



MORRIS COUNTY PROSECUTOR'S OFFICE

Administration & Records Bldg.

P.O. Box 900

Morristown, New Jersey 07963-0900

FREDRIC M. KNAPP

PROSECUTOR

(Attorney #013641978)

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www.morrisprosecutor.org

ProsecutorOPRA@co.morris.nj.us

January 22, 2020

VIA Email:

Anonymous

opra+request-9086-7b42b08d@requests.opramachine.com

RE: MCPO OPRA File Number 20-0034

Dear Anonymous:

The Morris County Prosecutor's Office received your Open Public Records Act (OPRA) request and common law right of access request dated January 16, 2020, on January 16, 2020, and it was received by the records custodian on the same date. As such, the seven (7) business day deadline to respond to your request is January 28, 2020. You requested the following:

I seek all information available pursuant to N.J.S.A. 47:1A-3(b) regarding the arrest of Shay Mooney on or about December 30, 2019.

The following record is being provided and is responsive to your request:

1. Complaint—Warrant and Affidavit of Probable Cause 1401-W-2019-000150 (4 pages).
2. Arrest Report (1 page)

Note: *Personal identifying information redacted pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 47:1A-5(a). Address information redacted pursuant to N.J.S.A. 2A:82-46.*

In the instant matter, the defendant was charged with Endangering the Welfare of a Child, Therefore, the disclosure of the child victim's name is prohibited pursuant to N.J.S.A. 2A:82-46.

Other than the above supplied records, access to the remainder of the contents of the investigation file related to this matter is denied, as they are considered criminal investigatory records. Such records are exempt from disclosure under OPRA pursuant to N.J.S.A. 47:1A-1.1 to

maintained or kept on file. Ibid. A criminal investigatory record remains exempt from disclosure even after the criminal investigation has been closed. West Solloway v. Bergen County Prosecutor's Office Custodian of Records, GRC Complaint No. 2011-39; Woojin Hwang v. Bergen County Prosecutor's Office Custodian of Records, GRC Complaint No. 2011-348; 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. Cf. R. 1:38-3(f)(3) as to investigative police reports under the control of a court, unless they have been admitted into evidence.

Moreover, the New Jersey Supreme Court and the New Jersey Government Records Council have both held that records which are not "required by law to be made, maintained or kept on file," are exempt from disclosure under OPRA when they pertain to any criminal investigation or related civil enforcement proceeding. See N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 556 (2017) (citing N.J.S.A. 47:1A-1.1); see also, Kovacs v. Irvington Police Department, GRC Complaint No. 2014-196 (January 2015) (holding and observing that the Government Records Council "has long held that police incident reports" are exempt from disclosure under OPRA as "criminal investigatory records" when they pertain to any criminal investigation or related civil enforcement proceeding, citing Nance v. Scotch Plains Police Dep't, GRC Complaint No. 2003-125 (January 2005); Rivera v. Passaic Cnty. Sheriff's Office, GRC Complaint No. 2010-152 (May 2011); and Connelly v. Twp. of Montville, GRC Complaint No. 2013-59 (September 2013)); Rivera v. Town of West New York, GRC Complaint No. 2010-208 (February 2013), citing Bart v. City of Passaic, GRC Complaint No. 2007-162 (April 2008); and Executive Order No. 26 (Gov. McGreevy 2002); Hockensmith v. Atlantic Cnty. Prosecutor's Office, GRC Complaint No. 2014-288 (Mar. 2015) (observing 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.*") (emphasis added and internal citations omitted).

You have also requested the records under the common law. Access under the common law requires that "the person seeking access must 'establish an interest in the subject matter of the material'." Mason v. City of Hoboken, 196 N.J. 51, 67 (2008) (quoting Keddie v. Rutgers, 148 N.J. 36, 50 (1997)). As your request fails to declare a particularized interest in the non-supplied requested records, upon which a balancing of interests may be assessed, access to these records is also denied under common law. See O'Boyle v. Borough of Longport, 218 N.J. 168, 200 (2014).

