



Toms River Police Department

Officer Report for Case 20-15061

Nature: Burglary

Address: 1861 HOOPER AVE; JULES
RESTURANT

Location: L7

TOMS RIVER NJ 08753

Offense Codes: BNFE, TPOT, CMIS

Received By: Guichard, P.

How Received: T

Agency: TRPD

Responding Officers: Paciulli, A, 192, Ruiz, S., Nelson, E, 156, Rahner, R., 145, Parente, R, 193

Responsible Officer: Paciulli, A

Disposition: CAA 03/24/20

When Reported: 08:49:21 03/22/20

Occurred Between: 05:56:00 03/22/20 and 07:35:00 03/22/20

Assigned To: Santora, L.

Detail: BURG

Date Assigned: 03/23/20

Status: CAA

Status Date: 03/24/20

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed: BNFE BURGLARY, NONRES,
FORCED ENTRY

Additional Offense: BNFE BURGLARY, NONRES,
FORCED ENTRY

Additional Offense: TPOT THEFT, PROP, OTHER

Additional Offense: CMIS CRIMINAL MISCHIEF

Circumstances

LT21 Restaurant

LT21 Restaurant

Responding Officers:

Unit :

Paciulli, A

7

192

7

Ruiz, S.

S331

Nelson, E

4

156

4

Rahner, R.

8

145

8

Parente, R 1
193 1

Responsible Officer: Paciulli, A

Received By: Guichard, P.

How Received: T Telephone

When Reported: 08:49:21 03/22/20

Judicial Status:

Misc Entry:

Agency: TRPD

Last Radio Log: 12:43:53 03/22/20 COMP

Clearance: 6 Report

Disposition: CAA **Date:** 03/24/20

Occurred between: 05:56:00 03/22/20

and: 07:35:00 03/22/20

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	Relationship
03/22/20	Cad Call	08:49:21 03/22/20 Disorderly	Initiating Call

Narrative

Toms River Police Department Investigation Narrative

Response/Initial Investigation:

On 03-22-20, I responded to 1861 Hooper Avenue, Brooklyn Bistro, for the report of a burglary. Upon arrival, I observed a shattered glass panel to an entry door on the west side of the structure, along with a ladder positioned vertically in front of, Paul Prendergast Karate, presumably utilized for attempted access of the roof. At this time, it was learned David Giordano, had contacted this agency from a number originating inside the establishment. For reference, the number in question (732) 244-2122.

Based on the above, I along with Ptl. Nelson and Sgt. Ruiz, established a perimeter around the structure and requested K-9 Officer assistance. Shortly thereafter, OCSO personnel along with K-9 Officer Wielichoski arrived on scene and cleared the structure. A search of the interior yielded negative results.

Identification of damaged property/scene processing:

During a secondary search, we observed damage/evidence in the form of a half eaten portion of cheesecake at a dining table along with meat products partially removed from plastic wrap within the kitchen, an oversized ball-peen hammer laying atop at a dining table closest to the damaged door, a gathering of knives in a corner of the kitchen which were removed from the wall magnet housing, damage to an electrical panel which was pulled partially from the top wall anchors as well as a glue/epoxy substance smeared into the locking mechanism of all exterior doors, a cordless phone handset removed from the hostess stand. At this time, the value of items damaged is approximately (\$600). The value of items removed/consumed is approximately (\$90).

Ptl. Parente, TRPD- Evidence Technician, responded to photograph and process the incident location in its entirety (see his report for further information). The hammer and chain were retained and submitted as evidence.

Following the above, Vincent Mascillaro, representative, arrived on scene to assess the damage. All above listed information was confirmed in addition, he advised that the suspect, Giordano, had positioned multiple 4x8 foam insulation sheets and a wood bi-fold partition in front of the establishments windows and entryways. The items original position had been in a stack, one atop the other, within the dining area. In addition, a 3-ft section of heavy metal linked chain was observed draped across the interior handles of an entry door which was presumably also placed there by the Giordano.

