

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

January 5, 2021

Michael Wilusz

Via OPRA Machine: opra+request-19345-21c381a9@requests.opramachine.com

Re: Open Public Records Act (OPRA) Request
OCPO Case# 07041218- Anthony Palumbo

Dear Mr. Wilusz:

Enclosed please find the Complaint Warrant, Affidavit, Arrest Report, Indictment, Plea Form, Judgment of Conviction and Criminal Information Form pursuant to your request made under the New Jersey Open Public Records Act (OPRA). Redactions of personal identifying information have been made pursuant to N.J.S.A. 47:1A-1.1 et seq.

There are no documents responsive to your request for Global Subject Activity Reports or Preliminary Law Enforcement Incident Reports. You may wish to direct your request for "court tapes" to the Ocean County Superior Court, Court Reporter's Office, as this agency is not the custodian of those records.

Please be advised that your request for "confessions" (defendant's statement) are denied. Those records are considered criminal investigatory records, and as such, they are exempt from disclosure under OPRA, pursuant to N.J.S.A. 47:1A-1.1, et seq.

Should you disagree with our decision, please contact us in writing with your concerns so that we may consider them. 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

Prestia , Donna

From: Khajezadeh, Dina
Sent: Wednesday, December 30, 2020 8:26 PM
To: Prestia , Donna
Subject: FW: OPRA request - Records Request

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: michael wilusz <opra+request-19345-21c381a9@requests.opramachine.com>
Date: 12/30/20 8:16 PM (GMT-05:00)
To: "Khajezadeh, Dina" <DKhajezadeh@co.ocean.nj.us>
Subject: OPRA request - Records Request

Dear Ocean County Prosecutor's Office,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Any relevant arrest reports, global subject activity reports, preliminary law enforcement incident reports, confessions, complaint warrants, court records, court tapes, complaint summonses, affidavits, indictments, criminal information forms, plea forms, and sentencing information, where applicable, for the following defendants:

JEREMY D KEISTER Arrest Date: 03/31/2007 COUNTY CASE# 07041234
MANTOLOKING Case: W 2007 33
Police Case No: 070300304

ANTHONY PALUMBO Offense Date: 03/31/2007 COUNTY CASE # 07041218
MANTOLOKING Case: W 2007 32

TERRY LEROY WARNER Offense Date: 03/29/2007 Case: W 2007 12
COUNTY CASE # 07041198

EUGENE DAILY COUNTY CASE # 07041224
Police Case No: 070300283
Case: W 2007 6

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-19345-21c381a9@requests.opramachine.com

Is DKhajezadeh@co.ocean.nj.us 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,DBRJyGQKLRIW3JVCCgsfWatSZaUf8mLBjLwF-

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1519	W	2007	000032
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
MANTOLOKING MUNICIPAL COURT P.O. BOX 247 MANTOLOKING NJ 08738 (732) 899-6604 COUNTY OF: OCEAN			
# of CHARGES 2	CO-DEFTS	POLICE CASE #:	
COMPLAINANT JOHN STEVENS NAME: 119 HOOPER AVE TOMS RIVER NJ 08754		DEFENDANT INFORMATION SEX: EYE COLOR: DOB: 08-06-1960 DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: SBI #: TELEPHONE #: [REDACTED]	

THE STATE OF NEW JERSEY
VS.
ANTHONY PALUMBO

ADDRESS: 41 SHOTWELL AVENUE
STATEN ISLAND NY 10312

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 03-31-2007 in MANTOLOKING BORO, OCEAN County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID ATTEMPT TO COMMIT AN ACT OF SEXUAL PENETRATION WITH AN INDIVIDUAL WHOM HE BELIEVED TO BE A FOURTEEN (14) YEAR OLD FEMALE, BY ARRIVING AT A PRE-DETERMINED LOCATION AT A PRE-DETERMINED TIME IN ORDER TO COMMIT AN ACT OF SEXUAL PENETRATION, DEFENDANT BEING AT LEAST FOUR YEARS OLDER THAN THE VICTIM.

WITHIN THE JURISDICTION OF THIS COURT, DID ATTEMPT, VIA ELECTRONIC OR OTHER MEANS, TO LURE OR ENTICE A CHILD OR ONE WHOM HE REASONABLY BELIEVED TO BE A CHILD INTO A MOTOR VEHICLE, STRUCTURE OR ISOLATED AREA, OR TO MEET OR APPEAR AT ANY OTHER PLACE, WITH A PURPOSE TO COMMIT A CRIMINAL OFFENSE WITH OR AGAINST THE CHILD.

CONDITION OF BAIL: DEFENDANT IS TO HAVE NO INTERNET ACCESS

in violation of:

Original Charge	1) 2C:5-1A(1) 2C:14-2(C)(3)	2) 2C:13-6	3)
Amended Charge			

OATH:
Subscribed and sworn to me this 31st day of March, yr. 2007

Signed: [Signature] (Signature of Complaining Witness)

Signed: [Signature] (Signature of Person Administering Oath and Title)

DATE OF FIRST APPEARANCE	TIME	DATE OF ARREST 00-00-0000
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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.

