM'S PROPERTY, TAKING POSSESSION OF THE ABOVE DESCRIBED ITEMS, AND EXITING THE PROPERTY WITH

in violation of:

Original Charge	1) **2C:18-2A(1)**	2) **2C:20-3A**	3) **2C:17-3A(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: PTL A PACIULLI **Date:** 03/23/2020

You will be notified of your **Central First Appearance/CJP** date to be held at the Superior Court in the county of **OCEAN**
at the following address: OCEAN SUPERIOR COURT
120 HOOPER AVE **TOMS RIVER NJ 08753-0000**
Date of Arrest: **Appearance Date:** **Time:** **Phone:** 732-504-0700

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. ERIN LANGE JUDICIAL OFFICER 03/23/2020
Signature and Title of Judicial Officer Issuing Warrant — Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: _____ **by:** _____
(if different from judicial officer that issued warrant)

☐ **Domestic Violence – Confidential**
☐ **Related Traffic Tickets or Other Complaints**
☐ **Serious Personal Injury/ Death Involved**

Special conditions of release:
☐ **No phone, mail or other personal contact w/victim**
☐ **No possession firearms/weapons**
☐ **Other** (specify): _____

COMPLAINT - WARRANT (DEFENDANT'S COPY)

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1507	W	2020	000471
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

STATE V.

DAVID R GIORDANO

THEM.

WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY PURPOSELY OR KNOWINGLY DAMAGING TANGIBLE PROPERTY OF ANOTHER, SPECIFICALLY BY BREAKING A GLASS DOOR (TOTAL VALUE APPROXIMATELY $600.00) BELONGING TO THE BROOKLYN BISTRO, IN ORDER TO STEAL MERCHANDISE FROM WITHIN.

Original Charge			
Amended Charge			

COMMITMENT

COMPLAINT NUMBER			
1507	W	2020	000471
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: OCEAN

# of CHARGES	CO-DEFTS	POLICE CASE #:
3		20-15061

COMPLAINANT NAME: PTL A PACIULLI
POBX876/255OAKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS: 64 MONROE AVENUE
TOMS RIVER NJ 08753-0000

DEFENDANT INFORMATION
SEX: M EYE COLOR: BLUE DOB: 10/17/1984
DRIVER'S LIC. #: [redacted] DL STATE: NJ
SOCIAL SECURITY #: [redacted] SBI #:
TELEPHONE #: [redacted] (C)
LIVESCAN PCN #:

To any Law Enforcement Official of New Jersey, You are commanded to transport this defendant to the Warden of this county who is required to keep the defendant in custody until a release or detention decision is made.

	Offense	Aux Offense	Drug Code	Degree	Offense Description
1.					
2.					
3.					
4.					

Commitment Reason:

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of OCEAN
at the following address: OCEAN SUPERIOR COURT
120 HOOPER AVE TOMS RIVER NJ 08753-0000

Date of Arrest: Phone: 732-504-0700

_____ _____
Signature and Title of Judicial Officer Issuing Warrant Date

Affidavit of Probable Cause

COMPLAINT NUMBER			
1507	W	2020	000471
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: OCEAN

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS: 64 MONROE AVENUE
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
3		20-15061

COMPLAINANT NAME: PTL A PACIULLI
POBX876/255OAKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

DEFENDANT INFORMATION
SEX: M EYE COLOR: BLUE DOB: 10/17/1984
DRIVER'S LIC. #: [redacted] DL STATE: NJ
SOCIAL SECURITY #: [redacted] SBI #:
TELEPHONE #: [redacted] (C)
LIVESCAN PCN #:

