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March 7, 2025

Honorable Marc C. Lemieux, A.J.S.C.
Monmouth County Courthouse
71 Monument Park, 3rd Floor
Freehold, NJ 07728

Re: State v. Paul Caneiro
Case No. 18-004915 / Indictment No. 19-02-283-I

Motion to Change Venue

Dear Judge Lemieux:

Please accept this letter brief, along with the defendant's appendix attached hereto, in support of defendant's Motion to Change Venue.

RELEVANT FACTS

This notorious quadruple-homicide double-arson case has resulted in overwhelming and unprecedented pretrial publicity in the Monmouth County area. Relentless inflammatory reporting, combined with pretrial sabotage via social media, requires a change of venue in this case. There is no question that the demonizing of the accused, Mr. Caneiro, has resulted in his inability to obtain a fair jury pool in the Monmouth County region.

As the accused, Mr. Caneiro is guaranteed a fair and impartial jury under the Constitutions of the United States and the State of New Jersey. Without a change of venue, this critical right will be infringed upon. A fair and impartial jury cannot be found in Monmouth County due to extensive, excessive, and ongoing inflammatory publicity. This publicity has included both inaccurate and inadmissible information and has been extremely pervasive within the Monmouth County community.

Media coverage in this case began in the early afternoon hours of November 20, 2018, when news broke of a fire at the 15 Willow Brook mansion in Colts Neck, New Jersey. "Video from NewsCopter 7 showed firefighters battling the blaze" in live time.¹ Extensive and exhaustive media coverage continued once it was learned that the entire family who resided there, including two young children, were brutally murdered. These broadcasts were covered on television news stations, in print and digital media, and on social media.

Soon after Mr. Caneiro was charged on November 29, 2018, the media sought access to the Affidavit of Probable Cause outlining the evidence in this case. However, Assignment Judge Lisa P. Thornton granted a request to seal the affidavit from public view. Judge Thornton explained, "Disclosure of the many details included in the affidavit would most certainly not be favorable to him. Disclosure of these facts, less than a week after he was charged, would leave him without a mechanism to combat the tide of negative publicity that would most certainly follow."² (Exhibits A & B). Even in this early stage of the case, it was recognized that releasing certain details would have a profoundly negative impact on Mr. Caneiro's ability to obtain a fair trial.

Of course, once this Affidavit of Probable Cause was ultimately un-sealed after Mr. Caneiro was indicted in February 2019, the media had a field day, publishing a profusion of articles describing in great detail the State's alleged case against Mr. Caneiro. The affidavit was described as containing "scores of compelling evidence against [Mr.] Caneiro[.]"³ Details included in the affidavit, and thereafter in these published articles,

¹ <https://abc13.com/square-one-colts-neck-fire-keith-caneiro-nj/4739459/>

² https://www.nj.com/monmouth/2018/12/a_police_report_that_would_not_be_favorable_to_acc.html

³ <https://patch.com/new-jersey/marlboro-coltsneck/lawyers-defending-accused-colts-neck-killer-quit>

presented purported facts and drew conclusions that should be left solely to jurors. In addition to reciting the evidence that has been released in this case, the media has also performed its own investigations, citing information that was not a part of the State's investigation.⁴

On or about March 18, 2019, the date of arraignment, Mr. Caneiro's private defense attorneys were relieved as counsel. This simple and often common status change made headlines and broke stories across many news outlets as they reported that the attorneys "abruptly quit" his case.⁵ Comments to these articles and on social media speculated that Mr. Caneiro's attorneys quit because of his perceived guilt. One commenter stated, "Apparently Paul's lawyers have dumped him citing a conflict of interest. I guess their interest is in defending innocent people." Another stated, "even the lawyers gave up defending him." Yet another, "His own attorneys believe he's guilty."

Over time, media coverage has been replete with story after story in local newspapers and news stations. However, media focus did not stop with locally targeted news stations or newspapers; it extended into podcasts, YouTube channels, and all forms of social media. Immediately, and consistently, the internet has buzzed with postings, re-postings, and comments. Once the police charged Mr. Caneiro with these horrific crimes, the public was ready to vilify him and proceeded to do so without regard to the presumption of innocence or the constitutional guarantee to an impartial jury and fair trial. The media focus on Mr. Caneiro has been relentless and highly prejudicial.