Signature and Title of Judicial Officer Issuing Warrant _____ Date 3/31/07

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: 50,000.00 / FULL by: Honorable B.A. Villano P.J. Co. P. (if different from judicial officer that issued warrant)

☐ Domestic Violence - Confidential	☐ Related Traffic Tickets or Other Complaints	☐ Serious Personal Injury/ Death Involved
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Special conditions of release:

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

ORIGINAL

COMPLAINT – WARRANT (Court Action)

COMPLAINT NUMBER**1519****W****2007****000032**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

STATE V.**ANTHONY PALUMBO****FTA Bail Information**

Date Bail Set: _____

Amount Bail Set: \$ _____

by: _____

☐ Bail Recog. AttachedReleased
on Bail
(v)

R.O.R.

Committed
DefaultCommitted
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

1) 2C:5-1A(1)
2C:14-2(C)(3)

2) 2C:13-6

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:*** 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

ORIGINAL – Court Action

JUDGE'S SIGNATURE _____

DATE _____

Page 2 of 7

NJ/CDR2 8/1/2005

COUNTY OF OCEAN
STATE OF NEW JERSEY

STATE OF NEW JERSEY
VS.
ANTHONY PALUMBO

) AFFIDAVIT
) IN SUPPORT OF
) ARREST

STATE OF NEW JERSEY

)
SS.

COUNTY OF OCEAN

)

I, Senior Investigator Scott Stevens of the Ocean County Prosecutor's Office, being of full age and having been sworn to law upon our oath depose and says:

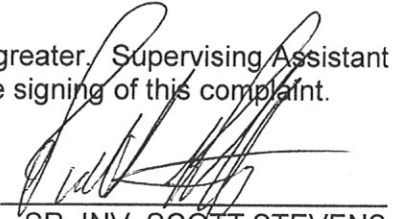
1. I am a Senior Investigator with the Ocean County Prosecutor's Office, Computer Crime Unit.
2. In the course of my duties, I have had occasion to investigate the criminal offenses of Attempted Sexual Assault, N.J.S.A. 2C:5-1 and 2C:14-2(c)(3) and Luring, N.J.S.A. 2C:13-6.
3. I have probable cause to believe and do believe that Anthony Palumbo committed the acts of Attempted Sexual Assault, N.J.S.A. 2C:5-1 and 2C:14-2(c)(3) and Luring, N.J.S.A. 2C:13-6.
4. The basis of my probable cause is as follows:
 - a. On March 30, 2007, this suspect, utilizing the America Online screenname "hibuddywazsup" contacted members of the organization known as Perverted-Justice, who were posing as a fourteen year old male.
 - i. Perverted-Justice.com recruits volunteer contributors who pose as underage children in chatrooms. Posing from a variety of ages (standard ages are 10-15), these contributors simply go into chatrooms with fake online screen names and wait for predators to instigate conversation with them.
 - ii. Perverted-Justice has provided the Ocean County Prosecutor's Office, Computer Crime Unit, with the information they have obtained regarding online sexual predators in and around the Ocean County area.
 - iii. Though Perverted-Justice is acting as the online decoys, all cases brought to Ocean County have been reviewed and approved by the Ocean County Prosecutor's Office.
 - b. During the course of the initial online conversation, the suspect was advised the undercover was fourteen years of age. The suspect identified himself as thirty-five (35) years of age. The suspect continued to chat with the volunteer contributor. On numerous occasions between March 30, 2007 and March 31, 2007, during the

course of these online conversations, the suspect stated that he wished to meet the volunteer contributor for sex.

- c. On March 31, 2007, the suspect arrived at a predetermined meeting place. The suspect was arrested and identified as:

i. ANTHONY PALUMBO, DOB [REDACTED] SS# [REDACTED]

- d. The suspect was subsequently interviewed by Investigator Colleen Lynch of the Ocean County Prosecutor's Office. The interview was memorialized in the form of audio and video tape. The suspect was advised of his Miranda Rights and agreed to speak with the officers without an attorney present. The suspect acknowledged that he is the sole user of the screen name "hibuddywazsup" and that he was the individual responsible for the chats with the undercover. Additionally, the suspect stated that, if he had met a fourteen year old male at the meet location, he would have engaged in a sexual act with that individual.
5. The suspect has made statements to implicate himself in this matter.
6. I am signing charges of the second degree or greater. Supervising Assistant Prosecutor Madelin Einbinder has approved the signing of this complaint.