Surveillance Footage:

I made contact with Erik Nivison, property manager, for assistance in reviewing any captured surveillance footage of the incident, 03-22-20, however, he was not immediately available. Later this same day, I retained a copy of the surveillance footage in question and am in the process of reviewing it for applicable content, specifically identification of the suspect. Following a review, the findings with respect to the footage are as follows:

-0556 hrs: the suspect arrives on a scooter and stops specifically at each entry door, bends down, and appears to be manipulating the locking mechanisms, should

be noted the camera is in night vision mode, however based on review the suspect is clothed in lighter colored jacket, dark pants, along with a hood/mask over his face

-0639 hrs: a grey Cadillac sedan is observed entering the parking lot area with a ladder laying on the roof portion. It appears the suspect is holding the ladder in place through the open sunroof. The suspect exits wearing a blue sweater/jacket, black pants and black/white Nike sneakers, however his face is again covered by a hood/mask and places the ladder vertically against the metal awning

-0717 hrs: the suspect is observed making entry into Brooklyn Bistro, by way of smashing through the glass door by swinging a hammer with his right hand. The suspect is presumed to be the same as the suspect who approached and placed the ladder as he was wearing identical clothing.

-0735 hrs: the suspect exits through the same entry point, again clothed in the same attire and flees on foot.

Vehicle Identification:

For reference, the Cadillac sedan, observed in the capture footage matches the description of a vehicle registered to Barbara Giordano, mother. Further details, a 2010 Cadillac CTS, NJ registration (P13LYV), 4 door sedan, VIN# 1G6DL5EV6A0104989. It should be noted that the suspect has had numerous involvement's with this agency while operating that same vehicle. The call nature included: suspicious auto, traffic stops resulting a summons, and thefts.

On 03-23-20, at approximately 0300 hours, the suspect was observed at the Exxon Gas station, located at Rt.37 and Rt.166, asleep within the vehicle. Upon contact with this agency, several small cuts and abrasions were observed to the suspects right hand, consistent with injuries sustained while smashing a glass door (see case #20-15120).

Initial Call to Dispatch-Burglary- 0846 hours:

On 3-22-20, at approximately 0846, Giordano contacted this agency, clearly identified himself and advised that he is at "Jules Italian Restaurant." He further clarified that he is inside the restaurant in search for what he claims to be his personal property. Giordano appeared to be out of breath and after being told to hang on, the call disconnected.

Second Recorded Call to Dispatch-Keep the Peace- Case #20-15103:

On 03-23-20, I was advised that Giordano had contacted this agency in regards to a, Keep the peace, specifically an escort to Brooklyn Bistro formerly "Jules Italian Restaurant," to retain property he claimed belonged to him. The call in question was received at 1907 hours on 03-22-20. At this time, Giordano clearly identifies himself and indicates he is presently at "Jules Italian Restaurant" to retrieve his possessions for which he has receipts. He then further states that he was there last night, investigating it, and has corresponding pictures of his property within the establishment. He then indicates he will be waiting across the street awaiting police arrival. Giordano again then states he was there last night where he took pictures of the items. Giordano then goes on to state that his previously purchased stove, currently within the restaurant, is destroyed specifically covered in grease and is disgusting.

Based on the above, Giordano, places himself not only at the scene of the incident but, also within the establishment where he supposedly took photographs of what he claims is his property. In addition, he describes the unkempt state of the stove within the establishment, which again would indicate that he again had entered the establishment and viewed it first hand.

Third Recorded call to Watch Commander-2055 hrs on 03-22-20:

During this conversation, Giordano, again clearly identified himself and admitted to the entering the incident location as well as consuming cheesecake within the establishment.

Disposition:

Based on the above, Giordano was charged with Burglary- 2C:18-2a(1), Theft- 2C:20-3a and Criminal Mischief 2C:17-3a(1) which was placed on Complaint Warrant: 1507-000471, which was entered into NCIC- Teletype No. 92. A copy of the surveillance footage was retained, entered into evidence and secured within Locker #25.

Apprehension of the suspect:

On 03-23-20, the suspect returned to the Brooklyn Bistro causing a disturbance. At this time, he fled prior to officer arrival however, was apprehended on foot a short distance from the incident location by Ptl. Bartoshek and Ptl. Oliver. Upon my arrival, the suspect was searched and prior to entering my vehicle was ordered to place a protective mask on his face due to a previous admission that he had been affected by COVID-19-corona virus. It should be noted the suspect was ordered to face away from our location however, continued to cough and spit mucus on the ground.