Any efforts to remediate the prejudicial media coverage have been to no avail. The Affidavit of Probable Cause in this case was sealed, however, only temporarily. It was sealed for approximately three months until Mr. Caneiro was indicted. Thereafter, on October 2, 2020, the State publicly filed a 13-page "Notice of Intent" letter outlining a variety of arguably objectionable, inflammatory, and inadmissible evidence at trial. With public and media access to this filed letter, the press erupted into another frenzy,

⁴E.g.<https://www.nj.com/monmouth/2018/12/colts-neck-killings-caneiro-brothers-once-thriving-tech-business-showed-signs-of-slowng-down.html>;<https://www.app.com/story/news/crime/2018/11/29/colts-neck-fire-arson-caneiro/2150949002/>

⁵E.g.<https://patch.com/new-jersey/marlboro-coltsneck/lawyers-defending-accused-colts-neck-killer-quit>

publishing prejudicial information and further amplifying the public uproar. It was not until February 18, 2022 – 16 months later – that the Court ultimately signed an Order sealing the State’s letter. In support of its Order, the Court attached numerous exhibits in the form of concerning media/ news articles pertaining to this case. By then, however, the damage was already done. (Exhibit C).

Presently, it is March of 2025, and the media coverage continues to be relentless. The undersigned has appeared in court on three occasions since inheriting this case, and on each of those occasions, the media has been present. Articles have been published about the mere change of counsel and, of course, the new trial date that has resulted.⁶ Indeed, the media published an article about this very motion before it was even filed.⁷ The media and internet alike have focused on Mr. Caneiro to such an extent that the Monmouth County community remains highly invested in this case.

In support of this Motion, counsel is attaching exhibits that amount to a total of **474** articles discovered in recent weeks, all of which have been published about this case between 2018 and present day. (Exhibit D). Of course, this is certainly not an exhaustive list of all media coverage that exists in this case; rather, it is simply what is easily accessible with a present day google search of this case. In addition, counsel is attaching exhibits that contain hundreds of comments made on social media, including platforms such as Facebook, YouTube, and Instagram. As discussed in the next section, the extent of this coverage is truly inflammatory and highly prejudicial. Accordingly, a change of venue must be granted to ensure Mr. Caneiro’s right to a fair trial, which includes having his case decided by a fair and impartial jury.

⁶ <https://www.app.com/videos/news/crime/2025/01/27/new-attorney-for-paul-caniero-charged-in-murders-of-four-family-members/77936481007/>; <https://www.app.com/story/news/local/courts/2025/01/27/paul-caneiro-trial-quadruple-murder-family-members-postponed/77877462007/>

⁷ <https://www.app.com/story/news/local/courts/2025/02/11/change-of-venue-for-paul-caneiros-quadruple-murder-trial-sought/77855468007/>

DISCUSSION OF NEWS COVERAGE

As noted supra, the news coverage related to this case has been highly inflammatory. The many media sources behind this coverage include:

The Asbury Park Press; The Patch; NJ Advance Media/ NJ.com; TAPinto; Holmdel & Colts Neck; ABC Action News (local channel 6); News 12 New Jersey; Jersey Shore Online; 92.7 wobm; New Jersey 101.5; 94.3 The Point; The Journal NJ; The New York Times; The Washington Post; New Jersey Herald; The Huffpost Post; News Break; The Philadelphia Inquirer; Fox News; Fox 2; Fox 5; Fox 8; Fox 13; Fox 29 Philadelphia; Fox 40; Fox 61; CNN US; NBC News; NBC 4 New York; TIME; ABC News; ABC News - Good Morning America; ABC News - World News Tonight; ABC 13 Eyewitness News; ABC 7 Eyewitness News; ABC 7 News Chicago; ABC 7 News San Francisco; ABC 11; ABC 6 Action News; ABC 30 Fresno; Yahoo News; Yahoo Entertainment; Yahoo News Singapore; AOL; Business Insider; Wikipedia; Inside Edition; CNN Austin; ABC 13 Houston; CBS WUSA 9; CBS News Philadelphia; CBS New York; New York Post; Spectrum News, NY; News 12 The Bronx; News 12 Long Island; The Florida Times-Union; Wdsu 6 News; 610Kona; Heavy.com; HubPages; 13WTHR; AP News; True Crime Rocket Science, Two River Times, Web Sleuths, WHYY, WRAL News, Daily Beast; Daily Herald; Daily Mail; Pennlive.com; People; Philly Voice; Pix11; KCENTV; Portland Press Herald; Scribt; Seattle Times; SI Live; Spectrum News NY; Stamford Advocate; The Charles Smith Blog; The National Herald; Oxygen True Crime; Firehouse; FoxSA Puro San Antonio; Everett Herald; El Diario; Gothamist; CRN (The Channel Company); and The Columbian; New Zealand Herald; Criminal – Vocal Media; Law & Crime.