SR. INV. SCOTT STEVENS
OCPO, Computer Crime Unit

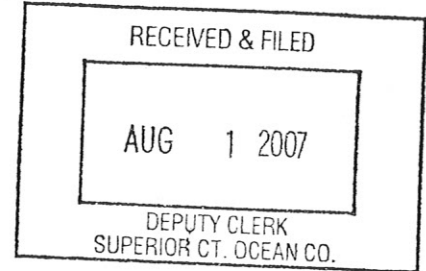
Sworn and Subscribed before me

this 31 st day of March, 2007


Municipal Court Administrator

		OCEAN COUNTY PROSECUTOR'S OFFICE				Identification Number			
		<i>Arrest Report</i>				Identification Number			
1. Department OCPO CCU		2. Mun. Code 1589	3. Phone Number (732) - 929 - 2027		4. UCR	5. Prosecutor's Case Number 070300303		6. Dept. Case Number	
7. Name (First) Anthony		(Middle)	(Last) Palumbo		8. Phone No. (Area)		9. Alias/Nickname HIBUDDYWAZUP		
10. Address	10a. (Street)		10b. Municipality		10c. State	10d. Zip	11. Place of Birth (City / State) NY		
12. Date of Birth	13. Age 46	14. Sex Male	15. Race White	16. Ht 6' 0"	17. Wt 190	18. Hair Brown	19. Eyes Brown	20. Complexion Light	21. Marital Status Single
22. Other Description Information - Marks - Scars - Tattoos None							23. Driver's License Number		
24. Employer/School Unemployed					25. Occupation		26. Social Security Number		
27. Employer's / School Address							28. Business Phone (Area) (Extension) () - ()		
DETAILS OF ARREST									
29. Arrest Date 3 / 31 / 2007		30. Time ☐ AM ☒ PM		31. Loc. Of Arrest (No. - Street) 1021 Lyman Street		31a. Municipality Mantoloking		31b. State NJ	32. Muni. Code 1519
33. Crime Attempted Sexual Assault / Luring					33A. Total Crimes 3	34. NJ Statute 2C:5-1A(1) / 2C:14-2(C)		35. Warrant/Summons Number W2007-000032-1519	
36. Complainant's Name and Address-Zip Code Sr. Investigator J. Scott Stevens - 119 Hooper Avenue, P.O. Box 2191, Toms River, NJ 08753							37. Phone Number (Area) (732) - 929 - 2027		
38. Crime Date 3 / 31 / 2007		39. Time ☐ AM ☐ PM		40. Loc. Of Arrest (No. - Street) 1021 Lyman Street		40a. Municipality Mantoloking		40b. State NJ	41. Muni. Code 1519
42. Arrest ☒ On View ☐ W/Warrant ☐ Summons ☐ W/O Warrant ☐ Juv. ☐ .R.A.		43. Juv. Code		44. Constitutional Rights ☒ Yes ☐ No		45. Constitutional Rights - by Inv. Colleen Lynch		46. How Responded Understood / Waived	
47. Own	48. Multiple	49. Other	50. Fingerprinted ☒ Yes ☐ No		51. Photographed ☒ Yes ☐ No	52. NCIC ☒ Yes ☐ No ☐ Wanted ☐ No Record		53. Previous Record ☐ Yes ☒ No	
54. Vehicle Information ☒ Owned ☐ Used		Year 1999	Make Toyota	Body Type Avalon	Color Black	Reg. State and Number NY		Other Descriptive Information - VIN 4T1BF18B4XU328023	
BAIL HEARING									
55. Date 3 / 31 / 2007		56. Court Ocean County Superior Court					57. Judge Setting Bail Barbara A. Villano, JSC		
58. Amount of Bail \$50,000.00		59. Results of Hearing ☐ R.O.R. ☐ Committed in Default ☐ Committed W/O Bail ☐ Released on Bail					60. Code	61. Place Committed / Detained	
JUVENILE INFORMATION									
62. Parent / Guardian - Contacted By			63. Date Contacted / /		64. Time Contacted ☐ AM ☐ PM		65. Released w/Detained at		
66. Full Address - Number - Street - Municipality - State - Zip Code					67. Phone Number (Area) () - -		68. Date / /	69. Time ☐ AM ☐ PM	
70. Parent / Guardian's Name (First) (Middle) (Last)			71. Full Address - Number - Street - Municipality - state - Zip Code					72. Phone No. () - -	
73. Co-Defendants / Names									
NARRATIVE									
74. Narrative / Additional Charges Suspect was arrested as a result of an online operation where he travelled to Ocean County in anticipation of meeting a fourteen year old female for the purpose of engaging in an act of sexual penetration.									
75. Rank / Name (Print or Type) Sr. Investigator J. Scott Stevens			76. Badge No. 3514	77. Status ☒ Pending ☐ Completed		78. Date of Report 3 / 31 / 2007		79. Reviewed By	

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-OCEAN COUNTY**



THE STATE OF NEW JERSEY

VS.