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

On 03-22-20, I responded to 1861 Hooper Avenue, Brooklyn Bistro, for the report of a burglary. Upon arrival, I observed a shattered glass panel to an entry door on the west side of the structure, along with a ladder positioned vertically in front of, Paul Prendergast Karate, presumably utilized for attempted access of the roof. At this time, it was learned David Giordano, had contacted this agency from a number originating inside the establishment. For reference, the number in question (732) 244-2122. Based on the above, I along with Ptl. Nelson and Sgt. Ruiz, established a perimeter around the structure and requested K-9 Officer assistance. Shortly thereafter, OCSD personnel along with K-9 Officer Wielichoski arrived on scene and cleared the structure. A search of the interior yielded negative results.During a secondary search, we observed damage/evidence in the form of a half eaten portion of cheesecake at a dining table, an oversized ball-peen hammer laying atop at a dining table closest to the damaged door, a gathering of knives in a corner of the kitchen which were removed from the wall magnet housing, damage to an electrical panel which was pulled partially from the top wall anchors as well as a glue/epoxy substance smeared into the locking mechanism of all exterior doors. At this time, an amount for damage sustained is undetermined however, will be extensive. Ptl. Parente, TRPD-Evidence Technician, responded to photograph and process the incident location in its entirety. Following the above, Vincent Mascillaro, representative, arrived on scene to assess the damage. All above listed information was confirmed in addition, he advised that the suspect, Giordano, had positioned multiple 4x8 foam insulation sheets and a wood bi-fold partition in front of the establishments windows and entryways. I made contact with Erik Nivison, property manager, for assistance in reviewing any captured surveillance footage of the incident however, he was not immediately available. Later this same day, I retained a copy of the surveillance footage in question and am in the process of reviewing it for applicable content, specifically identification of the suspect. Following a review of the footage the suspect is observed operating a Cadillac (the vehicle registered to Giordano's mother). Giordano later called the watch commander and told Sgt. Pedalino that he was in the business earlier in order to take photographs. Continued

Affidavit of Probable Cause

COMPLAINT NUMBER			
1507	W	2020	000471
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

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

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

During the investigation it was also discovered that a telephone and several pieces of steak were removed from the business. In conclusion, Giordano places himself not only at the scene of the incident but, also within the establishment where he supposedly took photographs of what he claims is his property. In addition, he describes the unkempt state of the stove within the establishment, which again would indicate that he again had entered the establishment and viewed it first hand. As a result of the investigation, Giordano was charged with burglary, theft and criminal mischief.

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: PTL A PACIULLI LAW ENFORCEMENT OFFICER Date: **03/23/2020**

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER			
1507	W	2020	000471
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: **OCEAN**

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS: **64 MONROE AVENUE**
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
3		20-15061

COMPLAINANT NAME: **PTL A PACIULLI**
POBX876/2550AKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

DEFENDANT INFORMATION
SEX: **M** EYE COLOR: **BLUE** DOB: **10/17/1984**
DRIVER'S LIC. #. [redacted] DL STATE: **NJ**
SOCIAL SECURITY #: [redacted] SBI #:
TELEPHONE #: [redacted] (**C**)
LIVESCAN PCN #:

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 defendant made statements/admissions.
•It was recorded using:
*Audio recording only

-The offense/incident was recorded using electronic/surveillance via:
•Surveillance Camera

-The defendant was known to the victim as:
•Other/Explain former tenant

-Physical evidence was seized/recovered:
•Other Type(s) of physical evidence hammer

-The case involved theft and/or stolen property. The property which was stolen and/or possessed is steak, telephone

-A member of the public provided information to a 9-1-1 call center or dispatcher (or similar).

-The police received relevant information via radio from a 911 dispatcher (or similar).

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: **PTL A PACIULLI LAW ENFORCEMENT OFFICER** **Date:** **03/23/2020**

COMPLAINT - SUMMONS

COMPLAINT NUMBER			
1507	S	2020	000473
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: OCEAN

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS: 64 MONROE AVE
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
1		20-15184

COMPLAINANT NAME: SGT. C. MCDOWELL
POBX876/255OAKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

DEFENDANT INFORMATION
SEX: M EYE COLOR: BLUE DOB: 10/17/1984
DRIVER'S LIC. #: [redacted] DL STATE: NJ
SOCIAL SECURITY #: [redacted] SBI #: 725882C
TELEPHONE #: ( )
LIVESCAN PCN #: 150703014491

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 03/23/2020 in TOMS RIVER TWP, OCEAN County, NJ did:
WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY RECKLESSLY OR NEGLIGENTLY DAMAGING PROPERTY BELONGING TO TOMS RIVER TOWNSHIP, CAUSING PECUNIARY LOSS IN THE AMOUNT OF 225.00, SPECIFICALLY BY PUNCHING A LARGE SECTION OF PLEXIGLASS IN THE TOMS RIVER MUNICIPAL JAIL BREAKING SAME. (DISORDERLY)

in violation of:

	1)	2)	3)
Original Charge	2C:17-3A(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: SGT. C. MCDOWELL **Date:** 03/23/2020

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Municipal Court in the county of: OCEAN
at the following address: TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE TOMS RIVER NJ 08753-0000
If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 03/23/2020 **Appearance Date:** 04/13/2020 **Time:** 11:00AM **Phone:** 732-797-3914

Signature of Person Issuing Summons: SGT. C. MCDOWELL Date: 03/23/2020

❑ **Domestic Violence – Confidential** ❑ **Related Traffic Tickets or Other Complaints** ❑ **Serious Personal Injury/ Death Involved**

Special conditions of release:
❑ **No phone, mail or other personal contact w/victim**
❑ **No possession firearms/weapons**
❑ **Other** (specify):

ORIGINAL

COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER				STATE V.
1507	S	2020	000473	DAVID R GIORDANO
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	

FTA Bail Information | Date Bail Set: | Amount Bail Set: $_____ by:_____ | ☐ Bail Recog. Attached

Released on Bail	R.O.R.	Committed Default	Committed w/o Bail	Place Committed:	Date Referred to County Prosecutor: _____

Date of First Appearance: 04/13/2020 | ☐ Advised of Rights by_____ | Defendant Desires Counsel: ☐ Yes ☐ No

Prosecuting Attorney Information				Defense Counsel Information					
Name:				Name:					
State	County	Municipal	Other	None	Retained	Public Def	Assigned	Waived	Other

Original Charge	1) 2C:17-3A(1)			2)			3)		
Amended Charge									
Waiver Indt/Jury									
Plea/Date of Plea	Plea:	Date:		Plea:	Date:		Plea:	Date:	
Adjudication (* see code)	Finding Code:	Date:		Finding Code:	Date:		Finding Code:	Date:	
Jail Term		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp		Jail time credit	Susp. Imp
Probation Term			Susp. Imp			Susp. Imp			Susp. Imp
Cond. Discharge Term									
Community Service									
D/L Suspension Term									
Fines/Costs	Fines:	Costs:		Fines:	Costs:		Fines:	Costs:	
VCCB/SNSF	VCCB:	SNSF:		VCCB:	SNSF:		VCCB:	SNSF:	
DEDR/Lab Fee	DEDR:	LAB:		DEDR:	LAB:		DEDR:	LAB:	
CD Fee/Drug Ed Fnd	CD:	DAEF:		CD:	DAEF:		CD:	DAEF:	
DV Surch/Other Fees	DV:	Other:		DV:	Other:		DV:	Other:	
Restitution Beneficiary:_____									

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:

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

JUDGE'S SIGNATURE _____ DATE _____

ORIGINAL - Court Action

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER			
1507	S	2020	000473
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: OCEAN

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS: 64 MONROE AVE
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
1		20-15184

COMPLAINANT
NAME: SGT. C. MCDOWELL

DEFENDANT INFORMATION
SEX: M EYE COL[redacted] DOB: 10/17/1984
DRIVER'S LIC[redacted] DL STATE: NJ
SOCIAL SECURITY #[redacted] SBI #: 725882C
TELEPHONE #: ( )
LIVESCAN PCN #: 150703014491

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 03/23/2020 in TOMS RIVER TWP , OCEAN County, NJ did:
WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY RECKLESSLY OR NEGLIGENTLY DAMAGING PROPERTY BELONGING TO TOMS RIVER TOWNSHIP, CAUSING PECUNIARY LOSS IN THE AMOUNT OF 225.00, SPECIFICALLY BY PUNCHING A LARGE SECTION OF PLEXIGLASS IN THE TOMS RIVER MUNICIPAL JAIL BREAKING SAME. (DISORDERLY)

in violation of:

	1)	2)	3)
Original Charge	2C:17-3A(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 willfuly false, Iam subject to punishment

Signed: SGT. C. MCDOWELL Date: 03/23/2020

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Municipal Court in the county of: OCEAN

at the following address: TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE TOMS RIVER NJ 08753-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 03/23/2020 **Appearance Date:** 04/13/2020 **Time:** 11:00AM **Phone:** 732-797-3914

