*PREPARED BY THE COURT*

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| STATE OF NEW JERSEY<br>Plaintiff,<br>v.<br><br>PAUL CANEIRO<br><br>Defendant. | SUPERIOR COURT OF NEW JERSEY<br>LAW DIVISION: CRIMINAL PART MONMOUTH<br>Ind. No.: 19-02-283<br>Case No.: 18-4915<br>**ORDER** |

FILED
AUG 13 2025
Marc C. Lemieux, A.J.S.C.

**THIS MATTER** having been opened to the court on application of defendant Paul Caneiro (Monika Mastellone, Esq. and Andy Murray, Esq., appearing), to reconsider the court's April 4, 2025 order, and opposed by Raymond Santiago, Monmouth County Prosecutor (Christopher Decker and Nicole Wallace, Assistant Prosecutors, appearing), and the court having heard arguments of counsel and for good cause shown;

**IT IS** on this 13th day of AUGUST, 2025;

**ORDERED** that Defendant's motion to reconsider the April 4, 2025 order denying a change in venue is **DENIED**; and it is further

**ORDERED** that the court shall monitor voir dire proceedings and reopen the matter *sua sponte* should circumstances warrant.

HON. MARC C. LEMIEUX, A.J.S.C.

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE COMMITTEE ON OPINIONS

SUPERIOR COURT OF NEW JERSEY
COUNTY OF MONMOUTH

Ind. No.: 19-02-283
Case No.: 18-4915

Decided: August 13, 2025

STATE OF NEW JERSEY,

v.

PAUL CANEIRO

Defendant.

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FINDINGS AND CONCLUSIONS OF THE COURT ON DEFENDANT'S MOTION FOR RECONSIDERATION OF THE COURT'S DENIAL OF DEFENDANT'S MARCH 7, 2025 MOTION TO CHANGE VENUE

MONIKA MASTELLONE, ESQ., ANDY MURRAY, ESQ. for Defendant, PAUL CANEIRO

CHRISTOPHER DECKER, ESQ. and NICOLE WALLACE, ESQ., for the State of New Jersey Monmouth County Prosecutor's Office

MARC C. LEMIEUX, A.J.S.C.

## I. INTRODUCTION

On April 4, 2025, this Court issued a written opinion denying the Defendant's Motion to Change Venue, filed March 7, 2025. Therein, this Court held that the

Defendant did not meet the burden, under R. 3:14-2 and controlling precedent, to show by clear and convincing proof that a fair and impartial trial could not be had in Monmouth County.

The Defendant now moves for reconsideration, asserting that 65 new items of media coverage since April demonstrate intensified pretrial publicity, heightened community hostility, and a realistic likelihood of prejudice requiring a change of venue. The State opposes, arguing that the coverage remains fact-driven, proportional to legitimate case developments, and free from inflammatory rhetoric, and that voir dire remains the appropriate safeguard.

Having reviewed the parties' submissions, the exhibits, and the applicable law, the Court denies the Defendant's Motion for Reconsideration. First, the instant motion, under R. 1:7-4(b), is plainly out of time. This motion was filed approximately four months after service of the April 4, 2025 order, and is therefore, procedurally barred under the twenty-day limit proscribed by R. 1:7-4(b). Second, the Defendant has not met the demanding substantive standards for reconsideration or for a change of venue. The record does not demonstrate any material change in the nature, volume, or effect of the pretrial publicity since April 4, 2025. The new materials do not alter the Court's prior findings and comprehensive voir dire remains the proper safeguard against bias.

This opinion first reviews the relevant procedural history, the parties' arguments, then sets forth the governing legal standards for reconsideration and venue change, and finally applies those standards to both the timeliness and merits of Defendant's motion.