ANTHONY PALUMBO

Defendant :

INDICTMENT

NO. 07-08-1244

**COUNT ONE – SECOND DEGREE
ATTEMPTED SEXUAL ASSAULT**

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths PRESENT that ANTHONY PALUMBO, between the dates of March 30 – March 31, 2007, in the Borough of Mantoloking, in the County of Ocean, and within the jurisdiction of this Court, knowingly did attempt to commit an act of sexual penetration upon an individual whom he believed to be at least 13 but less than 16 years old, and ANTHONY PALUMBO was at least 4 years older than said individual, to wit: after chatting with an individual online over the Internet who he believed to be at least 13 but less than 16 years old, did arrive at a pre-determined location at a pre-determined time in order to commit an act of sexual penetration upon that individual, contrary to the provisions of N.J.S.A. 2C:14-2c(4) and N.J.S.A. 2C:5-1, and against the peace of this State, the Government and dignity of the same.

**COUNT TWO – SECOND DEGREE
LURING, ENTICING CHILD BY VARIOUS MEANS**

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths PRESENT that ANTHONY PALUMBO, between the dates of March 30 – March 31, 2007, in the Borough of

Mantoloking, in the County of Ocean, and within the jurisdiction of this Court, did attempt, via electronic or any other means, to lure or entice a child or one who he reasonably believed to be a child into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with a purpose to commit a criminal offense with or against the child, to wit: did arrive at a pre-determined location at a pre-determined time with the purpose to commit an act of sexual penetration upon an individual whom he believed to be a child at least 13 but less than 16 years old, contrary to the provisions of N.J.S.A. 2C:13-6, and against the peace of this State, the Government and dignity of the same.

MARLENE LYNCH FORD
OCEAN COUNTY PROSECUTOR

DATED: 8/1/07 By: Madelin F. Einbinder
MADELIN F. EINBINDER

ENDORSED: Barbara M. Amante
Foreperson

PLEA FORM

County OCEAN

Prosecutor File Number 07041218

DEFENDANT'S NAME Anthony Palumbo
before Judge Villano

1. List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum	Time	Fine	VCCB Assmt*
<u>07-08-1244</u>	<u>1</u>	<u>Att. Endangering</u>	<u>3</u>	<u>MAX</u>	<u>5 yrs</u>	<u>\$15,000</u>	<u>50</u>
		<u>Welfare of a</u>		<u>MAX</u>			
		<u>Child</u>		<u>MAX</u>			
		<u>(as Amended)</u>		<u>MAX</u>			
		<u>20.5-1, 20.24-4</u>		<u>MAX</u>			
Your total exposure as the result of this plea is:				<u>TOTAL</u>	<u>5 yrs</u>	<u>\$15,000</u>	<u>50</u>

PLEASE CIRCLE
APPROPRIATE ANSWER

2. a. Did you commit the offense(s) to which you are pleading guilty? ☒ [YES] ☐ [NO]
- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? ☒ [YES] ☐ [NO]
3. Do you understand what the charges mean? ☒ [YES] ☐ [NO]
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? ☒ [YES] ☐ [NO]
- b. The right to remain silent? ☒ [YES] ☐ [NO]
- c. The right to confront the witnesses against you? ☒ [YES] ☐ [NO]
5. Do you understand that if you plead guilty:
- a. You will have a criminal record? ☒ [YES] ☐ [NO]
- b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Violent Crimes Compensation Board Assessment? ☒ [YES] ☐ [NO]
- c. You must pay a minimum Violent Crimes Compensation Board assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) ☒ [YES] ☐ [NO]
- d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? ☒ [YES] ☐ [NO]

* VIOLENT CRIMES COMPENSATION BOARD ASSESSMENT

Defendant's Initials

X-P

5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? [YES] [NO]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? [YES] [NO]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? [YES] [NO]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? [YES] [NO]
6. Do you understand that the court could, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? [YES] [NO]
7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term? [YES] [NO]
- a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is ____ years and ____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be ____ years and ____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [YES] [NO]
9. Are you presently on probation or parole? [YES] [NO]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? [YES] [NO] [N/A]
10. Are you presently serving a custodial sentence on another charge? [YES] [NO]
- a. Do you understand that a guilty plea may affect your parole eligibility? [YES] [NO] [N/A]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [YES] [NO] [N/A]

12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
07-CF-1244	2	Luring

UP TO

13. Specify any sentence the prosecutor has agreed to recommend:

State MAY seek 364 days OCT as a condition of probation. Probation will terminate upon completion of full term of any Defendant subject to Parole Supervision for Life. Defendant reserves right to seek less or no during jail time at all.

Defendant's Initials

[Signature]

14. Has the prosecutor promised that he or she will NOT:
- a. Speak at sentencing? [YES] [NO]
- b. Seek an extended term of confinement? [YES] [NO]
- c. Seek a stipulation of parole ineligibility? [YES] [NO]
15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution? [YES] [NO] [N/A]
16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty? [YES] [NO] [N/A]
17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty? [YES] [NO] [N/A]
18. Have you discussed with your attorney the legal doctrine of merger? [YES] [NO] [N/A]
19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? [YES] [NO] [N/A]
20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:
- PLEA SUBJECT TO ACCEPTANCE IN N.Y.

