

BRADLEY D. BILLHIMER
Ocean County Prosecutor



MICHAEL T. NOLAN, JR.
First Assistant Prosecutor

ANTHONY U. CARRINGTON
Chief of Detectives

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
www.OCPONJ.gov

September 22, 2022

Via OPRA Machine: opra+request-35371-ab2e236c@requests.opramachine.com

RE: Open Public Records Act (OPRA) Request
OCPO Case# 09072563

Dear Sir:

I am in receipt of your request made under the New Jersey Open Public Records Act (OPRA) pertaining to the above. The sentencing information/Judgment of Conviction is enclosed pursuant to your request. Please be advised that there is no body worn camera footage responsive to your request.

Please be further advised that your request for the police report is denied, as that is considered a criminal investigatory record, and as such, would be 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

Enclosure

Prestia , Donna

From: Khajezadeh, Dina
Sent: Sunday, September 18, 2022 11:44 AM
To: Prestia , Donna; Carey, Erin
Subject: FW: [EXTERNAL] OPRA request - Information for case number 09072563

Sent from my Verizon, Samsung Galaxy smartphone

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

From: Chaim <opra+request-35371-ab2e236c@requests.opramachine.com>
Date: 9/18/22 12:45 AM (GMT-05:00)
To: "Khajezadeh, Dina" <DKhajezadeh@co.ocean.nj.us>
Subject: [EXTERNAL] OPRA request - Information for case number 09072563

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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:

Police report, body worn camera footage, sentencing information related to case number 09072563

Yours faithfully,
Chaim E

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-35371-ab2e236c@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://opramachine.com/change_request/new?body=ocean_county_prosecutors_office

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

<https://opramachine.com/help/officers>



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, OCEAN County

State of New Jersey v.

Last Name KOLKO	First Name YOSEF	Middle Name A
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Also Known As

Date of Birth 07/03/1976	SBI Number 373691E	Date(s) of Offense 01/01/2009
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Date of Arrest	PROMIS Number 09 072563-001	Date Ind / Acc / Complt Filed 06/24/2010	Original Plea <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty	Date of Original Plea 08/17/2010
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Adjudication By Guilty Plea Jury Trial Verdict Non-Jury Trial Verdict Dismissed / Acquitted Date: 05/13/2013

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
10-06-01181-I	1	AGG SEX ASSLT-<13 YRS.	2C:14-2A(1)	1
10-06-01181-I	2	CRIMINAL ATTEMPT AGG SEX/ASSLT	2C:5-1 2C:14-2A	2
10-06-01181-I	3	SEX ASSAULT 4 YR>VICTIM	2C:14-2B	2
10-06-01181-I	4	ENDANGER WELFARE CHILD-DUTY	2C:24-4A	2

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
10-06-01181-I	1	AGG SEX ASSLT-<13 YRS.	2C:14-2A(1)	1
10-06-01181-I	2	CRIMINAL ATTEMPT AGG SEX/ASSLT	2C:5-1 2C:14-2A	2
10-06-01181-I	3	SEX ASSAULT 4 YR>VICTIM	2C:14-2B	2
10-06-01181-I	4	ENDANGER WELFARE CHILD-DUTY	2C:24-4A	2

Sentencing Statement

It is, therefore, on 10/17/2013 **ORDERED and ADJUDGED** that the defendant is sentenced as follows:

On Count 1 of Indictment No. 10-06-01181, Defendant is sentenced to the custody of the Commissioner of the Department of Corrections for fifteen (15) years. Pursuant to the No Early Release Act, the Defendant must serve 85% of the term imposed and because this matter is being sentenced as a first degree offense, Defendant is subject to a five (5) year period of parole supervision upon release.

On Counts 2 and 3 of Indictment No. 10-06-01181, Defendant is sentenced to the custody of the Commissioner of the Department of Corrections for seven (7) years, concurrent with each other and concurrent with the sentence imposed on Count 1 of Indictment No. 10-06-01181. Pursuant to the No Early Release Act, the Defendant must serve 85% of the term imposed and is subject to a three (3) year period of parole supervision upon release.

