



OFFICE OF THE COUNTY PROSECUTOR
JENNIFER WEBB-MCRAE
CUMBERLAND COUNTY PROSECUTOR

Harold B. Shapiro
First Assistant Prosecutor

Mach Jackson
Chief of Investigators

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Telephone (856)453-0486
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October 24, 2023

Via email to: opra+request-54072-74xxxxxx@xxxxxxxx.xxramachine.com

Re: Records request

Dear Ms. Erin:

Please accept this letter in response to your records request dated October 14, 2023 and submitted via email. Your request is for the following records: (1) Search warrant for the cellular devices confiscated by State Police during the arrest of Jason Samaritano on December 5, 2022. This warrant may be in the name of ERIN SAMARITANO as the cellular device that was searched is in her name.”

With regard to this request, this request is denied as calling for criminal investigatory records which are exempt from release under the provisions of the Open Public Records Act. Furthermore, a criminal investigatory record remains exempt from disclosure even after the criminal investigation has been closed. Donna Janeczko v. New Jersey Department of Law and Public Safety, Division of Criminal Justice, Custodian of Record, GRC Complaint Nos. 2002-79 and 2002-80; Andrew Johnson/Press of Atlantic City v. New Jersey Division of State Police, Custodian of Record, GRC Complaint No. 2004-46.

For clarity, as stated in the original response to this request provided to you on October 11, 2023 for this record, as well as in the follow up October 16, 2023 letter clarifying that response,

your request for search warrants in this matter is denied on the basis of calling for criminal investigatory records which are exempt from release pursuant to the Open Public Records Act. Daniel Gatson v. Borough of Cliffside Park Police Department (Bergen), GRC Complaint Nos. 2009-239; Gatson v. Borough of Cliffside Park Police Dep't, No. A-1927-10T4, 2011 WL 6153621 (N.J. Super. Ct. App. Div. Dec. 13, 2011).

The Cumberland County Prosecutor's Office reserves the right to raise any other ground for denial not raised in this response. The failure of the Cumberland County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial. If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Cumberland County Prosecutor's Office to deny access. At your option, you may institute a proceeding in the Superior Court of New Jersey. All questions regarding complaints filed in Superior Court should be directed to the Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen C. Sayer", with a stylized flourish at the end.

Stephen C. Sayer [114352015]
Assistant Prosecutor
Alternate Records Custodian