21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [YES] [NO]
22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? [YES] [NO]
- b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? [YES] [NO]
- c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? [YES] [NO]
23. Are you satisfied with the advice you have received from your lawyer? [YES] [NO]
24. Do you have any questions concerning this plea? [YES] [NO]

DATE 7/4/08 DEFENDANT [Signature]

DEFENSE ATTORNEY [Signature] Michael Chavez 732-303-0808

PROSECUTOR [Signature]

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), (4) or (5)(a), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3), (4), or any attempt to commit any such offense. Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, or an attempt to commit these offenses.

1. Registration

- a) Do you understand that you must register with certain public agencies? ☒ [YES] ☐ [NO]
- b) Do you understand that if you change residence you must notify the law enforcement agency where you are registered, and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of State Police if the municipality does not have a chief law enforcement officer, no less than 10 days before you intend to reside at the new address? ☒ [YES] ☐ [NO]
- c) Do you understand that if you fail to register or re-register you may be charged with a fourth degree crime and receive a sentence of imprisonment of up to 18 months? ☒ [YES] ☐ [NO]

2. Address Verification

- a) Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive, compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually? ☒ [YES] ☐ [NO]
- b) Do you understand that if you fail to verify your address you may be charged with a fourth degree crime and receive a sentence of imprisonment of up to 18 months? ☒ [YES] ☐ [NO]

3. Notification

Do you understand that the requirement of registration may result in notification to law enforcement, community organizations, or the public at large, of your release from incarceration or presence in the community?

☒ [YES] ☐ [NO]

4a. Community Supervision for Life (only complete if the offense occurred before January 14, 2004). (If the offense occurred on or after January 14, 2004, the defendant should complete Question 4b Parole Supervision for Life).

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life? ☒ [YES] ☐ [NO] ☐ [NA]

(2) Do you understand that being sentenced to community supervision for life means that: you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; and other restrictions, which may include restrictions on where you can live; work or travel? ☐ [YES] ☐ [NO] ☐ [NA]

4b. Parole Supervision for Life (only complete if the offense occurred on or after January 14, 2004).

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, the court, in addition to any other sentence, will impose a special sentence of parole supervision for life? ☒ [YES] ☐ [NO] ☐ [NA]

- (2) Do you understand that being sentenced to parole supervision for life means that upon release from incarceration or immediately upon imposition of a suspended sentence you will be supervised by the Division of Parole for at least 15 years and will be subject to provisions and conditions of parole, including conditions appropriate to protect the public and foster rehabilitation, such as, but not limited to, counseling, and other restrictions which may include restrictions on where you can live, work, travel or persons you can contact? ☒ [YES] ☐ [NO] ☐ [NA]
- (3) Do you understand that if you violate a condition of parole supervision for life, your parole may be revoked and you can be sent to prison for 12 to 18 months for each revocation that occurs while you are being supervised and that the prison term you receive cannot be reduced by commutation or work credits? ☒ [YES] ☐ [NO] ☐ [NA]
- (4) Do you understand that if you violate a condition of parole supervision for life and you are indicted and convicted for that violation, you will receive a sentence of imprisonment of up to 18 months and that the sentence you receive could be in addition to any prison term you may receive from the Parole Board for a violation of parole supervision for life? ☒ [YES] ☐ [NO] ☐ [NA]

5. Internet Posting

Do you understand that as a result of your conviction your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the internet? ☒ [YES] ☐ [NO]

6. Statewide Sexual Assault Nurse Examiner Program Penalty

Do you understand that if the crime occurred on or after May 4, 2001 as a result of your guilty plea you will be required to pay a penalty of \$800 for each offense for which you are pleading guilty? ☒ [YES] ☐ [NO]



7. Civil Commitment

Do you understand that if you are convicted of a sexually violent offense, such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility if the court finds, after a hearing, that you are in need of involuntary civil commitment? ☒ [YES] ☐ [NO]

8. Sex Crime Victim Treatment Fund Penalty (S.C.V.T.F.)

Do you understand that if the crime occurred on or after April 26, 2005, as a result of your guilty plea you will be required to pay a mandatory Sex Crime Victim Treatment Fund (S.C.V.T.F.) penalty as listed below for each offense for which you pled guilty? ☒ [YES] ☐ [NO]

The mandatory penalties are as follows:

- (1) Up to \$2,000 in the case of a 1st degree crime
- (2) Up to \$1,000 in the case of a 2nd degree crime
- (3) Up to \$ 750 in the case of a 3rd degree crime
- (4) Up to \$ 500 in the case of a 4th degree crime

TOTAL S.C.V.T.F. Penalty: 750

Date 7-2-08

Defendant: [Signature]

Defense Attorney: [Signature]

Prosecutor: [Signature]

**ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES
COMMITTED ON OR AFTER DECEMBER 1, 1998**

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(4), or any attempt to commit any such offense.

