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May 15, 2026

VIA ELECTRONIC MAIL ONLY

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George Capitan

No Address Provided

No Phone Number Provided

Re: May 13, 2026 OPRA & Common Law Right to Access Request for Arrest Reports, Warrants, and Indictments relevant to HCPO Case #24004748 and #24004891

Dear George Capitan,

The Hudson County Prosecutor's Office (hereinafter "HCPO") received your emailed request, dated May 13, 2026, on May 13, 2026 under the New Jersey Open Public Records Act, N.J.S.A. 47: 1A-1, et seq., (hereinafter "OPRA") and the Common Law Right to Access (hereinafter "CLRA"). The Request indicated that the preferred delivery method was via email. An acknowledgment was sent on May 13, 2026. A copy of your request (hereinafter the "Request") is attached for your easy reference.

The Request was reviewed under OPRA and the CLRA. For the reasons set forth below, the HCPO is providing records related to the Request in accordance with statutory authority and well-settled law.

The release of any criminal complaint containing charges are merely accusations and the defendant is presumed innocent until proven guilty. N.J. Rules of Professional Conduct, Rule 3.6(a), cmt. 6. The release of any document indicating criminal activity, other than a criminal complaint, does not constitute a complaint or an accusation, and a person is presumed innocent until proven guilty. N.J. Rules of Professional Conduct, Rule 3.6(a), cmt. 6. The HCPO does not verify the validity of any independent party's information, allegation, or accusations contained in a document by releasing a document as required under OPRA or the CLRA. Nor does the HCPO indemnify or absolve any independent party from any liability, unless required by law or binding legal agreement, for any individual action.

The Request

As an initial matter, the Request sought the following records from the HCPO:

1. Case #24004748
 - a. Arrest Reports,
 - b. Warrants, and
 - c. Indictments.
2. Case #24004891
 - a. Arrest Reports,
 - b. Warrants, and
 - c. Indictments.

Immediately upon receipt of the Request, the HCPO commenced a review of our files for responsive records. A criminal investigation and merged prosecution file was located. A criminal investigation and active prosecution file was located.

OPRA Analysis

Restricted Contents of Government Records – Personal Information and Privacy

The obligation on public agencies to protect personal information was recognized in Burnett v. Cnty. of Bergen, 198 N.J. 408 (2009). There, the records contained names, addresses, Social Security numbers, and signatures, which presented an increased risk of identity theft. Likewise, Courts have ordered the redaction of signatures in other records. See N. Jersey Media Grp. Inc. v. State, Dep't of Pers., 389 N.J. Super. 527, 537, 913 A.2d 853, 859 (Law. Div. 2006). Personal identifying information (hereinafter “PII”) is “a potential roadmap to identity fraud.” Brennan v. Bergen Cnty. Prosecutor's Off., 233 N.J. 330, 340, 185 A.3d 202, 207 (2018) (citing Burnett v. Cnty. of Bergen, 198 N.J. 408, 968 A.2d 1151 (2009)). In an effort to minimize the risk of identity theft signatures are redacted.

Additionally, a government record shall not include personal identifying information, (hereinafter “PII”) which is deemed to be confidential for the purposes of OPRA. N.J.S.A. 47:1A-1.1. “Personal Identifying Information” is information that may be used, alone or in conjunction with any other information, to identify a specific individual including social security number, credit card number, debit card number, bank account information, month and day of birth, any personal email address, telephone number or driver license number. N.J.S.A. 47:1A-1.1. Procedurally, “prior to allowing access to any government record, the custodian thereof shall redact from that record any [personal] information which discloses the Social Security number, “PII”, ... of any person...”. N.J.S.A. 47:1A-5.

Arrest Photographs

An agency “has a responsibility and an obligation to safeguard from public access a citizen’s personal information with which it has been entrusted when disclosure thereof would violate the citizen’s reasonable expectation of privacy.” Burnette v. County of Bergen, 198 N.J. 408 (2009).

A booking [arrest] photograph is a unique and powerful type of photograph that raises personal privacy interests distinct from normal photographs because they are a vivid symbol of criminal accusation, which carries a clear implication of criminal activity that is often associated with guilt. As such individuals likely have a substantial privacy interest in their likeness especially involving unresolved criminal complaints. Photographs are not public records as per Executive Order 69 (Gov. Whitman, 1999). The GRC affirmed this expectation of privacy when it denied access to arrest photographs. Melton v. City of Camden, GRC Complaint No. 2011-233 (January 2013). Therefore, the defendant's arrest photograph was redacted.