Due to the high profile nature of this case, the news media has noted that this case has made “national headlines” and that the “Caneiro killings have reverberated around the world, making headlines on the evening news and in newspapers overseas.”⁸ The case itself has been described as “one of the Jersey Shore’s most notorious murder cases

⁸<https://www.nj.com/monmouth/2018/12/colts-neck-killings-the-rise-and-fall-of-the-caneiro-brothers.html>

in recent years.”⁹ Many videos and photographs have been dispersed and displayed across the internet, including videos of the blazing fire at 15 Willow Brook.¹⁰

The news media has also highlighted the fact that the Monmouth County Prosecutor’s Office, specifically former Prosecutor Gramiccioni, has stated to the press that he “wished he could pursue the death penalty,” despite the death penalty having been abolished in New Jersey back in 2007.¹¹ In fact, this made the headline in one particular NJ.com article reading **“Colts Neck killings spur calls for death penalty in N.J.”**¹² The article notes that Senator Steve Oroho of NJ stated, **“The Colts Neck murderer deserves nothing less than the death penalty[.]”**¹³ Another article quotes Assemblyman Hal Wirths saying, **“The gruesome murder of the Caneiro family is proof that we must reinstate the death penalty.”**¹⁴ Yet another explains, “Three Republican lawmakers from the northwest corner of New Jersey, Senator Steven Oroho and Assemblymen Parker Space and Harold “Hal” Wirths, **called for New Jersey to reinstate the death penalty in the wake of the Caneiro case.**”¹⁵

As explained through the news media, former MCPO Prosecutor Chris Gramiccioni has stated, “This is one of the most brutal cases that I’ve ever seen. We won’t stop until we bring justice in the name of Keith Caneiro and his entire family.”¹⁶ However many other articles state that “Gramiccioni said this was the most brutal case he had seen in his time as prosecutor. If New Jersey law allowed, he said, **he would have charged this as a capital murder case.**”¹⁷ (Emphasis added).

⁹<https://www.app.com/story/news/local/courts/2024/12/30/caneiro-murder-trial-expected-to-expose-alleged-betrayal-and-greed/77182577007/>

¹⁰ E.g. <https://heavy.com/news/2018/11/paul-caneiro/>

¹¹<https://patch.com/new-jersey/marlboro-coltsneck/20-stunning-new-revelations-colts-neck-caneiro-murder-case>

¹² <https://www.nj.com/monmouth/2018/12/colts-neck-killings-spur-calls-for-death-penalty-in-nj.html>

¹³ <https://www.nj.com/monmouth/2018/12/colts-neck-killings-spur-calls-for-death-penalty-in-nj.html>

¹⁴ <https://www.yahoo.com/news/hear-911-call-neighbor-made-190433371.html>

¹⁵<https://patch.com/new-jersey/marlboro-coltsneck/hear-911-call-neighbor-made-colts-neck-murders>

¹⁶<https://patch.com/new-jersey/marlboro-coltsneck/20-stunning-new-revelations-colts-neck-caneiro-murder-case>

¹⁷ E.g., <https://www.cnn.com/2018/11/29/us/nj-mansion-fire-murder-caneiro/index.html>

The crimes themselves have been described as “real-life horror”¹⁸ and “the gruesome deaths of two young children and their parents in a raging inferno at their Colts Neck mansion[.]”¹⁹ The case has also been described as the “brutal slaying” of the Caneiro family,²⁰ as “a family decimated,”²¹ and as “the massacre in Colts Neck.”²² Another article claims that Mr. Caneiro “slaughtered the clan in cold blood[.]”²³ Headlines have called this case a “grisly scene[.]”²⁴

The media has elaborated on many occasions that “Keith Caneiro had been shot four times in the head and once in the back. Jennifer Caneiro and the two children were repeatedly stabbed and badly burned. Jennifer Caneiro was also shot in the head[.]”²⁵ In one article from Patch, it is described:

Prosecutors say Keith's older brother, Paul, 51, fatally shot his brother on the front lawn, and then brutally stabbed the wife and children to death inside the house, slashing their bodies multiple times. He then allegedly set the home on fire; the wife and children's bodies were reportedly charred beyond recognition when they were found. Police say Paul then set fire to his own home in Ocean Township, while his wife and daughters were sleeping inside, allegedly as a ruse to make detectives think he was being targeted as well.