1. Do you understand you will be required to submit to a psychological examination by the Department of Corrections the purpose of which is to determine if your conduct in committing the offense was characterized by a pattern of repetitive and compulsive behavior and if it was, whether you are amenable to (will benefit from) sex offender treatment and you are willing to participate in such treatment?

[YES]

[NO]

2. Do you understand if the examination reveals that your conduct is characterized by a pattern of repetitive and compulsive behavior, and you are amenable to (will benefit from) sex offender treatment and willing to participate in such treatment, the judge shall, upon recommendation of the Department of Corrections, sentence you to confinement at the Adult Diagnostic and Treatment Center for sex offender treatment; however, if the sentence imposed is greater than 7 years, you will first be confined at a facility other than the Adult Diagnostic and Treatment Center?

[YES]

[NO]

3. Do you understand if the court finds your conduct is characterized by a pattern of repetitive and compulsive behavior and you are not amenable to sex offender treatment or if you are amenable (will benefit from) but you are not willing to participate in such treatment, the court will sentence you to a term of incarceration to be served in another facility which will not provide for sex offender treatment and in such event, you will not receive commutation time for good behavior or each work credits for time served in such other facility?

[YES]

[NO]

4. Do you understand you will be able to challenge the findings of the Department of Corrections in a hearing and at that hearing you will have the right to confront the witnesses against you and to cross examine them and then present evidence on your own behalf?

[YES]

[NO]

5. Do you understand if you are sentenced to the Adult Diagnostic and Treatment Center

a. that any future parole will not be guided by the normal parole guidelines?

[YES]

[NO]

b. that you will be eligible for release when the State Parole Board, after receiving a recommendation from a special classification review board, finds you have achieved a satisfactory level of progress in sex offender treatment and that you will then be released on parole unless the State Parole Board determines by a preponderance of the evidence that you have failed to cooperate in your rehabilitation or there is reasonable expectation that you will violate conditions of parole?

[YES]

[NO]

c. that you could spend more time in treatment than you would spend if sentenced to state prison?

[YES]

[NO]

6. Do you understand that if you are determined to be a repetitive, compulsive sex offender who is amenable to (will benefit from) sex offender treatment but you are not willing to participate in such treatment and are confined to a facility other than Adult Diagnostic and Treatment Center, you will also be subject to the same parole eligibility terms as contained in section 5 above?

[YES]

[NO]

7. Do you understand that if your conduct is not characterized by a pattern of repetitive, compulsive behavior or you are not amenable to sex offender treatment you will not become primarily eligible for parole until you have served any mandatory minimum term imposed by the court or one third of the sentence imposed where no mandatory minimum term is fixed and neither term will be reduced by commutation time for good behavior or work credits?

[YES]

[NO]

Date

7-2-08

Defense Attorney

[Signature]

Defendant

[Signature]

Prosecutor

[Signature]

NOTE: If the defendant is a female and qualifies for sex offender treatment, she will not be confined at the Adult Diagnostic and Treatment Center but a facility designated by the Commissioner of Corrections where she will receive similar sex offender treatment.

ADDITIONAL QUESTION FOR OFFENSES REQUIRING DNA TESTING

This additional question needs to be answered if you are pleading guilty to any of the following offenses:

Murder pursuant to 2C:11-3, manslaughter pursuant to 2C:11-4, aggravated assault of the second degree pursuant to paragraphs (1) or (6) of subsection b of 2C:12-1, kidnapping pursuant to 2C:13-1, luring or enticing a child in violation of 2C:13-6, aggravated sexual assault or sexual assault pursuant to 2C:14-2, aggravated criminal sexual contact or criminal sexual contact pursuant to 2C:14-3, engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4 or any attempt to commit any of these crimes.

DNA TEST

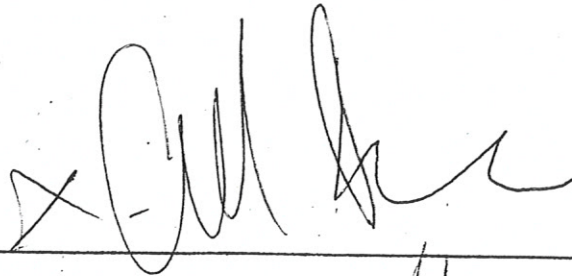
I understand that I am pleading guilty to a crime that requires that a DNA test be performed.