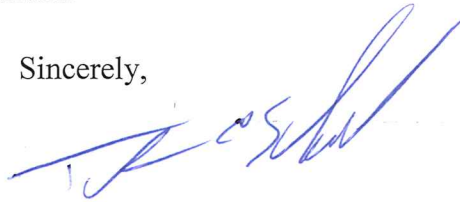
The Office of the Morris County Prosecutor reserves the right to raise any other grounds for denial not raised in this response. Failure of the Office of the Morris County Prosecutor to assert an exception or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Record's Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. Paff v. Twp. of Plainsboro, A-2122-05T2, 2007 WL 957289, at *2 (N.J. Super. Ct. App. Div. Apr. 2, 2007) affirming, Paff v. Township of Plainsboro, GRC Complaint No. 2005-29 (March 2006).

You have a right to challenge the decision by the Office of the Morris County Prosecutor to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the GRC by completing Denial of Access Complaint Form. You may contact the GRC by toll-free by telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or on the GRC's website at www.state.nj.us/grc. The Council can also answer other questions about the law.

Note that any challenge to a denial of a request for records under the common law cannot be made to the GRC, as the GRC only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court. All questions regarding complaints filed in Superior Court should be directed to the New Jersey Superior Court Clerk.

This OPRA request is now deemed answered and closed.

Sincerely,



Thomas C. Schmid

Assistant Prosecutor || Custodian of Records

Knab, Meghan G.

From: Anonymous <opra+request-9086-7b42b08d@requests.opramachine.com>
Sent: Thursday, January 16, 2020 9:08 AM
To: Prosecutors OPRA Requests
Subject: OPRA request - Shay Mooney Arrest

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Morris 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:

I seek all information available pursuant to NJSA 47:1A-3(b) regarding the arrest of Shay Mooney on or about December 30, 2019.

Yours faithfully,

Anonymous

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-9086-7b42b08d@requests.opramachine.com

Is ProsecutorOPRA@co.morris.nj.us the wrong address for OPRA requests to Morris County Prosecutor's Office? If so, please contact us using this form:

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Fchange_request%2Fnew%3Fbody%3Dmcpo&data=01%7C01%7CMKnab%40co.morris.nj.us%7C4b00702e6e68447c84b308d79a8d8804%7Cec2ce8c138394008b949e2b17cfa906d%7C0&data=XizUQFSTZ1ntqFUZGH76cOI%2FvURA67%2FN6eFhx%2Fk28co%3D&reserved=0

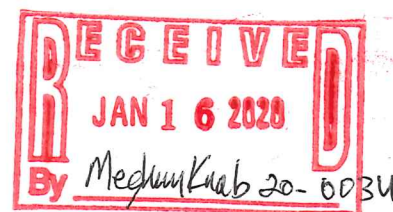
Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Fhelp%2Fofficers&data=01%7C01%7CMKnab%40co.morris.nj.us%7C4b00702e6e68447c84b308d79a8d8804%7Cec2ce8c138394008b949e2b17cfa906d%7C0&data=e%2BHR1OqMs%2BnysRAIjKgCs0YvxkMF2UiBrQgtM0U7T0%3D&reserved=0>

View this OPRA request & responses online:

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Frequest%2Fshay_mooney_arrest&data=01%7C01%7CMKnab%40co.morris.nj.us%7C4b00702e6e68447c84b308d79a8d8804%7Cec2ce8c138394008b949e2b17cfa906d%7C0&data=Q7ER8yAq84GvcH6P%2BNh%2B4T2soik%2BR4Kp5Uu3A05%2F3PM%3D&reserved=0

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			
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
1401	W	2019	000150
BOONTON MUNICIPAL COURT 3333 RT 46 PARSIPPANY NJ 07054-0000 973-263-4290 COUNTY OF: MORRIS			
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 2019-14180	
COMPLAINANT K MANGINO NAME: 100 WASHINGTON ST ATTN WARRANTS BOONTON NJ 07005		DEFENDANT INFORMATION SEX: F EYE COLOR: BLUE DOB: [REDACTED]/1985 DRIVER'S LIC. # [REDACTED] DL STATE: NJ SOCIAL SECURITY #: xxx-xx-x [REDACTED] SBI #: 689516D TELEPHONE #: [REDACTED] LIVESCAN PCN #: 140102000913	

THE STATE OF NEW JERSEY

VS.