Court Records and Information Excluded from Public Access

Confidential personal identifiers, as defined in N.J. Ct. R. 1:38-7(a), should not be set forth in any document or pleading submitted to the court. N.J. Ct. R. 1:38-7(b). Confidential Personal Identifiers include: a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number, or information as to an individual's military status. N.J. Ct. R. 1:38-7(e). In cases where such identifiers are contained in a court record, they shall be redacted before public inspection is permitted. N.J. Ct. R. 1:38-7(e). A Complaint – Summons is a CDR-1 and a Complaint – Warrant is a CDR-2. N.J. Ct. R. 7:2-1. “[O]nce the CDR-1 [CDR-2] is created by law enforcement and submitted to the court, the document falls under Rule 1:38-2's definition of a court record.” Simmons v. Mercado, 247 N.J. 24, 42 (2021). Therefore, redactions from court documents are appropriate.

ECDR Criminal Complaint

A criminal “complaint shall be a written statement of the essential facts constituting the offense charged made on a form approved by the Administrative Director of the Courts.” N.J. Ct. R. 3:2-1(a). The Court established the Electronic Court Disposition Reporting System which is an electronic complaint processing system for law enforcement, prosecutors, and other agencies used to enter and manage Complaint Summons (ECDR-1) and Warrants (ECDR-1). Criminal complaints may be hereinafter referred to as “ECDR”. The Affidavit of Probable Cause is embedded into the ECDR form. As such the entire ECDR is being provided with redactions.

Common Law Right to Access Analysis

Since the responsive records were provided under OPRA, analysis under the CLRA is not necessary.

Response

Therefore, in response to your above-referenced request, the HCPO has attached eight PDFs containing the below listed records with redactions of:

- Arrest Photograph(s) as per Executive Order 69 & Melton v. City of Camden, GRC Complaint No. 2011-233 (January 2013)

- Personal Identifying Information
 - Social Security Number,
 - Month & Day of Birth,
 - Street Address,
 - Personal Telephone Number,
 - Driver License Number,
 - Other Personal Identifying Numbers,
 - State Bureau of Identification Numbers,
 - Signature(s) of investigative personnel, attorneys or judicial personnel
1. Case #24004748
 - a. Arrest Reports:
 - i. arrest report angel yambo_Redacted
 - ii. ARREST REPORT RAFY AGG ASSAULT_Redacted
 - iii. ARREST REPORT ROMAN ROBBERY_Redacted
 - b. Warrants:
 - i. ECDR30152710DOC_Redacted
 - ii. ECDR30152711DOC_Redacted
 - iii. ECDR30152712DOC_Redacted
 - iv. ECDR30152828DOC_Redacted
 - c. Indictment: SIGNED IND BY JUDGE 25-06-0955_Redacted
 2. Case #24004891 case merge, see above
 - a. Arrest Reports: case merge, see above
 - b. Warrants: case merge, see above
 - c. Indictment: case merge, see above

After a case is disposed of, a Disposition Report or Judgement of Conviction may be obtained by contacting the Superior Court Clerk's Office (<https://www.njcourts.gov/courts/superior-court-clerks-office/copies-court-records>). If a complaint has been remanded back to the municipal court, then a Disposition Report may be obtained by contacting the appropriate municipality. If a municipal complaint has been adjudicated by the municipal court, then a Disposition Report may be obtained by contacting the appropriate municipality.

The Hudson County Prosecutor's Office reserves the right to raise any other grounds in support of this response. The failure of the Hudson County Prosecutor's Office to assert any exception, exemption or privilege does not act as a waiver of any ground for denial. Additionally, the GRC is not only "permitted to affirm a denial of access for reasons not raised by a custodian" but that it has "an independent obligation to 'render a decision as to whether the record which is the subject of the complaint is a government record which must be made available for public access pursuant to' OPRA. The GRC is not limited to assessing the correctness of the reasons given for the custodian's initial determination; it is charged with determining if the initial decision was correct." Paff v. Twp. of Plainsboro, Docket No. A-2122-05T2 (App. Div. 2007), certif. denied by Paff v. Twp. of Plainsboro, 193 N.J. 292 (2007). See Stacey Hogan v. Township of Denville GRC Complaint No. 2021-231 (July 2023). As such, the HCPO would request that the GRC fulfill its

independent obligation to determine whether the denial of access was correct under N.J.A.C. 5:105-2.1(h).

As with any OPRA request, you have the right to challenge the HCPO's determination. At your option, you may either institute a proceeding in the Superior Court or file a complaint in writing with the Government Records Council (GRC), located in the Department of Community Affairs, by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at xxx@xxx.xxxxxx.xx.xx, or at their web site www.state.nj.us/grc. However, with any Common Law Right to Access request, you have the right to challenge the HCPO's determination by instituting a proceeding in the Superior Court.

Please contact us via email or call me at (201) 795-6400 x6502 if you have any questions regarding this request.

Very truly yours,

WAYNE MELLO
Prosecutor of Hudson County

By: s/Keith M. Bendul
KEITH M. BENDUL
Legal Analyst Civil Litigation Unit

KB/
Enclosures
c. Office of the Hudson County Counsel