## II. PROCEDURAL HISTORY

On November 20, 2018, fires at the homes of Paul Caneiro (hereinafter, "Defendant") and his brother, Keith Caneiro, led to the discovery of four homicide victims and the State's subsequent charges of murder, aggravated arson, and related offenses. Since the time of the offenses and the Defendant's arrest, the case has drawn periodic local coverage, primarily from the Asbury Park Press ("APP"), Monmouth County's principal daily news outlet, whose coverage typically coincides with major case events and court proceedings.

On March 7, 2025, Defendant moved to change venue, citing cumulative local publicity, APP's concentrated readership in Monmouth and Ocean Counties, and the prevalence of hostile online commentary. The State opposed, arguing that coverage was factual and that voir dire would suffice to ensure impartiality.

On April 4, 2025, this Court denied the Defendant's motion in a fifty-three page written opinion, concluding that:

1. Most coverage was fact-based and neutral;
2. No torrent of publicity or carnival-like atmosphere existed;
3. Social media commentary was not competent evidence of community-wide prejudice; and

4. Comprehensive voir dire would adequately safeguard Defendant's right to an impartial jury.

On August 7, 2025, the Defendant filed the present motion for reconsideration, attaching exhibits claiming to show sixty-five new items of news coverage since April 4, 2025. The State opposed the Defendant's motion, filing a brief in opposition on August 10, 2025.

## III. SUMMARY OF ARGUMENTS

### a. The Defendant's Argument

The Defendant argues that reconsideration is warranted because the Court's April 4, 2025 opinion, deciding the Defendant's March 7, 2025 Motion to Change Venue, understated the extent of ongoing local publicity and failed to account for the cumulative effect of coverage over time. The Defendant points to sixty-five additional items of coverage since April, consisting of APP articles, other news outlets' reporting, and online commentary.

The Defendant emphasizes that this volume of new coverage occurred in just four months, which he claims marks a significant shift from the Court's finding that peak coverage occurred in 2019. The Defendant argues that this more recent coverage has reinforced community awareness and hostility, particularly given APP's concentrated local readership.

The Defendant further asserts that much of the recent coverage was triggered by defense-filed motions, but contends that the defense should not be penalized for

exercising its rights. He maintains that online and social media commentary remains inflammatory and reflective of local sentiment.

On the merits, Defendant renews his claim of "presumed prejudice" under Harris and Marshall, arguing that the nature, frequency, and distribution of publicity now meet the threshold for a venue change. In the alternative, he requests that the Court reserve decision until voir dire, at which point a finding of "actual prejudice" could be made if juror questioning reveals bias.

**b. The State's Argument**

The State relies on its March 21, 2025 written submission and oral argument in response to Defendant's original motion. It argues that the increased volume of coverage since April 4, 2025 is unsurprising given the number of recent motions litigated, but that the coverage remains factual and does not contain name-calling or opinion pieces such as those found prejudicial in State v. Harris.

According to the State, the recent articles merely recount what each side argued and what the Court decided. None constitute "a torrent of publicity that creates a carnival-like setting or a barrage of inflammatory reporting." State v. Nelson. The State further notes that some headlines could be viewed as favorable to Defendant, covering the Defendant's successful motions.

Regarding social media commentary, the State argues that presuming hostility in the entire jury pool based on such comments would be premature and speculative.

The State concludes that voir dire is the proper method to address any potential prejudice, and that the Court may revisit the issue if jury selection reveals a realistic likelihood of bias.

## IV. GOVERNING LAW AND LEGAL ANALYSIS

New Jersey Court Rule 1:7-4(b) states, in pertinent part:

> On motion made not later than 20 days after service of the final order or judgment upon all parties by the party obtaining it, the court may grant a rehearing or may, on the papers submitted, amend or add to its findings and may amend the final order or judgment accordingly….

The 20-day time limitation, proscribed in both R. 1:7-4(b) and R. 4:49-2, has been applied in criminal and civil matters alike. See State v. Irelan, 375 N.J. Super. 100, 105 n.1 (App. Div. 2005); State v. Fitzsimmons, 286 N.J. Super. 141, 147 (App. Div. 1996); State v. Vanness, 474 N.J. Super. 609, 625-26 (App. Div. 2023) ("Pursuant to both Rules, a party seeking reconsideration of a final order must file a motion within twenty days of service of the order.").