Other renditions of this summary of events, as alleged by “Prosecutors” use inflammatory terms such as accusing Mr. Caneiro of “slashing their bodies,”²⁶ of having “gunned down his brother,” and that he “then stormed inside and fatally stabbed” the remaining family

¹⁸ <https://wobm.com/is-the-shocking-murder-of-family-from-colts-neck-new-jersey-headed-to-tv/>

¹⁹ <https://www.app.com/story/news/local/courts/2024/12/30/caneiro-murder-trial-expected-to-expose-alleged-betrayal-and-greed/77182577007/>

²⁰ <https://www.nj.com/monmouth/2019/03/alleged-colts-neck-killer-loses-top-lawyers-pleads-not-guilty-in-slaying-of-family.html>

²¹ <https://www.nj.com/news/g66l-2019/01/2e079f56e04424/the-biggest-crime-stories-of-2.html>

²² <https://www.nj.com/monmouth/2018/12/colts-neck-killings-caneiro-brothers-once-thriving-tech-business-showed-signs-of-slowing-down.html>

²³ <https://nypost.com/2018/12/05/911-call-reveals-grisly-scene-at-colts-neck-mansion-fire/>

²⁴ <https://nypost.com/2018/12/05/911-call-reveals-grisly-scene-at-colts-neck-mansion-fire/>

²⁵ <https://www.app.com/story/news/local/courts/2024/12/30/caneiro-murder-trial-expected-to-expose-alleged-betrayal-and-greed/77182577007/>; <https://6abc.com/colts-neck-caneiro-murders-murder/5399019/>

²⁶ <https://patch.com/new-jersey/marlboro-coltsneck/20-stunning-new-revelations-colts-neck-caneiro-murder-case>

members.²⁷ The allegations continue that he then “doused the home in gasoline and set it ablaze.”²⁸

Another article states that Prosecutor “Gramiccioni called it one of the most heinous crimes his team has ever investigated[.]”²⁹ Almost all of the articles recurrently mention that the two children were “stabbed repeatedly.” One article claims that Prosecutor “Gramiccioni said the children's identifications were delayed because of the burn damage their bodies sustained in the inferno.”³⁰ Another article notes that “Gramiccioni said Paul Caneiro attempted to make it appear as if the entire Caneiro family was targeted.”³¹ “‘We allege it was a ruse,’ Gramiccioni said.”³² Similarly, Gramiccioni has stated that it was “an effort to conceal” the evidence.³³

To be clear, the impact of such repeated and bold prosecutorial comments about this case, about Mr. Caneiro’s guilt, and about the express desire for the death penalty in this case, cannot be undervalued. Indeed, our higher courts have confirmed on numerous occasions that a prosecutor’s comments about his belief in the defendant’s guilt are extremely prejudicial and at times, reversible error. See State v. Rivera, 437 N.J. Super. 434, 450-51 (App. Div. 2014 (prosecutor showed the jury a PowerPoint with a slide of the defendant’s face along with words stating, “Defendant GUILTY OF: ATTEMPTED MURDER” in bright red print); State v. Farrell, 61 N.J. 99 (1972) (prosecutor said he had tried over 50 cases and never felt stronger than he did about this one); Aponte v. State, 30 N.J. Super. 441, 447 (1959) (prosecutor told jury that if he thought the case was a ‘loser,’ he wouldn’t be trying the case); State v. Ferro, 128 N.J. Super. 353, 362 (App. Div.), cert. den. 65 N.J. 566 (1974) (prosecutor stated he’s “tried over 200 criminal case” and that “this case, this evidence I submit is so overwhelming, so clear-cut so

²⁷ <https://nypost.com/2019/07/16/accused-colts-neck-killer-is-in-more-legal-trouble/>

²⁸ <https://nypost.com/2019/07/16/accused-colts-neck-killer-is-in-more-legal-trouble/>

²⁹ <https://www.cbsnews.com/newyork/news/colts-neck-fire-brother-in-custody/>

³⁰ <https://www.cbsnews.com/newyork/news/colts-neck-fire-brother-in-custody/>

³¹ <https://www.nj.com/monmouth/2019/11/he-was-accused-of-killing-his-brother-and-family-a-year-later-whats-happened-in-the-case.html>

³² <https://www.nj.com/monmouth/2018/12/colts-neck-killings-the-rise-and-fall-of-the-caneiro-brothers.html>

³³ <https://www.wral.com/paul-caneiro-is-charged-in-colts-neck-murder-of-his-brother-s-family/18028008/>

convincing..."); State v. Thorton, 38 N.J. 380, 398 (1962) (prosecutor told jury that he would not bring a case to trial unless he believed the defendant was guilty).