[YES]

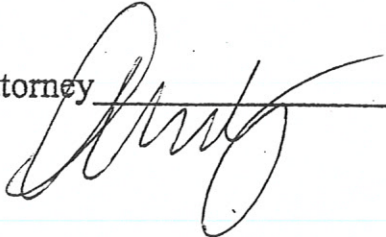
Date

7-2-08

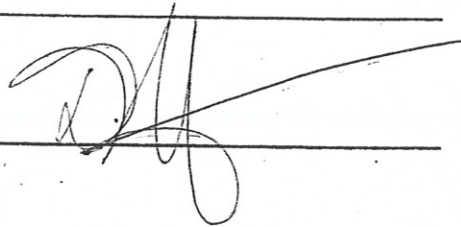
Defendant



Defense Attorney



Prosecutor



OCEAN COUNTY SUPERIOR COURT - LAW DIVISION
CRIMINAL INFORMATION FORM

8-6-60

✓
4

NAME Anthony Palumbo DATE 7-2-08
IND.# 07-8-1244 ACC.# _____ CASE # 07041218-1

WARRANT/COMPLAINT # _____ MUN. APP. # _____

CHARGES _____ MUNICIPALITY _____

BAIL: ☐ 1st APP ☐ INFRML ☐ FORMAL ☐ CONT'D ☐ REDUCED ☐ FORF'D ☐ REINSTATED ☐ DISCHRGD ☐ INCREASED
☐ AMOUNT _____ ☐ NO 10% ALTERNATIVE ☐ CASH ONLY ☐ ROR
☐ B/W ISSUED FOR FTA and BAIL FORFEITED ☐ B/W ISSUED FOR FTA AND BAIL NOT FORFEITED ☐ B/W VACATED

PLEA: ☐ NOT GUILTY ☐ READING WAIVED
☒ GUILTY TO: ① As Amended to 3rd Deg.
2C:54, 2C:24-4

☒ LR ATTACHED ☒ P.S.I. ORDERED ☒ BAIL CONT'D
TO BE DISMISSED Bal of Bal 07-8-1244

VOP: GUILTY TO: _____ VERDICT: _____
☐ TERMINATE PROBATION ☐ PAY PAROLE ☐ DISMISSED _____

SENTENCE: OCJ _____ TERM _____ SUSP _____ WKND _____ COMMENCING _____
DOC _____ TERM _____ PAROLE INELIG _____ AVENEL _____ YCIC _____
☐ C/C ☐ C/S CREDIT FOR TIME SERVED _____

PROBATION _____

☐ SUB ABUSE EVAL ☐ URINE TESTING ☐ PSYCH EVAL PROGRAM _____

PATIENT: ☐ IN ☐ OUT TRANSPORT BY _____ UPON COMPLETION _____

EMPLOYMENT - OBTAIN / MAINTAIN COMM SRVC HRS _____ FINE _____

☐ PAROLE SUPERVISION FOR LIFE ☐ DNA ORDERED RESTITUTION AMOUNT _____

V.C.C.B. _____ DEOR PENALTY _____ LAB FEE _____ LEOTEF PENALTY _____

S.N.S.F. _____ SUP FEE/MO. _____ ☐ D.L. REVOKED _____ MV THEFT FINE _____

S.A.N.E. _____ ☐ SEX ASSAULT SURCHARGE OF \$100 INSURANCE FRAUD SURCHARGE _____

PAYMENT RATE _____ PER _____ COMMENCING _____

☐ BAIL DISCHARGED ☐ ORDERED RELEASED ☐ REMAND OCEAN COUNTY JAIL

DETAINEES: _____

DISMISSED: Room 221 For PS Interview / Appt.

Acc Filed / Waiver signed

Def't NY Resident?

JUDGE BA Villano PROSECUTOR D Nanton-Schre

REPORTER K Hulve DEFT'S ATTY M. Chazen

NOTES: Sentence date to be set / Avenel eval required

CLERK'S SIGNATURE [Signature] CYNTHIA FULHAM
COURT CLERK

ANTHONY PALUMBO

XX JUDGMENT OF CONVICTION
CHANGE OF JUDGMENT
ORDER FOR COMMITMENT
INDICTMENT/ACCUSATION DISMISSED
JUDGMENT OF ACQUITTAL

DATE OF BIRTH 08-06-1960 S.B.I.# 785213D
DATE OF ARREST DATE IND/ACCUSATION FILED 08-01-2007
DATE OF THE ORIGINAL PLEA WAS
ORIGINAL PLEA 09-17-2007 XX NOT GUILTY ___ GUILTY

ADJUDICATION BY XX GUILTY PLEA DATE 07-02-2008 ___ NON-JURY TRIAL DATE ___
___ JURY TRIAL DATE ___ ___ DISM/ACQUITTED DATE ___

ORIGINAL CHARGES

IND	COUNT	DESCRIPTION	DEGREE	STATUTE
001		CRIMINAL ATTEMPT	2	2C:5-1 1519 033007
002		ATTEMPT TO LURE OR ENTICE A MINOR INTO M.V.	2	2C:13-6

FINAL CHARGES

COUNT	DESCRIPTION	DEGREE	STATUTE
AMEND. 001	CRIMINAL ATTEMPT	3	2C:5-1

IT IS THEREFORE, ON DECEMBER 05 2008 ORDERED AND ADJUDGED THAT THE DEFENDANT IS SENTENCED AS FOLLOWS:

Defendant is sentenced to Parole Supervision for Life.

This is a sentence in accordance with Megan's Law, and as such, a DNA blood sample will be taken from the Defendant. Defendant is also subject to posting on the Internet, must register his address with the proper authorities, and keep said address current.