Signature of Person Issuing Summons: SGT. C. MCDOWELL Date: 03/23/2020

☐ Domestic Violence – Confidential	☐ Related Traffic Tickets or Other Complaints	☐ Serious Personal Injury/ Death Involved

Special conditions of release:
- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER			
1507	S	2020	000473
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: OCEAN

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS:
64 MONROE AVE
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
1		20-15184

COMPLAINANT NAME: SGT. C. MCDOWELL
POBX876/255OAKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

DEFENDANT INFORMATION
SEX: M EYE COLOR: BLUE DOB: 10/17/1984
DRIVER'S LIC. #: [redacted] DL STATE: NJ
SOCIAL SECURITY #: [redacted] SBI #: 725882C
TELEPHONE #: ( )
LIVESCAN PCN #: 150703014491

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 03/23/2020 in TOMS RIVER TWP , OCEAN County, NJ did:
WITHIN THE JURISDICTION OF THIS COURT, COMMIT CRIMINAL MISCHIEF BY RECKLESSLY OR NEGLIGENTLY DAMAGING PROPERTY BELONGING TO TOMS RIVER TOWNSHIP, CAUSING PECUNIARY LOSS IN THE AMOUNT OF 225.00, SPECIFICALLY BY PUNCHING A LARGE SECTION OF PLEXIGLASS IN THE TOMS RIVER MUNICIPAL JAIL BREAKING SAME. (DISORDERLY)

in violation of:

Original Charge	1) 2C:17-3A(1)	2)	3)

Check √	Certification by Police Regarding Complaint-Summons
✓	I certify that I served the complaint-summons by delivering a copy to the defendant personally.
	I certify that I personally served the complaint-summons by leaving a copy at the defendant's usual place of abode with a competent member of the household of the age 14 or over _____ Name of family member over 14 years of age
	I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____ Defendant's last known address
	I certify that I served the complaint-summons by delivering a copy to a person authorized to receive service of process on the defendant's behalf. _____ Name and title of authorized person
	Other manner of service: I certify that I served the complaint-summons in the following manner: _____
	I certify that I was unable to serve the complaint-summons.

Signed: SGT. C. MCDOWELL TOMS RIVER POLICE DEPT Date of Action: 03/23/2020
Name, Title and Department of Officer

Affidavit of Probable Cause

COMPLAINT NUMBER			
1507	S	2020	000473
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: OCEAN

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS:
64 MONROE AVE
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
1		20-15184

COMPLAINANT NAME: SGT. C. MCDOWELL
POBX876/255OAKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

DEFENDANT INFORMATION
SEX: M EYE COLOR: BLUE DOB: 10/17/1984
DRIVER'S LIC. #: [redacted] DL STATE: NJ
SOCIAL SECURITY #: [redacted] SBI #: 725882C
TELEPHONE #: ( )
LIVESCAN PCN #: 150703014491

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:
MALE DEFENDANT PUNCHED A LARGE SECTION OF PLEXIGLASS WHILE IN THE TOMS RIVER MUNICIPAL JAIL.

Affidavit of Probable Cause

COMPLAINT NUMBER			
1507	S	2020	000473
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

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

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

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: SGT. C. MCDOWELL LAW ENFORCEMENT OFFICER Date: 03/23/2020

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER			
1507	S	2020	000473
COURT CODE	PREFIX	YEAR	SEQUENCE NO

TOMS RIVER MUNICIPAL COURT
255 OAK AVENUE
TOMS RIVER NJ 08753-0000
732-797-3914 COUNTY OF: OCEAN

THE STATE OF NEW JERSEY
VS.
DAVID R GIORDANO

ADDRESS: 64 MONROE AVE
TOMS RIVER NJ 08753-0000

# of CHARGES	CO-DEFTS	POLICE CASE #:
1		20-15184

COMPLAINANT NAME: SGT. C. MCDOWELL
POBX876/255OAKAVE
ATTN WARRANTS
TOMS RIVER NJ 08753

DEFENDANT INFORMATION
SEX: M EYE COLOR: BLUE DOB: 10/17/1984
DRIVER'S LIC [redacted] DL STATE: NJ
SOCIAL SECU [redacted] SBI #: 725882C
TELEPHONE #: ( )
LIVESCAN PCN #: 150703014491

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.