"Our Supreme Court has consistently condemned conduct that invades the exclusive province of the jury to resolve factual disputes, assess credibility and decide whether the State's evidence establishes guilt." Rivera, 437 N.J. Super at 449 (citing State v. McLean, 205 N.J. 438 (2011)). "It is difficult to conclude that a prosecutor's declaration of the defendant's guilt before the first witness is sworn would not have invaded the province of the jurors. Id. at 450 (emphasis added). "Moreover, such a declaration in opening has the capacity to predispose the jurors to take the prosecutor's view of the evidence 'without applying their own independent judgment.'" Ibid. (quoting State v. Thornton, 38 N.J. 380, 398 (1962). Additionally, "Such a declaration delivers a message in conflict with the State's obligation to convince the jury of defendant's guilt by proof of each element of the crime beyond a reasonable doubt. It does that by suggesting the decision has been made." Id. at 451 (citing Jackson v. Virginia, 443 U.S. 307, 319 (1979)).

Here, by virtue of the former Prosecutor's comments being made, and repeatedly blasted all throughout the countless articles that have been published about this case, the jury's province has been pervaded before the trial has even begun. These comments – and headlines – in the media have the same ability to "predispose jurors to take the prosecutor's view of the evidence without applying their own independent judgment." Id. at 450. To have so many Monmouth County jurors predisposed to the State's affirmative and authoritative comments about Mr. Caneiro's guilt, his deservingness of the death penalty, and all of the evidence against him, creates a critical risk that these jurors are not fit to judge this case fairly and impartially. To compound this risk, jurors are then not only exposed to the Prosecutor's comments in the media, but the public's further negative reaction, discussed further below. The jury pool in Monmouth County is tainted by the Prosecutor's will, and also the public's will – a prejudice that will be extremely difficult, if not impossible, to overcome in this case.

Additionally, coverage has already shaped public opinion on Mr. Caneiro's credibility, including claims that "Paul's 'story' wasn't adding up."³⁴ After appearing in court, Mr. Caneiro himself has been called "emotionless"³⁵ and "stone-faced."³⁶

The alleged motive has been characterized as "a vicious and shocking chain of events"³⁷, a "massacre over money"³⁸, and a "web of betrayal, greed, and deceit[.]"³⁹ Similarly, it has been expressed that "prosecutors have described [this case] as a greed-filled crime spree."⁴⁰ It has also been stated that "the second fire in Ocean Township was an attempt to destroy evidence and mislead police into thinking the entire Caneiro family was being targeted by violent thugs, authorities allege."⁴¹

With respect to the State's theory of motive, the news media has painted an entirely inaccurate picture that Keith Caneiro was "thriving," while Paul Caneiro was "struggling."⁴² The media, in countless articles, describes the motive as being derived from Keith's alleged desire to "cut off" Paul Caneiro financially and/or from their shared business.⁴³ A multitude of articles also describe the State's theory that Paul Caneiro committed these crimes after Keith Caneiro caught Paul stealing money from their business. Headlines have been made over the \$90,000 that Paul allegedly stole from Keith and the trust he set up for his children.⁴⁴

³⁴ <https://discover.hubpages.com/politics/The-Colts-Neck-Mansion-Murders>

³⁵ <https://www.cnn.com/2018/11/30/us/new-jersey-mansion-fire-paul-caneiro-court/index.html>

³⁶ <https://www.jacksonville.com/story/news/2018/11/30/as-1-brother-thrived-other-struggled-before-new-jersey-slayings/7975403007/>

³⁷ <https://wobm.com/is-the-shocking-murder-of-family-from-colts-neck-new-jersey-headed-to-tv/>

³⁸ <https://www.cbsnews.com/newyork/news/paul-caneiro-colts-neck-murder/>

³⁹ <https://www.app.com/story/news/local/courts/2024/12/30/caneiro-murder-trial-expected-to-expose-alleged-betrayal-and-greed/77182577007/>

⁴⁰ <https://www.aol.com/paul-caneiro-gets-trial-date-101944042.html>

⁴¹ <https://www.app.com/story/news/local/courts/2024/12/30/caneiro-murder-trial-expected-to-expose-alleged-betrayal-and-greed/77182577007/>

⁴² <https://patch.com/new-jersey/marlboro-coltsneck/20-stunning-new-revelations-colts-neck-caneiro-murder-case>; <https://www.jacksonville.com/story/news/2018/11/30/as-1-brother-thrived-other-struggled-before-new-jersey-slayings/7975403007/>

⁴³ E.g. <https://www.nj.com/monmouth/2019/02/alleged-colts-neck-killers-brother-was-threatening-to-cut-him-off-financially-just-before-mansion-massacre-cops-say.html>

⁴⁴ <https://www.nbcnews.com/news/us-news/new-jersey-man-stole-90-000-killing-his-brother-family-n1248452>