On Count 4 of Indictment No. 10-06-01181, Defendant is sentenced to the custody of the Commissioner of the Department of Corrections for six (6) years, to run concurrent with the sentences imposed on Counts 1, 2, and 3 of Indictment No. 10-06-01181.

This sentence is a so called "Megan's Law" sentence and accordingly, the Court hereby sentences the Defendant to Parole Supervision For Life. Defendant must provide a blood sample, if required, which will be placed in a blood bank for DNA identification. Defendant is to comply with all requirements dealing with registration with proper authorities. In accordance with "Nicole's Law", Defendant shall have no contact with the victim in this matter.
(Cont...)

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term 015 Years 00 Months 000 Days	Institution Name CARE COMMISS/CORR	Total Probation Term 00 Years 00 Months
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DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																									
<p>A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)</p> <p><input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))</p> <table style="width:100%; border: none;"> <tr> <td style="width: 30%;"></td> <td style="text-align: center; border: none;">Standard</td> <td style="width: 30%;"></td> <td style="text-align: center; border: none;">Doubled</td> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">_____ @ \$</td> <td>_____</td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td>_____</td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td>_____</td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">_____ @ \$</td> <td>_____</td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>DP or Petty DP</td> <td style="text-align: center;">_____ @ \$</td> <td>_____</td> <td style="text-align: center;">_____ @ \$</td> </tr> </table> <p style="text-align: right;">Total DEDR Penalty \$ _____</p> <p><input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)</p>			Standard		Doubled	1st Degree	_____ @ \$	_____	_____ @ \$	2nd Degree	_____ @ \$	_____	_____ @ \$	3rd Degree	_____ @ \$	_____	_____ @ \$	4th Degree	_____ @ \$	_____	_____ @ \$	DP or Petty DP	_____ @ \$	_____	_____ @ \$	<p><input checked="" type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to community supervision for life. (If offense occurred before 1/14/04) (N.J.S.A. 2C:43-6.4)</p> <p><input checked="" type="checkbox"/> The defendant is hereby sentenced to parole supervision for life. (If offense occurred on or after 1/14/04) (N.J.S.A. 2C:43-6.4).</p> <p><input checked="" type="checkbox"/> The defendant is hereby ordered to serve a <u>5</u> year term of parole supervision, which term shall begin as soon as defendant completes the sentence of incarceration. (N.J.S.A. 2C:43-7.2).</p> <p><input type="checkbox"/> The court imposes a restraining order pursuant to DORA. (N.J.S.A. 2C:35-5.7(h)). Restraining Order expires _____</p>	
	Standard		Doubled																								
1st Degree	_____ @ \$	_____	_____ @ \$																								
2nd Degree	_____ @ \$	_____	_____ @ \$																								
3rd Degree	_____ @ \$	_____	_____ @ \$																								
4th Degree	_____ @ \$	_____	_____ @ \$																								
DP or Petty DP	_____ @ \$	_____	_____ @ \$																								
<p>Forensic Laboratory Fee (N.J.S.A. 2C:35-20)</p> <p>Offenses @ \$ _____</p>		<p>Total Lab Fee</p> <p>\$ _____</p>																									
VCCA Assessment (N.J.S.A. 2C:43-3.1)		Findings Per N.J.S.A. 2C:47-3																									
<table style="width:100%; border: none;"> <tr> <td style="width: 20%;">Counts</td> <td style="width: 10%;">Number</td> <td style="width: 10%;">Amount</td> </tr> <tr> <td>_____ 1, 2, 3, 4</td> <td style="text-align: center;">_____ 4 @</td> <td style="text-align: right;">\$ 50.00</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">_____ @</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">_____ @</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">_____ @</td> <td style="text-align: right;">\$ _____</td> </tr> </table> <p style="text-align: right;">Total VCCA Assessment \$ 200.00</p>		Counts	Number	Amount	_____ 1, 2, 3, 4	_____ 4 @	\$ 50.00	_____	_____ @	\$ _____	_____	_____ @	\$ _____	_____	_____ @	\$ _____	<p><input type="checkbox"/> The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.</p> <p><input type="checkbox"/> The court finds that the defendant is amenable to sex offender treatment.</p> <p><input type="checkbox"/> The court finds that the defendant is willing to participate in sex offender treatment.</p>										
Counts	Number	Amount																									
_____ 1, 2, 3, 4	_____ 4 @	\$ 50.00																									
_____	_____ @	\$ _____																									
_____	_____ @	\$ _____																									
_____	_____ @	\$ _____																									
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)		License Suspension																									
<p>Offense _____</p> <p>Mandatory Penalty \$ _____</p>		<p><input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35-16) <input type="checkbox"/> Waived</p> <p><input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)</p> <p><input type="checkbox"/> Eluding (N.J.S.A. 2C:29-2)</p> <p><input type="checkbox"/> Other _____</p>																									
Offense Based Penalties		<p>Number of Months _____</p> <p><input type="checkbox"/> Non-resident driving privileges revoked</p>																									
<p>Penalty _____</p> <p>Amount \$ _____</p>		<p>Start Date _____</p> <p>End Date _____</p>																									
Other Fees and Penalties		<p>Details _____</p>																									
<p>Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)</p> <p><input checked="" type="checkbox"/> \$ 30.00</p>		<p>Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2)</p> <p><input checked="" type="checkbox"/> 4 Offenses @ \$ 75.00</p> <p style="text-align: right;">Total: \$ 300.00</p>																									
<p>Probation Supervision Fee (N.J.S.A. 2C:45-1d)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)</p> <p><input checked="" type="checkbox"/> 4 Offenses @ \$ 800.00</p> <p style="text-align: right;">Total \$ 3,200.00</p>																									
<p>Transaction Fee (N.J.S.A. 2C:46-1.1)</p> <p><input type="checkbox"/> _____</p>		<p>Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)</p> <p><input checked="" type="checkbox"/> \$ 100.00</p>																									
<p>Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)</p> <p><input checked="" type="checkbox"/> \$ 5,000.00</p>																									
<p>Fine \$ _____</p>		<p>Restitution \$ 6,930.00</p>																									
		<p>Total Financial Obligation \$ 15,760.00</p>																									
<p>Date of Birth _____</p>		<p>Sex <input type="checkbox"/> M <input type="checkbox"/> F</p>																									
<p>City _____</p>		<p>State _____ Zip _____</p>																									
<p>Eye Color _____</p>		<p>If the court is unable to collect the license, complete the following: Defendant's Address _____</p>																									
<p>Details _____</p>																											