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: _____ Date: _____

20-15061

COURT I.D. 1507 | PREFIX SC | COMPLAINT NUMBER 015422

20-15120

Municipal Court
Township of Toms River
255 Oak Avenue
Toms River, NJ 08753

The State of New Jersey
vs.

Defendant's Name: First: DAVID | Initial: R | Last: GIORDANO

Address: 64 MONROE AVE. | City: TOMS RIVER

State: NJ | Zip Code: 08755 | Telephone: 732-255-1935 | 1548699400

Birth Date: Mo. 10 Day 17 Yr. 1984 | Sex: M | Eyes: BLUE | Height: 6-01 | Restrictions: NONE

Driver's License #: [redacted] | NJ | 10-17-2023

STATE OF NEW JERSEY
COUNTY OF OCEAN }SS:

Complaining Witness: PTL. S. RYAN (Name)

of TOMS RIVER PD (Identify Dept/Agency Represented) 439 (Badge No.)

Residing at 255 OAK AVE

by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the 3 (Month) 23 (Day) 2020 (Year) 0300 HRS. (Time)

in TWP. OF TOMS RIVER (MUNICIPAL CODE) 1507 County of OCEAN N.J.

did commit the following offense:

COMPLAINT

VIOLATION OF EXECUTIVE ORDER #104

in violation of (one charge only) 2C:33-12(a)
(Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE | Describe Location: 13 RT. 37 E.

OATH: Subscribed and sworn to before me this _____ day of _____, yr _____

(Signature of Complaining Witness)

(Signature of Person Administering Oath)

OR

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.

3/23/20 (Date)

PTL. [signature] #439 (Signature of Complaining Witness)

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY

Probable cause is found for the issuance of this Complaint-Summons.

YES / NO (Signature of Judicial Officer)

YES / NO (Signature of Judge)

LAW/CODE ENFORCEMENT USE ONLY

[X] The complaining witness is a law enforcement officer or a code enforcement officer with territorial and subject matter jurisdiction and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED TO APPEAR
BEFORE THIS COURT TO ANSWER THIS COMPLAINT IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

[ ] COURT APPEARANCE REQUIRED | COURT DATE Month 4 Day 29 Year 20 | Time 4:00 PM

3/23/20 (Date Summons Issued)

PTL. [signature] #439 (Signature of Person Issuing Summons)

Complaint-Summons

SF (September 2009)

OCPO/20001002/00000001

20-15061

TICKET #: E20-002287 TOMS RIVER MUNICIPAL COURT **COURT CODE: 1507**

NAME : DAVID R GIORDANO
ADDRESS : 64 MONROE AVE; GARDENS
CITY : TOMS RIVER **STATE :** NJ **ZIP :** 08755
LICENSE# : [redacted]4 **STATE :** NJ **COMM.LIC. :** N
DATE OF BIRTH : 10/17/1984 **SEX :** Male **EYES :** Blue
OFFENSE : 39:3-40
DESCRIPTION : DRIVING AFTER DL/REGISTRATION SUSPENDED/REVOKED
DATE & TIME : 03/23/2020 at 03:00 AM
LOCATION : 37 & 166
MUNICIPALITY OF OFFENSE: 1507/TOMS RIVER MUNICIPAL COURT

MAKE OF VEHICLE : Cadillac
BODY TYPE : 4 Door
VEHICLE PLATE# : [redacted] **STATE:** NJ
COMM VECH : N
HAZARDOUS MATERIAL : N
SPEED : 000
65 MPH ZONE : N
AGENCY/OFFICER ID : 1507/0439
EXCESS WGT : 00000

YEAR : 2010
COLOR : Grey
EXP DATE : 10/2020
OMNIBUS : N
OUT OF SERVICE : N
IN A MPH ZONE : 00
SAFE CORRIDOR : N
CONSTRUCTION : N
PERSONAL INJURY : N
DEATH/SERIOUS BODY INJ : N