Substantively, under our court rules, the confines of a motion for reconsideration are narrow. See 1:7-4(b); R. 4:49-2; R. 4:42–2. A motion for reconsideration is only permitted where the movant demonstrates either: (1) the court has expressed its decision based upon a palpably incorrect or irrational basis, or (2) it is obvious that the court either did not consider, or failed to appreciate the significance of probative, competent evidence. See Cummings v. Bahr, 295 N.J. Super. 374, 384-85 (App. Div. 1996).

Demonstrating a court "acted in an arbitrary, capricious, or unreasonable manner" is the movant's burden. Palombi v. Palombi, 414 N.J. Super. at 289. A motion for reconsideration is not a vehicle for rearguing a motion or for a defendant to express their disagreement with a court's ruling. See id. at 288. Indeed, "[w]here there is room for two opinions, action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may have been believed that an erroneous conclusion has been reached." Worthington v. Fauver, 88 N.J. 183, 204-05 (1982).

Ultimately, however, "[r]econsideration is a matter to be exercised in the trial court's sound discretion." Capital Fin. Co. of Del. Valley, Inc. v. Asterbadi, 398 N.J. Super. 299, 310 (App. Div.). In accordance, a judge may elect to reconsider its findings or judgment where doing so is "in the interests of justice." Cummings v. Bahr, 295 N.J. Super. 374, 384 (App.Div.1996) (quoting D'Atria v. D'Atria, 242 N.J.Super. 392, 401 (Ch.Div.1990)); see also State v. Menzzopane, 2015 WL 1649252, at *3 (App. Div. Apr. 15, 2015) (recognizing that reconsideration serves the important policy of allowing judges, in their discretion, to correct oversights or misapprehensions of competent evidence, to fulfil their duty to ensure accurate and just rulings).

**a. Procedural Bar – Defendant's Motion is Untimely under 20-Day Rule**

Here, procedurally, the Defendant's motion is untimely. Both R. 1:7-4(b) and R. 4:49-2 impose a strict 20-day deadline following the service of the order. See 1:7-4(b); R. 4:49-2. The instant motion was filed, August 7, 2025, roughly four months after service of the April 4, 2025 order. Because the 20-day limit is absolute and cannot be extended, the motion is procedurally barred, and this alone warrants denial. See Vanness, 474 N.J. Super at 626 (holding bar of motion to reconsider based on untimeliness under R. 1:7-4 solely sufficient in denial of motion to reconsider).

Nevertheless, the Court recognizes its inherent authority to address the merits "in the interest of justice," particularly where doing so will create a complete record for appellate review. Cummings, 295 N.J. Super. at 384; Menzzopane, 2015 WL 1649252, at *3. Accordingly, the Court addresses the Defendant's reconsideration arguments below.

**b. Merits of the Defendant's Motion for Change of Venue – No Material Change in Publicity or Circumstances Since April 4, 2025**

Rule 3:14-2 permits a change of venue if "a fair and impartial trial cannot otherwise be had." The decision rests in the sound discretion of the Court, but the burden is on the moving party to present clear and convincing proof that an impartial jury cannot be seated. See State v. Wise, 19 N.J. 59, 73 (1955); State v. Williams, 93 N.J. 39, 67 n.13 (1983).

Prejudice may be presumed when publicity is so pervasive and inflammatory that citizens of the county are "so aroused that they would not be qualified to sit as a jury." State v. Harris, 156 N.J. 122, 147–48 (1998). In capital cases, the Court must exercise particular caution. State v. Marshall, 123 N.J. 1, 73–79 (1991).

Nonetheless, the usual and preferred safeguard is thorough voir dire, and venue should not be changed absent a showing of a "torrent of publicity" creating a "carnival-like" atmosphere. State v. Nelson, 173 N.J. 417, 475–77 (2002).