SHAY E MOONEY

ADDRESS: [REDACTED]

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 12/30/2019 in BOONTON TOWN, MORRIS County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY AND WILLING COMMIT ENDANGERING, ABUSE / NEGLECT OF A CHILD SPECIFICALLY BY PROVIDING PRESCRIPTION OPIOIDS AND OTHER PRESCRIPTION MEDICATIONS NOT PRESCRIBED BY A PHYSICIAN TO HER 11 YEAR OLD CHILD

in violation of:

Original Charge	1) 2C:24-4A (2)	2)	3)
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: K MANGINO Date: 12/31/2019

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of MORRIS at the following address: MORRIS SUPERIOR COURT
WASHINGTON & COURT STREETS P.O. BOX 910 MORRISTOWN NJ 07963-0910
Date of Arrest: 12/30/2019 Appearance Date: Time: Phone: 862-397-5700

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. ANDREW WUBBENHORST JUDICIAL OFFICER 12/31/2019
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 (Court Action)

COMPLAINT NUMBER

1401 **W** **2019** **000150**

COURT CODE PREFIX YEAR SEQUENCE NO.

STATE V.

SHAY E MOONEY

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	1) 2C:24-4A(2)			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

COMPLAINT - WARRANT (Court Action)

JUDGE'S SIGNATURE _____

DATE _____

Page 2 of 7

NJ/CDR2 1/1/2017

Affidavit of Probable Cause

THE STATE OF NEW JERSEY

VS.

SHAY E MOONEY

COMPLAINT NUMBER

1401

W

2019

000150

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

BOONTON MUNICIPAL COURT

3333 RT 46

PARSIPPANY

NJ 07054-0000

973-263-4290

COUNTY OF: MORRIS

of CHARGES

1

CO-DEFTS

POLICE CASE #:

2019-14180

COMPLAINANT K

MANGINO

NAME:

100 WASHINGTON ST

ATTN WARRANTS

BOONTON

NJ 07005

ADDRESS:

DEFENDANT INFORMATION

SEX: F EYE COLOR: BLUE

DOB: [REDACTED]/1985

DRIVER'S LIC. #:

DL STATE: NJ

SOCIAL SECURITY #: xxx-xx-x [REDACTED]

SBI #: 689516D

TELEPHONE #:

()

LIVESCAN PCN #: 140102000913

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 12/30/2019 I responded to [REDACTED] for a report of a deceased 11 year old child. Upon arrival on the scene I observed the child XX who appeared deceased lying on the floor of the apartment with what appeared to be empty prescription drugs bottles and small white round pills near the body. In speaking with the child's mother, Shay Mooney she advised that her daughter has a medical condition and pain however pediatricians have told her prescription pain medications are not applicable due to the child's age. Shay Mooney advised that she has been managing her daughters pain by giving her 10ml of Oxycodone and other medications including Seroquel from her own prescriptions. Mooney advised that she suffers from the same medical condition/pain disorder. The apartment where the child and Mooney resided was in serious disarray with medicine, pill bottles and syringes throughout.

Affidavit of Probable Cause

Page 5 of 7

1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER

1401**W****2019****000150**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY**VS.****SHAY E MOONEY**

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

Shay Mooney disclosed that she was providing her daughter with pain medications that were not prescribed for her daughter to manage a medical condition and pain for several months.