FIRST APPEARANCE, ARRAIGNMENT & COUNSEL INFORMATION

First Appearance Date ___/___/____ Arraignment Date ___/___/____

☐ **Advised of Rights** Defendant desires Counsel:

By _____ ☐Yes ☐No

Counsel:

Assigned: ☐Yes ☐No Name:_____
(if yes, name of counsel)

Retained: ☐Yes ☐No Name:_____
(if yes, name of counsel)

Waived: ☐Yes ☐No Name:_____
(if yes, name of Judge accepting waiver)

Name of Prosecuting Attorney:_____

Affiliation: ☐Municipal ☐County ☐State

☐Other (list)_____

COURT ACTION

Complaint Amended To: _____

Initial Plea: ☐Guilty ☐Not Guilty **Date:**___/___/____

Final Plea: ☐Guilty ☐Not Guilty **Date:**___/___/____

Finding: **Date:**___/___/____

☐Guilty ☐Guilty but Merged ☐Not Guilty

☐If Guilty, Advised of Rights to Appeal

☐Dismissed - Plea Agreement ☐Dismissed - Rule

☐Dismissed - Pros Discretion ☐Dismissed - False ID

☐Dismissed - Lack of Prosecution ☐Dismissed - Police

☐Dismissed - Other

Sentence:

FINE:$_____ COSTS:$_____ SANCTIONS:$_____

VCCO:$_____ DWI:$_____ SNSF:$_____

OTHER:$_____ TOTAL:$_____

Period of DL Suspension: _____

IDRC:_____ Comm. Service:_____

Ignition Interlock:_____ mo/yrs Reg. Susp:_____ mo/yrs

Jail Term / Jail Credit:_____ Credit For:_____

COURT INFORMATION

Court Date: 04/20/2020 Court Time: 12:30 PM

BENCH WARRANT / BAIL INFORMATION

Failed to Appear Date: ___/___/____

Warrant Date: ___/___/____ Ordered by: _____
(Signature and Title of Person issuing warrant)

Bail Amount: $_____ Set by:_____

☐Cash ☐Bond (Signature and Title of Person setting bail)

Posted With: _____
(Name & Title)

☐Forfeited ☐Return ☐Reinstated Amount: $_____

Date: __/__/____ _____
(Signature of Judge)

JUDGE'S COMMENTS

Signature of Judge : _____ Dated : ___/___/____

OCPO/20001002/0000002

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-OCEAN COUNTY

THE STATE OF NEW JERSEY	:	
	:	
VS.	:	**ACCUSATION**
	:	
DAVID R. GIORDANO,	:	**NO. 20-07-600**
	:	
DEFENDANT	:	
	:	

having been charged upon oath, before a Magistrate in the said County of Ocean with:

CRIMINAL MISCHIEF

and having in writing addressed to the County Prosecutor, waived prosecution by indictment and trial by jury, and said request having been duly reported and granted:

COUNT ONE – FOURTH DEGREE
CRIMINAL MISCHIEF

THE COUNTY PROSECUTOR for the said County of Ocean, alleges that DAVID R. GIORDANO, on or about March 22, 2020, in the Township of Toms River, County of Ocean, and within the jurisdiction of this Court, purposely or knowingly did damage the tangible property of Brooklyn Bistro, causing pecuniary loss in excess of $500.00 but less than $2,000.00, contrary to the provisions of N.J.S.A. 2C:17-3a(1) and against the peace of this State, the Government and dignity of the same.

BRADLEY D. BILLHIMER
OCEAN COUNTY PROSECUTOR

By: s/ KRISTIN L. PRESSMAN
KRISTIN L. PRESSMAN
Assistant Prosecutor

DATED: July 6, 2020

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-OCEAN COUNTY

THE STATE OF NEW JERSEY	:	**WAIVER OF INDICTMENT AND TRIAL BY JURY**
VS.	:	
DAVID R. GIORDANO, DEFENDANT	:	**ACCUSATION NO.** 20-07-600

TO THE COUNTY PROSECUTOR:

The above named defendant who is charged with one count of Criminal Mischief, in violation of N.J.S.A. 2C:17-3a(1), and having been advised of the nature of the charge against him and his right to indictment and trial by jury, hereby waives prosecution by indictment and trial by jury.