The suspect denied to place on a mask and became confrontational and resisted. At this time, a mask was placed onto his face by Sgt. McDowell however, while doing so the suspect resisted by way of screaming expletives, biting, dropping to ground as well as thrashing his body around. The suspect was then forcefully placed within the vehicle however, continued to shout expletives.

Prior to our arrival at District One, the suspect began slamming his head and spitting mucus onto the partition of my marked patrol vehicle. Upon arrival, the suspect was asked to exit the vehicle and again resisted by way of dropping to the ground and shouting expletives. At this time, the suspect was carried by myself along two Class 1 municipal jail guards into a holding cell. As a result of the above, Teletype #92 was canceled and removed from the system.

Ptl. Paciulli #423

Supplement

Toms River Police Department
Crime Scene Investigation Report

INCIDENT INFORMATION

Crime Scene Services requested by? (Agency and officer) Ptl. Paculli #423

Date and time of arrival. March 22, 2020 0945hrs

Location of scene processed. 1861 Hooper Ave; Brooklyn Bistro

Was scene secured prior to arrival and by whom. Yes; Ptl. Paculli #423

Personnel on scene prior to arrival. Ptl. Paculli, Ptl. Nelson, Sgt. Rui, OCSD
K9

SCENE INVESTIGATION

Determined point of entry? YES, Hooper Ave. side entry door.

Method of entry? Forced entry; Broken Door Glass.

Scene examination? (Processed, Scene evaluation only, Not processed) Processed

Was scene photographed? YES

Was evidence recovered? YES; Hammer and Chain

Crime Scene Investigation:

On this date, I (Ptl. Parente) responded to 1861 Hooper Ave; Brooklyn Bistro, for a reported Burglary. See Master Case 20-15061 for details. On arrival, contact was made with Ptl. Paculli who advised that an unknown suspect forced entry through the glass door located on the Hooper Ave. side of the business and performed other acts of criminal mischief and theft.

The exterior of the business was photographed documenting the broken door glass on the Hooper Ave. side of the business. In addition, glue was located on the locks of the exterior doors located on the Oak Hill Ln. side of the business. No tampering of the electric or gas meters was observed. An orange extension ladder was also located to the north of the broken entrance door.

The interior of the business was photographed documenting the broken door as well as other items of criminal mischief and theft. A hammer, not belonging to the business, was located on a table approximately 10 feet east of the broken door in the party room. A 3 foot chain, not belonging to the business, was located draped across two door handles of the center door on the Oak Hill Ln. side of the business. Sheets of foam insulation were placed in front of the windows when they were originally piled on the floor. A breaker panel in the hallway leading toward the bathrooms was found to have been partially pulled from the wall causing damage to the sheet rock. In addition, a partially eaten cheesecake and strawberries were located on a table in the dinning room.

The scene was dusted for fingerprints where suspect contact was present,

however no usable prints located. The hammer and chain were collected and submitted into evidence. The ladder was unable to be printed due to its surface type and was left on scene.

There are multiple video camera's on the exterior of the property maintained by the land lord and not the business. Ptl. Paculli is in contact with the property owner who advised that the videos would be preserved and collected.

Photograph Log

Photograph #	Description
DSC0001-0006	Exterior Overalls
DSC0007-0008	Utility Meters
DSC0009-0012	Extension Ladder
DSC0013-0018	Broken Door
DSC0019-0020	Hammer
DSC0021-0030	Interior Overalls
DSC0031-0032	Consumed Cheesecake
DSC0033	Foam Boards
DSC0034-0042	Glued Door Locks
DSC0043-0046	Breaker Panel Damage

