



**OFFICE OF THE PROSECUTOR
COUNTY OF BURLINGTON**

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CHIEF OF INVESTIGATIONS

March 6, 2025

Sean Nelson Boero

Via email: opra+request-72655-80b2679e@requests.opramachine.com

Re: Response to OPRA Request (C-2025-020)

Dear Mr. Boero:

This is in response to your Request for Public Records, per **N.J.S.A. 47:1A-1** *et seq.*, the Open Public Records Act (OPRA), received by this Office on February 26, 2025. You requested the following:

“A copy of the complaint including the Statement of Probable Cause for the arrest of Sebastian Romero ... police case #2024-15973, CDR W 2024 000221 0308. ...”

A search for records has been completed and attached is Complaint-Warrant #0308-W-2024-000221. Please be advised that personal identifying information was redacted from the enclosed documents to protect the citizen's reasonable expectation of privacy pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 47:1A-1.1. Please be advised that this matter is currently an active criminal case. Therefore, to the extent any other documents you may be seeking exist within this Office's investigatory file, such records are exempt from disclosure as criminal investigatory records (CIR), pursuant to OPRA. Under N.J.S.A. 47:1A-1.1, a prosecutor's criminal investigatory file, whether open or closed, is not a public record and is exempt from disclosure. See North Jersey Media Group, Inc. v. Township of Lyndhurst, 229 N.J. 541, 556 (2017), West Solloway v. Bergen County Prosecutor's Office, GRC Complaint No. 2011-39 (January 2013), Kovalcik v. Somerset County Prosecutor's Office, 206 N.J. 581, 591 (2011), Bent v. Twp. of Stafford Police Dept., 381 N.J. Super. 30, (App. Div. 2005). Further, the Government Records Council (GRC) held in Janeczko v. Division of Criminal Justice, GRC Complaint Nos. 2002-79 and 2002-80, that the exemption for criminal investigatory records applies to all investigations, “resolved and unresolved” and “without reference to the status of the investigation.” Janeczko further held that under OPRA, “criminal investigatory records include records involving all manner of crimes, resolved or unresolved, and includes information that is part and parcel of an investigation, confirmed and unconfirmed”. See also Johnson/Press of Atlantic City v. Division of State Police, GRC Complaint No. 2004-46, among others. Therefore, your request for these documents must unfortunately be denied.

The Burlington County Prosecutor's Office also reserves the right to raise any other grounds for denial not raised in this response. The failure of the Burlington County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any grounds for denial.

I am also obligated to inform you that if you believe I have erred in withholding documents, you have the right to bring an action in the Superior Court of New Jersey, or to appeal to the Government Records Council. The Council can be reached at (609) 633-6337, or by mail at PO Box 819, Trenton, New Jersey 08625.

Thank you very much and please do not hesitate to contact me if there should be any questions.

Sincerely yours,

LACHIA L. BRADSHAW
BURLINGTON COUNTY PROSECUTOR

By: /s/ Robin M. Hauth
Robin M. Hauth, Assistant Prosecutor

Cc: File C-2025-020