In its April 4, 2025 opinion, this Court applied those principles and found that the publicity surrounding this case was predominantly factual and event-driven, lacked editorial invective, tracked legitimate case developments, and could be addressed through comprehensive voir dire. Social media commentary, while sometimes intemperate, was anecdotal and not evidence of county-wide prejudice.

Here, in support of reconsideration, the Defendant submits sixty-five items characterized as "new" media coverage. Upon review, the Court finds this characterization materially overstated. Of the sixty-five items:

- **Approximately thirty-two** are social media posts that merely link to articles already part of the record considered in the Court's April 4, 2025 opinion;[1]

[1] Largely reposts on Facebook, X (Twitter), or other platforms linking to articles already in record.

- **Approximately five** are podcasts, YouTube videos, or other low-reach commentary programs that provide no materially different information than prior articles;[2]
- **One** is an inactive link that cannot be accessed;
- **Two** are duplicates of articles already counted; and
- Approximately **twenty-five** are truly new substantive articles – twenty from APP and five from other outlets.

The Court's independent review confirms that these post April 4, 2025 articles are factual and procedural in focus. They summarize filings, hearings, and rulings, without name-calling, accusatory rhetoric, or inadmissible material. In some instances, the coverage is arguably favorable to the defense, reporting suppression or exclusion of evidence.[3]

The April opinion observed that coverage of this case began at the time of the offenses and has waxed and waned with predictable milestones such as arrests, indictments, and court rulings. The present submission fits that same pattern. The frequency of reporting since April has been proportional to the number of motions and hearings litigated over the same period. There has been no qualitative change in the nature of the reporting, no emergence of editorial campaigns or opinion features akin to those condemned in Harris, and no evidence of a carnival-like

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[2] Niche true-crime or commentary channels with minimal verified audience; content mirrors existing articles.

[3] The defense also argues that some of the recent reporting was prompted by defense motion practice. The Court does not weigh against the defense the fact that press coverage followed its filings; the point is that such coverage remains factual and bounded by public proceedings.

atmosphere contemplated by Nelson. APP remains the primary local outlet, as it was at the time of the original motion. The fact that its readership is local does not, without more, establish presumed prejudice.

The defense again relies on screenshots and threads to suggest pervasive hostility. As the Court explained in April, such material does not reliably reflect community-wide sentiment. Moreover, anonymous or pseudonymous posts surely cannot reliably reflect county-wide sentiment. To the extent any prospective juror authored or endorsed hostile commentary, that is an issue for voir dire and for cause challenges.

On this record, the nature, frequency, and distribution of post April 4, 2025 coverage remains materially consistent with that previously reviewed. The publicity does not approach the "torrent" or "carnival-like" standard required for a presumption of prejudice, and the safeguards outlined in the Court's prior opinion remain adequate to protect the defendant's right to a fair trial.

## V. CONCLUSION

A motion for reconsideration is not an opportunity to reargue matters previously decided but must identify specific facts or controlling law the Court overlooked or where it erred, and must be filed within 20 days of service of the order at issue. This motion was filed more than three months after service of the April 4, 2025, order and is therefore untimely.

But even if the motion were timely, the defense has not shown any material change in the nature or extent of pretrial publicity that would alter the Court's April 4, 2025, findings. The additional coverage is consistent in tone, content, and distribution with the publicity previously considered, and voir dire remains the preferred and adequate safeguard.

The April opinion detailed a layered voir dire plan, including a juror questionnaire, individualized follow-up, targeted inquiry into familiarity with the matter, and liberal cause challenges. That plan remains in effect. If voir dire reveals that an impartial jury cannot be seated in Monmouth County, the Court retains the authority to take further remedial steps at that time. On the current record, however, there has been no material change in circumstances and no showing that a fair and impartial trial cannot otherwise be had.

Accordingly, the motion for reconsideration is **DENIED.**