In that vein, much of the State's theory has been spelled out for the public before any juror has ever stepped foot into a courtroom. One article says "prosecutors say they have evidence that Paul cut power to his brother's home and disabled the generator to lure Keith outside, then shot him in the back and four times in the head. Keith Caneiro's body was found on the front lawn."⁴⁵ Another article explains, "He then allegedly set the home on fire, starting a slow-burn fire in the basement of the home that took hours to smolder."⁴⁶ Relatedly, an APP article discusses how the USA Today Network New Jersey had Phil Fouts, a fire investigator, confirm that this theory was reasonable, which he did.⁴⁷ The articles continue, "Caneiro is also charged with setting his own home in Ocean Township on fire while his wife and two grown daughters were inside. After he left Colts Neck around 5 a.m., surveillance video allegedly shows Paul shutting off his own security cameras before the fire."⁴⁸ The news articles repeatedly regurgitate what Prosecutor Gramiccioni has told the press, which includes details about the State's theory down to the alleged sequence of the killings."⁴⁹

The evidence in this case has been boldly broadcasted for years. In particular, many news articles have focused on the DNA evidence, which the defense has vehemently challenged during the course of an extensive Daubert Hearing.⁵⁰ These articles often include clips of the hearing.⁵¹ However, it should also be noted that the hearing was live-broadcasted as well.⁵² Importantly, many of these articles are from a local news source, Asbury Park Press, whose reader-base consists primarily of residents of the Ocean County and Monmouth County area.⁵³

⁴⁵ <https://www.cbsnews.com/newyork/news/colts-neck-caneiro-arraignment/>

⁴⁶ <https://patch.com/new-jersey/marlboro-coltsneck/accused-colts-neck-killer-now-charged-insurance-fraud>

⁴⁷ <https://www.app.com/story/news/crime/2018/11/29/colts-neck-fire-arson-caneiro/2150949002/>

⁴⁸ <https://www.cbsnews.com/newyork/news/colts-neck-caneiro-arraignment/>

⁴⁹ <https://www.cnn.com/2018/11/29/us/nj-mansion-fire-murder-caneiro/index.html>

⁵⁰ At least 58 articles included in the defense's appendix discuss the DNA evidence in this case.

⁵¹ <https://www.app.com/story/news/local/courts/2024/12/16/ruling-on-dna-software-used-in-on-software-used-on-dna-in-dna-in-caneiro-murders-now-in-judges-hands/76802820007/>;
<https://www.app.com/story/news/local/courts/2024/12/07/dna-software-used-in-caneiro-murder-case-is-quite-good-expert-says/76452750007/>

⁵² <https://www.youtube.com/watch?v=Y30d4u0EZ40>; <https://www.youtube.com/watch?v=GSEsaqAhsBo>

⁵³ Presently, the APP has 212,000 followers on Facebook; 77,000 followers on Instagram, 9,000 followers on YouTube; and 11,500 print subscribers. It is unknown how many digital subscriptions they currently have.

Additional evidence that has been released includes the “chilling” and “disturbing” 911 tapes,⁵⁴ the 911 call reporting gunshots at 3:33 AM⁵⁵, the exact stamp found of the shell casings left at the scene and found in Mr. Caneiro’s safe,⁵⁶ the specific evidence found in Mr. Caneiro’s Porsche,⁵⁷ the specific DNA-related evidence found in Mr. Caneiro’s basement, and information related to Mr. Caneiro’s “vast amount” of firearms and ammunition also discovered in his basement.⁵⁸ The full 911 call reporting the Colts Neck fire and the 3:33 AM gunshots can be played on the nj.com website⁵⁹ / SoundCloud,⁶⁰ and the APP website,⁶¹ respectively, embedded into their published articles. It has also been inaccurately reported that the “bodies of Jennifer and her children were burned beyond recognition, investigators said.”⁶² And, that “Authorities say both a gun and a knife were seized from a New Jersey man charged with murder in the deaths of his brother, his brother’s wife and their two children.”⁶³ Discussions of what can be seen on surveillance footage, including the exact timestamps that certain events can be observed, has also been made public.⁶⁴ Based on this, some articles have even included an actual alleged timeline of events.⁶⁵

Additionally, after civil suits were filed in connection with this matter, the details of those lawsuits have been made public too, blurring the lines between the facts of the criminal case and the civil suits.⁶⁶ Inflammatory allegations from the lawsuit have been directly quoted in the media, including a detailed description of how Sophia Caneiro, age

⁵⁴<https://www.cbsnews.com/newyork/news/disturbing-911-tapes-released-from-scene-of-colt-neck-familys-murder/>

