

**MONIKA MASTELLONE, ESQUIRE – Attorney ID #122942014**

Assistant Deputy Public Defender

Monmouth Trial Region

7 Broad Street, Freehold, NJ 07728

Phone: (732) 308-4320

Fax: (732) 761-3679

Email: [Monika.Mastellone@opd.nj.gov](mailto:Monika.Mastellone@opd.nj.gov)

**ATTORNEY FOR DEFENDANT, PAUL CANEIRO**

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STATE OF NEW JERSEY,	:	SUPERIOR COURT OF NEW JERSEY
	:	MONMOUTH COUNTY COURT
Plaintiff,	:	LAW DIVISION - CRIMINAL
	:	
v.	:	INDICTMENT NO.: 19-02-283-I
	:	PROSECUTOR FILE NO.: 18-4915
PAUL CANEIRO,	:	
	:	<b>NOTICE OF MOTION</b>
Defendant.	:	<b>TO PRECLUDE CERTAIN</b>
	:	<b>ELECTRONIC COMMUNICATIONS</b>

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TO: AP Christopher Decker & AP Nicole Wallace  
Monmouth County Prosecutor's Office  
132 Jerseyville Avenue  
Freehold, NJ 07728

**PLEASE TAKE NOTICE** that on a date set by the Court, or as soon thereafter as counsel may be heard, Monika Mastellone, Esq., attorney for Defendant, Paul Caneiro, shall move before the Honorable Marc C. Lemieux, A.J.S.C., at the Monmouth County Superior Courthouse, 71 Monument Street, Freehold, New Jersey, for an Order granting preclusion of certain electronic communications. The defendant will rely upon oral argument and the attached Certification in support of this Motion.

/s/ **Monika Mastellone**

Monika Mastellone, Esq.

Attorney for Defendant

Dated: August 7, 2025

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STATE OF NEW JERSEY,	:	SUPERIOR COURT OF NEW JERSEY
	:	MONMOUTH COUNTY COURT
Plaintiff,	:	LAW DIVISION - CRIMINAL
	:	
v.	:	INDICTMENT NO. 19-02-283-I
	:	PROSECUTOR FILE NO. 18-004915
PAUL CANEIRO	:	
	:	<b>CERTIFICATION IN SUPPORT OF</b>
Defendant.	:	<b>MOTION TO PRECLUDE CERTAIN</b>
	:	<b>ELECTRONIC COMMUNICATIONS</b>

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I, Monika Mastellone, Esq., hereby certify as follows:

1. I am an attorney licensed to practice law in the State of New Jersey and have been assigned to represent the defendant in this matter.
2. On October 2, 2020, the State filed a Notice of Intent to Offer Certain Evidence. Therein, the State referenced certain electronic communications between Paul Caneiro and Keith Caneiro, which the State was intending to admit at trial. The State later filed a brief on June 13, 2025 outlining the specific communications it planned to admit at trial, which included:
  - a. A conversation between Keith and Paul that took place via text message on April 10, 2018 and April 11, 2018.

- b. A conversation between Keith and Paul that took place via text message on September 6, 2018.<sup>1</sup>
  - c. A conversation between Keith and Paul that took place via electronic communication on September 13, 2018.
  - d. A conversation between Keith and Paul that took place via electronic communication on September 17, 2018.
  - e. A conversation between Keith and Paul that took place via text message on November 5, 2018.
3. On May 7, 2025, the defense filed a Motion to Suppress Evidence Seized with a Warrant pursuant to State v. Missak, 476 N.J. Super. 302 (App. Div. 2023). Specifically, in part, the defense sought to suppress evidence seized from the defendant's iPhone. The defense argued that a search of the entire phone was not supported by the facts alleged in the Affidavit of PC.
  4. On July 10, 2025, the Court ruled on the Motion, finding that the search of the iPhone exceeded what was supported by probable cause. The Court found that the facts set forth in the Affidavit of PC only supported a search of the of the phone for the two-day time frame of November 19, 2018 through November 20, 2018.
  5. Thus, the Court ruled that "Data created outside this timeframe shall be suppressed and excluded from use at trial[.]"

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<sup>1</sup> The first half of the conversation on September 6, 2018 is contained in an email, which is not subject to suppression. However, the subsequent/ second half of the conversation between Keith and Paul pertaining to that email on that same date (September 6, 2018) occurs via text message, which is suppressed.

6. As a result of the Court's suppression order, the aforementioned text/ electronic communications seized from the defendant's phone are suppressed (and therefore inadmissible at trial).
7. However, the State has indicated that these communications are nevertheless admissible because they are contained in the contents of Keith Caneiro's phone/ google cloud – which are concededly not subject to the Court's suppression order.
8. As of June 25, 2025, the defense is in receipt of Keith's phone extraction and google cloud data. Since then, the defense has reviewed and re-reviewed its content and cannot locate the aforementioned conversations on those devices. As far as the defense can tell, these conversations do not exist in Keith's phone/ google cloud.
9. Based on the defense's review and inability to locate these conversations in Keith's phone/ google cloud, it is the defense's position that they are therefore inadmissible at trial pursuant to the Court's 7/10/25 Missak Order.
10. In an effort to ensure the defense is not mistaken, however, it has inquired of the State, where/ how, specifically those conversations can be located on Keith's phone/ google cloud.
11. To date, the State has not yet provided the defense with confirmation that these conversations are contained in Keith's phone and/ or google cloud. However, the State and defense have been in contact regarding this issue. If the issue is resolved before the next court date of 8/13/25, the defense will withdraw this Motion.
12. However, in the event that the issue is not resolved, the defense is filing the instant Motion so that the issue is preserved timely.

13. And, in the event that the State cannot locate or direct the defense to the location of the above conversations in Keith's phone/ google cloud, the defense moves to preclude them from admission at trial as they constitute suppressed evidence pursuant to the Court's 7/10/25 Missak Order.

14. In the alternative, the defense requests a 104 hearing during which the State's detective/ witness demonstrates to the Court that these electronic conversations are, in fact, contained in Keith's phone/ google cloud.

I hereby certify that the statements made by me are true to the best of my knowledge, information and belief. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

/s/ **Monika Mastellone**  
Monika Mastellone, Esq.  
Attorney for Defendant

Dated: August 7, 2025