Time Credits		
Time Spent in Custody R. 3:21-8	Gap Time Spent in Custody N.J.S.A. 2C:44-5b(2)	Prior Service Credit
Date: From - To	Date: From - To	Date: From - To
07/19/2009 - 07/20/2009	-	-
05/13/2013 - 10/16/2013	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
Total Number of Days 159	Total Number of Days	Total Number of Days
	Rosado Time	
	Date: From - To	
	-	
	-	
	-	
	-	
	Total Number of Days	

Statement of Reasons - Include all applicable aggravating and mitigating factors

AGGRAVATING FACTORS

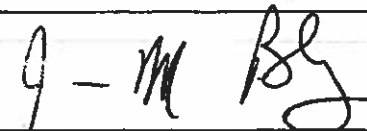
3. The risk that the defendant will commit another offense.

9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS

7. The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense.

Great weight is given to Aggravating Factors 3 and 9. Moderate weight is given to Mitigating Factor 7.

Form Prepared By KATHLEEN VANDYKE	Preparer Telephone Number (732) 831-7951
Attorney for Defendant at Sentencing ALAN L ZEGAS	Public Defender <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Prosecutor at Sentencing LAURA PIERRO	Deputy Attorney General <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Judge at Sentencing FRANCIS R. HODGSON	
Judge (Signature) 	Date 10-17-13

Continuation

SENTENCING STATEMENT (Cont.)

The Defendant is hereby ordered to provide a DNA sample and ordered to pay the cost for testing the sample.

Bail is discharged.