⁵⁵ <https://discover.hubpages.com/politics/The-Colts-Neck-Mansion-Murders>

⁵⁶ <https://discover.hubpages.com/politics/The-Colts-Neck-Mansion-Murders>

⁵⁷ <https://discover.hubpages.com/politics/The-Colts-Neck-Mansion-Murders>

⁵⁸ <https://www.app.com/story/news/local/courts/2019/05/14/colts-neck-murders-what-we-know/1192314001/>

⁵⁹ <https://www.nj.com/monmouth/2018/12/neighbor-who-reported-colts-neck-mansion-fire-found-dead-body-out-front-audio.html>

⁶⁰ <https://soundcloud.com/nj-com/colts-neck-fire-911-call>

⁶¹ <https://www.app.com/story/news/local/courts/2019/07/16/colts-neck-murders-insurance-fraud-indictment/1742554001/>

⁶² <https://nj1015.com/lawyer-uncle-paul-is-innocent-find-familys-real-killer/>

⁶³ <https://apnews.com/general-news-cc1e6b87be054b9dabbeb74a8b450f60>

⁶⁴ <https://discover.hubpages.com/politics/The-Colts-Neck-Mansion-Murders>

⁶⁵ <https://discover.hubpages.com/politics/The-Colts-Neck-Mansion-Murders>

⁶⁶ <https://www.nbcnews.com/news/us-news/new-jersey-man-stole-90-000-killing-his-brother-family-n1248452>

8, suffered “for an unimaginable period of time”⁶⁷ including “great pain and mental suffering before she died.”⁶⁸ Another article references the “gut-wrenching details of Sophia’s death” and goes on to describe these details as quoted from the lawsuit.⁶⁹ Another article includes details and quotes contained in the four family members’ autopsies as well as in emails and text messages sent by Keith.⁷⁰

With respect to the location of this case, the news media has highlighted that, “The killings have startled the affluent horse-country community of Colts Neck, home to Bruce Springsteen and where former ‘Daily Show’ host Jon Stewart and his wife run an animal sanctuary.”⁷¹ Other articles note that “David Bryan, who plays keyboard in the band Bon Jovi” lives there as well⁷² and that “Queen Latifah sold her mansion there in 2015.”⁷³ Another article explains that the homicides/ arsons that occurred in this case “was not normal for a community like Colts Neck. Things like this don’t happen here.”⁷⁴

Despite Mr. Caneiro’s matter having been divided into two separate indictments, the news media often mentions both of them together.⁷⁵ It has been made clear through the reporting that Mr. Caneiro was receiving disability and being paid by the business through his wife’s salary.⁷⁶ “An office manager for the businesses, who was not named in court documents, told investigators that because Paul Caneiro was disabled from a car accident, his salary was being paid to his wife.”⁷⁷ Despite the “insurance fraud” allegations being contained in a separate indictment, and despite the State advising that it was not intending to admit this information at trial, the news media has already provided this

⁶⁷ <https://nj1015.com/girl-8-suffered-most-in-colts-neck-familys-greed-fueled-killing-lawsuit/>

⁶⁸ <https://www.nj.com/monmouth/2020/11/before-nj-family-was-killed-suspect-was-accused-of-stealing-from-childrens-college-funds-suit-says.html>

⁶⁹ <https://nypost.com/2020/11/21/theft-of-90k-preceded-colts-neck-mansion-massacre-lawsuit/>

⁷⁰ <https://www.nj.com/monmouth/2020/11/before-nj-family-was-killed-suspect-was-accused-of-stealing-from-childrens-college-funds-suit-says.html>; <https://patch.com/new-jersey/marlboro-coltsneck/colts-neck-murder-suspect-took-college-fund-lawsuit-alleges>

⁷¹ <https://www.cbsnews.com/newyork/news/funeral-new-jersey-family-murder/>

⁷² <https://www.nytimes.com/2018/11/20/nyregion/colts-neck-nj-mansion-fire.html?searchResultPosition=6>

⁷³ <https://abc13.com/square-one-colts-neck-fire-keith-caneiro-nj/4732277/>

⁷⁴ <https://discover.hubpages.com/politics/The-Colts-Neck-Mansion-Murders>

⁷⁵ <https://www.app.com/story/news/local/courts/2024/12/30/caneiro-murder-trial-expected-to-expose-alleged-betrayal-and-greed/77182577007/>; <https://www.aol.com/paul-caneiro-gets-trial-date-101944042.html>; <https://6abc.com/colts-neck-caneiro-murders-murder/5399019/>