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

XX 11 year old female child was found deceased in the residence.
Prescription drug bottles, loose pills and syringes near the body

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: K MANGINO LAW ENFORCEMENT OFFICER

Date: 12/31/2019

Affidavit of Probable Cause**Page 6 of 7****1/1/2017**



BOONTON POLICE DEPARTMENT ARREST REPORT

ADULT

1. CAD Event Number P193641007	2. Mun. Code 1401	3. Phone Number 973-402-9371	4. Reserved	5. Other Agency Case #	6. Department Case Number 2019-14180
7. Name (Last) (First) (Middle) MOONEY SHAY E	8. Home Phone / Cellular /	8A. Alias	8B. Immigration	8C. ICE Notified	
9. Full Address(No. and Apt/Suite)	9A. City	9B. Municipality	9C. County	9D. State	9E. Zip
					POINT PLEASANT NJ
11. Date of Birth /1985	12. Age 34	13. Sex FEMALE	14A. Race WHITE	14B. Ethnicity NON HISPANIC	15. Height 508
16. Weight 140	17. Hair BLONDE	18. Eyes BLUE	19. Complexion FAIR LIGHT	20. Marital Status SINGLE	
21. Other Descriptive Information - Marks - Scars - Tattoos TATTOOS: LT ARM: BIRD, FLOWERS, COMPASS, QUOTE, LIVE, STAR MOON			22. Driver's License Number / DL State / Agency ID # / MNI#		
23. Employer/School NONE			24. Occupation		
25. Social Security Number / SBI / FBI / BCI 689516D 431424NC3					
26. Employer's/School Address			27. Work Phone		
			Active Military / Veteran ☐ YES ☒ NO ☐ UNKNOWN		

DETAILS OF ARREST

28. Arrest Date & Time 12/31/2019 01:15	30. Loc. of Arrest (No. - Street) 100 WASHINGTON STREET	30A. City BOONTON	30B. Municipality BOONTON TOWN	30C. County MORRIS	30D. State NJ	30E. Zip 07005	31. Mun. Code NJ01401	
32-34. Crime Information		Traffic/Non E-CDR Complaint Number		E-CDR Warrant/Summons Number				
No. 1	Code 2C:24-4A(2)	Description ENDANGERING/ABUSE/NEGLECT OF A CHILD						1401-W-2019-000150
35. Complainant's Name and Address - Zip Code MANGINO KARL BOONTON POLICE DEPARTMENT 100 WASHINGTON STREET, BOONTON, NJ 07005							37. Phone/Cellular (973) 402-9371	
37. Crime Date & Time 12/30/2019 20:35	39. Loc. of Crime (No. - Street)	39A. City	39B. Municipality	39C. County	39D. State	39E. Zip	40. Mun. Code	
41. Arrest WITH WARRANT	42. Juv. Code	43. Constitutional Rights ☒ YES ☐ NO		44. Constitutional Right - By Whom DET. K. MANGINO		45. How Responded YES		
46. Own ☐	47. Multiple ☐	48. Other ☐	49A. Fingerprinted YES	49B. CODIS ☐	50. Photographed ☒	Was NCIC Checked? ☒	52. Previous Record ☒	
53. Vehicle Information		Year	Make	Body Type	Color	Reg. Number and State	Other Description Information - V/N	

BAIL HEARING

54. Date	55. Court	56. Judges Name
57. Amount Bail	58. Result of Hearing	59. Code
60. Place Committed/Detained		

JUVENILE INFORMATION

70. Parent/Guardian/Probation - Contacted By	71. Date Contacted	72. Time Contacted	73. Released to/Detained at
74. Full Address - Number - Street - Municipality - State - Zip Code	75. Phone Number (Area)	76. Date	77. Time
78. Parent/Guardian's Name (First) (Middle) (Last)	79. Full Address - Number - Street - Municipality - State - Zip Code	80. Home Phone / Cellular	
81. Co-defendants	82.	83.	84.
85.	86. Arrest #	87. UCR - A.S.R. Reporting Mon.	Yr.

Front	Side
-------	------

8. Narrative/Additional Charges
Subject charged with violations listed on this report, processed as per this agency policy and procedure. TOT Morris County Jail, pending court action. KJM41

Print Rank/OFC Name DET. KARL J. MANGINO	Badge No. 41	Page No 1 Of 1	Report Date 01/02/2020	Reviewed By: D/SGT CHRISTIAN M. TROWBRIDGE
Signature 				Supervisor Signature

Case No. 2019-14180