Count 2 of the Indictment is dismissed.

VCCA: \$50.00; LEOTEF: 30.00; SNSF: \$75.00; SANE: \$800.00; Sexual Assault Surcharge: \$100.00; SCVTF: \$750.00.

Bail is discharged.

IT IS ORDERED THAT THE SHERIFF DELIVER THE DEFENDANT TO THE APPROPRIATE CORRECTIONAL AUTHORITY.

X) DEFENDANT IS TO RECEIVE CREDIT FOR TIME SPENT IN CUSTODY

2 Days 03/31/07 04/01/07

TOTAL DAYS DATES (FROM/TO) DATES (FROM/TO)

) DEFENDANT IS TO RECEIVE GAP TIME CREDIT FOR TIME SPENT IN CUSTODY

TOTAL DAYS

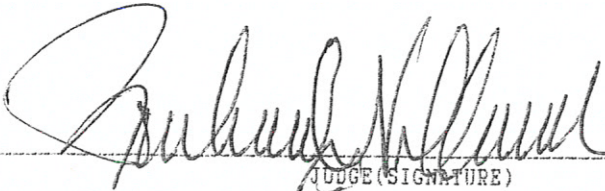
DATES(FROM/TO)

TOTAL FINE \$ _____ 1) A MANDATORY DEDR PENALTY IS IMPOSED
TOTAL RESTITUTION \$ _____ 1ST DEGREE @ \$3000 4TH DEGREE @ \$750
_____ 2ND DEGREE @ \$2000 DISORDERLY PERSONS @ \$500
IF THE OFFENSE OCCURRED/AFTER _____ 3RD DEGREE @ \$1000
12/23/1991 AN ASSESSMENT OF \$50 IS TOTAL DEDR PENALTY \$ _____
IS IMPOSED ON EACH CONVICTED COUNT () COURT FURTHER ORDERS THAT COLLECTION OF DEDR PENALTY BE SUSPENDED UPON
UNLESS THE BOX BELOW INDICATES DEFENDANT'S ENTRY INTO A RESIDENTIAL DRUG PROGRAM FOR THE TERM OF THE PROGRAM
A HIGHER ASSESSMENT (\$30 IF OF-
FENSE OCCURRED ON/AFTER 1/9/86 2) A FORENSIC LABORATORY FEE OF \$50 PER OFFENSE ORDERED _____ OFFENSES @ \$50.
UNLESS HIGHER ASSESSMENT NOTED) TOTAL LAB FEE \$ _____
(\$25 IF OFFENSE BEFORE 1/1/86) 3) NAME OF DRUGS INVOLVED _____
4) A MANDATORY DRIVERS LICENSE SUSPENSION OF _____ MONTHS IS ORDERED
(X) ASSESSMENT IMPOSED ON THE SUSPENSION SHALL BEGIN TODAY _____ AND END _____
COUNT(S) One DRIVERS LICENSE # _____
IS \$ 50.00 EACH.
TOTAL VCCA ASSESSMENT \$ 50.00 DEFENDANT ADDRESS: _____
EYE COLOR _____ SEX _____ DATE OF BIRTH _____
() INSTALLMENT PAYMENTS ARE () DEFENDANT HOLDS AN OUT-OF-STATE DRIVERS LICENSE FROM FOLLOWING
OF \$ _____ PER _____ JURISDICTION _____ DRIVERS LICENSE # _____
BEGINNING _____ () YOUR NON-RESIDENT DRIVING PRIVILEGE IS REVOKED FOR _____ MONTHS
SNSF: \$75.00; LEOTEF: \$30.00; SANE: \$800.00; SCVTF: \$750.00; Sexual Assault
IF OFFENSE ON/AFTER 2/1/1993 & SENTENCE IS PROBATION OR STATE CORRECTIONAL FACILITY, A TRANSACTION FEE UP TO \$1.00
IS ORDERED FOR EACH OCCASION WHEN A PAYMENT OR INSTALLMENT PAYMENT IS MADE Surcharge: \$100.00
IF OFFENSE OCCURRED ON/AFTER 08/02/93 A \$75 SAFE NEIGHBORHOOD SERVICES FUND ASSESSMENT IS ORDERED ON EACH CONVICTION.
IF OFFENSE OCCURRED ON/AFTER 01/05/94 & SENTENCE IS PROBATION A FEE OF UP TO \$25 PER MO. FOR THE PROB. TERM IS ORDERED.
AMOUNT PER MONTH _____

NAME OF FORM PREPARER _____ TELEPHONE # _____ NAME (ATTORNEY) _____
KP (732) 929-2173 MICHAEL CHAZEN ESQ.
REASONS _____

Aggravating Factors: 9

Mitigating Factors: 7, 10 & 11


JUDGE (NAME) _____ JUDGE (SIGNATURE) _____ DATE December 5, 2008
BARBARA A VILLANO, J.S.C.