Dated in Toms River, New Jersey, the 6th day of ~~6~~ July, 2020

DAVID R. GIORDANO, Defendant

Signed and delivered in the presence of

ANDREW C. HANNWACKER
Attorney for Defendant

Approved

HON. GUY P. RYAN, J.S.C.

BRADLEY D. BILLHIMER
OCEAN COUNTY PROSECUTOR

By: KRISTIN L. PRESSMAN
KRISTIN L. PRESSMAN
Assistant Prosecutor

OCPO CASE# 20001002

INVOLVED OFFICERS – TOMS RIVER POLICE DEPARTMENT

NAME	RANK	BADGE#
PACIULLI, A	PTL	423
RUIZ, S	SGT	331
NELSON, E	PTL	442
RAHNER, R	PTL	411
PARENTE, R	PTL	391
BARTOSHEK, D	PTL	316
OLIVER, K	PTL	389
MCDOWELL, C	SGT	312
DIFABIO, L	PTL	385
RYAN, S	PTL	439

INVOLVED OFFICERS – TOMS RIVER MUNICIPAL JAIL

NAME	RANK	BADGE#
MALTA, N	BOOKING OFFICER	4605
EVERETT, J	BOOKING OFFICER	4661

INVOLVED OFFICERS – OCEAN COUNTY SHERIFF'S DEPARTMENT

NAME	RANK	BADGE#
WIELICHOSKI, T and K-9	SHERIFF OFFICER	72

TOMS RIVER POLICE DEPARTMENT
USE OF FORCE REPORT

A. Incident Information

Date	Time	Day of Week	Location	CASE NUMBER
03/23/2020	2047	Monday	Toms River Police Department Jail	20-15061

Type of Incident

☐ Crime in Progress ☐ Domestic ☐ Other Dispute ☐ Suspicious Person ☐ Traffic Stop
☑ Other (specify) PRISONER TRANSPORT

B. Officer Information

Name (last, First, Middle)		Badge #	Sex	Race	Age	Injured (Y / N)	Killed (Y / N)
Everett, Jevon T.		4661	M	B	23		
Rank	**Duty Assignment**	**Years of Service**		**On Duty (Y / N)**		**Uniform (Y / N)**	
Class 1 Officer	Booking Offi	1month					

C1. Subject 1 (List only the person who was the subject of the use of force by the officer listed in section B.)

Name (last, First, Middle)	Sex	Race	Age	Weapon(Y / N)	Injured(Y / N)	Killed(Y / N)
Giordano, David R	M	WHT	35			

☐ Under the influence
☐ Other unusual condition (specify)

Arrested (Y/N)

Charges: 2c:18-2A(1)

Suspect's Actions (check all that apply)
- ☑ Resisted police officer control
- ☐ Physical threat/attack on officer or another
- ☐ Threatened/attacked officer or another with blunt object
- ☐ Threatened/attacked officer or another with knife/cutting object
- ☐ Threatened/attacked officer or another with motor vehicle
- ☐ Threatened officer or another with firearm
- ☐ Fired at officer or another
- ☐ Other (Specify)

Officer's use of force toward this subject (check all that apply)
- ☑ Compliance hold
- ☐ Hands/fists
- ☐ Kicks/feet
- ☐ Chemical/natural agent
- ☐ Strike/use baton or other object
- ☐ Canine
- ☐ Other (specify)

Firearms Discharge
- ☐ Intentional
- ☐ Accidental

Number of shots fired ____
Number of hits ____
[Use 'UNK' if unknown]

C2. Subject 2 (List only the person who was the subject of the use of force by the officer listed in section B.)

Name (last, First, Middle)	Sex	Race	Age	Weapon(Y / N)	Injured(Y / N)	Killed(Y / N)

☐ Under the influence
☐ Other unusual condition (specify)

Arrested (Y/N)

Charges

Suspect's Actions (check all that apply)
- ☐ Resisted police officer control
- ☐ Physical threat/attack on officer or another
- ☐ Threatened/attacked officer or another with blunt object
- ☐ Threatened/attacked officer or another with knife/cutting object
- ☐ Threatened/attacked officer or another with motor vehicle
- ☐ Threatened officer or another with firearm
- ☐ Fired at officer or another
- ☐ Other (Specify)

Officer's use of force toward this subject (check all that apply)
- ☐ Compliance hold
- ☐ Hands/fists
- ☐ Kicks/feet
- ☐ Chemical/natural agent
- ☐ Strike/use baton or other object
- ☐ Canine
- ☐ Other (specify)

Firearms Discharge
- ☐ Intentional
- ☐ Accidental

Number of shots fired ____
Number of hits ____
[Use 'UNK' if unknown]

If this officer used force against more than two subjects in this incident, attach additional USE OF FORCE REPORTS.