Ptl. R. Parente #391
Toms River Police Dept
March 22, 2020

Supplement

CAD Call info/comments

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08:50:55 03/22/2020 - Guichard, P.
david giordano poss inside the rest, per 352 post and supervisor and see whats
going on because he keeps hanging up and us
08:55:37 03/22/2020 - Yannacone, M. - From: Paciulli, A
smashed front door and ladder to roof also
08:58:19 03/22/2020 - Clark, R.
DAVID IS NEGATIVE ALL WAY AROUND
09:01:09 03/22/2020 - Guichard, P.
looking at caller ID David called into the PD from 732 244 2122 which is
Brooklyn Bistro 1861 Hooper Ave
09:01:42 03/22/2020 - Yannacone, M. - From: Ruiz, S.
need county dog
09:04:04 03/22/2020 - Clark, R.
COUNTY DOG ON THE AIR WILL CALL BACK WITH ETA
09:04:36 03/22/2020 - Yannacone, M. - From: Ruiz, S.
8 go by charlie browns
09:14:39 03/22/2020 - Yannacone, M. - From: Nelson, E
k9 on scene
09:20:18 03/22/2020 - Yannacone, M. - From: Ruiz, S.
clear channel 1
09:25:16 03/22/2020 - Yannacone, M. - From: Ruiz, S.
k9 search complete
09:26:51 03/22/2020 - Yannacone, M. - From: Ruiz, S.
take channel back
09:38:47 03/22/2020 - Clark, R.
SENDING MANCHESTER TO VINCENT MASCILLARO HOUSE HE WAS REPORTING PERSON FOR
CRIMINAL MISCHIEF AT BROOKLYN BISTRO AT 44 WASHINGTON ST
10:11:11 03/22/2020 - Clark, R. - From: Paciulli, A
REP 10-9

Supplement

Supplemental Report: Use of Force

On 03.23.2020 at approximately 1527 hours, this author responded to the area of 1861 Hooper Avenue for a report of David Giordano running from the Brooklyn Bistro restaurant. This author was familiar with Mr. Giordano and the fact that he had an active warrant for his arrest.

Upon arrival, multiple units located Giordano in the parking area of 1868 Hooper Avenue. Mr. Giordano was handcuffed and arguing with officers upon this author's arrival. Based on the fact that Mr. Giordano verbalized on a taped phone line in to Police Communications that he was sick and was suffering from COVID-19, this author attempted to place a N95 mask on Mr. Giordano for his and officer's safety. Mr. Giordano became combative with this author as same attempted to mask Mr. Giordano. Once the mask was placed on Mr. Giordano's face, he refused to sit in the caged area of the patrol vehicle for transport. This officer physically guided Mr. Giordano in to the rear of the patrol vehicle, using the force necessary to safely place Mr. Giordano in the rear of the patrol vehicle for transport to District 1 for processing.

This author completed a Department Use of Force Report and submitted same.

Nothing further.

End.

McDowell, C.D. (312)

Supplement

On 03/23/2020 at approximately 2047 hours inmate Giordano David (9598) requested to be seen by EMT's. SGT. McDowell 312 was notified and was on floor to evaluate inmate. Before EMT's arrived Inmate began cursing "Fuck You Assholes, I want an ambulance" and yelling "I want to go to the Fucking hospital". SGT. McDowell explained to Inmate Giordano David he would have to go in an ambulance handcuffed. Inmate Giordano David refused and said we would have to carry him out. When we entered the cell to assist inmate Giordano David to the ambulance he refused our orders to put his hands behind his back. I assisted with a compliance hold and handcuffed him from behind his back. Inmate Giordano David resisted and attempted to pull my arms away from him. After he was handcuffed he continued to resist and refuse to move unless carried.

Booking Officer

Nicholas Malta 4605

Supplement

On 03/23/2020 at approximately 2047 hours inmate Giordano David (9598) requested to be seen by EMT's. SGT. McDowell 312 was notified and was on floor to evaluate inmate. Before EMT's arrived Inmate began cursing "Fuck You Assholes, I want an ambulance" and yelling "I want to go to the Fucking hospital". SGT. McDowell explained to Inmate Giordano David he would have to go in an ambulance handcuffed. Inmate Giordano David refused and said we would have to carry him out. When we entered the cell to assist inmate Giordano David to the ambulance he refused our orders to put his hands behind his back. I assisted with a compliance hold to the inmate's lower body while Officer Malta 4605 handcuffed him from behind his back. Inmate Giordano David resisted and attempted to kick his legs to loosen my grip. After he was handcuffed he continued to resist and refuse to move unless carried. I then assisted in carrying inmate to the stretcher provided by Silverton EMT.

Booking officer
Jevon Everett 4661