Signature:	Date:
Jevon T. Everett	March 23, 2020
Print Supervisor Name:	**Supervisor Signature:**
V. PESALINO	SGT V. #327

3/2007

TOMS RIVER POLICE DEPARTMENT
USE OF FORCE REPORT

A. Incident Information

Date	Time	Day of Week	Location	CASE NUMBER
03/23/2020	2047	Monday	Toms River Police Department Jail	20-15061

Type of Incident

☐ Crime in Progress ☐ Domestic ☐ Other Dispute ☐ Suspicious Person ☐ Traffic Stop

☑ Other (specify) PRISONER TRANSPORT

B. Officer Information

Name (last, First, Middle)	Badge #	Sex	Race	Age	Injured (Y / N)	Killed (Y / N)
Malta, Nicholas W	4605	M	W	52		

Rank	Duty Assignment	Years of Service	On Duty (Y / N)	Uniform (Y / N)
Class 1 Officer	Booking Offi	5		

C1. Subject 1 (List only the person who was the subject of the use of force by the officer listed in section B.)

Name (last, First, Middle)	Sex	Race	Age	Weapon(Y / N)	Injured(Y / N)	Killed(Y / N)
Giordano, David R	M	WHT	35			

☐ Under the influence
☐ Other unusual condition (specify)

Arrested (Y/N) Charges: 2c:18-2A(1)

Suspect's Actions (check all that apply)
- ☑ Resisted police officer control
- ☐ Physical threat/attack on officer or another
- ☐ Threatened/attacked officer or another with blunt object
- ☐ Threatened/attacked officer or another with knife/cutting object
- ☐ Threatened/attacked officer or another with motor vehicle
- ☐ Threatened officer or another with firearm
- ☐ Fired at officer or another
- ☐ Other (Specify)

Officer's use of force toward this subject (check all that apply)
- ☑ Compliance hold
- ☑ Hands/fists
- ☐ Kicks/feet
- ☐ Chemical/natural agent
- ☐ Strike/use baton or other object
- ☐ Canine
- ☑ Other (specify) Handcuffed

Firearms Discharge
- ☐ Intentional
- ☐ Accidental

Number of shots fired _____
Number of hits _____
[Use 'UNK' if unknown]

C2. Subject 2 (List only the person who was the subject of the use of force by the officer listed in section B.)

Name (last, First, Middle)	Sex	Race	Age	Weapon(Y / N)	Injured(Y / N)	Killed(Y / N)

☐ Under the influence
☐ Other unusual condition (specify)

Arrested (Y/N) Charges

Suspect's Actions (check all that apply)
- ☐ Resisted police officer control
- ☐ Physical threat/attack on officer or another
- ☐ Threatened/attacked officer or another with blunt object
- ☐ Threatened/attacked officer or another with knife/cutting object
- ☐ Threatened/attacked officer or another with motor vehicle
- ☐ Threatened officer or another with firearm
- ☐ Fired at officer or another
- ☐ Other (Specify)

Officer's use of force toward this subject (check all that apply)
- ☐ Compliance hold
- ☐ Hands/fists
- ☐ Kicks/feet
- ☐ Chemical/natural agent
- ☐ Strike/use baton or other object
- ☐ Canine
- ☐ Other (specify)

Firearms Discharge
- ☐ Intentional
- ☐ Accidental

Number of shots fired _____
Number of hits _____
[Use 'UNK' if unknown]

If this officer used force against more than two subjects in this incident, attach additional USE OF FORCE REPORTS.

Signature:	Date:
1160 J	03/23/2020
Print Supervisor Name: VITALINO	Supervisor Signature: #327

3/2007

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