⁷⁶ <https://discover.hubpages.com/politics/The-Colts-Neck-Mansion-Murders>

⁷⁷ <https://www.oxygen.com/crime-time/paul-caneiro-allegedly-killed-brother-keith-caneiros-family-after-being-accused-of-taking-money>

prejudicial information to the public. In fact, one APP article provides an actual copy of this separate indictment, which can be downloaded off the website as a PDF.⁷⁸

The news media also spotlighted highly prejudicial details that no juror should ever hear. For example, many articles note that Mr. Caneiro has been incarcerated at the Monmouth County Jail since his day of arrest.⁷⁹ Countless articles display photos of Mr. Caneiro appearing in court in shackles, and in his green or yellow jail garb. (Exhibit E). Such images cast throughout the internet upon potential future jurors has the ability to prejudice the minds of these jurors. See State v. Herrera, 385 N.J. Super. 486, 498 (App. Div. 2006) (“Moreover, our Supreme Court [in State v. Maisonet, 166 N.J. 9, 18 (2001)] noted that New Jersey courts have been ‘especially vigilant in protecting a defendant’s right not to be compelled to appear at trial in prison attire[.]’”). This right is critical “in order to protect the presumption of innocence” and to avoid the “diminish[ment] [of the defendant’s] credibility before the jury.” Herrera, 385 N.J. Super. at 498 (quoting Maisonet, supra). As stated in a more recent unpublished case, State v. Brown, 2022 WL 777987 at *4 (March 15, 2022), “There is little question that jurors should not see the defendant on trial before them in handcuffs or similar restraints because of the potential it would prejudice their view of his or her innocence.” See also, State v. Damon, 286 N.J. Super. 492, 498 (“A defendant’s freedom from handcuffs or shackles is important to his right to a fair and impartial trial.”).

As another example, significant number of articles display his mugshot, and many articles also reference Mr. Caneiro’s lawyers from the “New Jersey Office of the Public Defender.”⁸⁰ See State v. Lazo, 209 N.J. 9, 19 (2012) (explaining that the use of an arrest photo can “inject prejudice by suggesting defendant has a prior criminal record”); State v. Johnson, 421 N.J. Super. 511, 521 (App. Div. 2011) (“mugshots are generally impermissible”); See also State v. Martini, 131 N.J. 176 (1993), overruled in part as stated

⁷⁸<https://www.app.com/story/news/local/courts/2019/07/16/colts-neck-murders-insurance-fraud-indictment/1742554001/>

⁷⁹E.g. <https://www.app.com/story/news/local/courts/2024/12/30/caneiro-murder-trial-expected-to-expose-alleged-betrayal-and-greed/77182577007/>; <https://patch.com/new-jersey/marlboro-coltsneck/20-stunning-new-revelations-colts-neck-caneiro-murder-case>; <https://www.cnn.com/2018/11/30/us/new-jersey-mansion-fire-paul-caneiro-court/index.html>

⁸⁰ At least 46 articles mention Mr. Caneiro’s attorneys are public defenders.

in, *State v. Wakefield*, 190 N.J. 397 (2007) (addressing the impact of mentioning the involvement of the Public Defender's Office). Additionally, the media has claimed that AP Nicole Wallace stated that the State will be seeking a prison sentence for Paul Caneiro of life without parole.⁸¹ This sentiment - that Mr. Caneiro is facing a life without parole sentence - is also highlighted in the articles that discuss the 2024 plea cutoff hearing. The fact that not only has Mr. Caneiro's sentencing exposure been highly publicized, but also the exact term that the State will seek if Mr. Caneiro is convicted, is another concern for potential prejudice and juror bias. See *Shannon v. U.S.*, 512 U.S. 573 (1994); *Rogers v. United States*, 422 U.S. 35, 40 (1975). "[P]roviding jurors [with] sentencing information invites them to ponder matters that are not within their province, distracts them from factfinding responsibilities, and creates a strong possibility for confusion. *Shannon*, 512 U.S. at 579.

Likewise, many of the news sources reference filings or documents that would never be admissible at trial.⁸² The contents of the previously sealed Affidavit of Probable Cause has been practically copied and pasted into articles.⁸³ In fact, the actual Affidavit of PC has been published online by CBS News⁸⁴ and Scribd.⁸⁵ Inadmissible hearsay evidence and 404(b) evidence has been blasted throughout these articles, including a disgruntled ex-colleague's allegation that Mr. Caneiro had a bad temper and threatened to kill him.⁸⁶ In fact, this single hearsay allegation made multiple headlines such as

⁸¹<https://www.nj.com/monmouth/2019/03/alleged-colts-neck-killer-loses-top-lawyers-pleads-not-guilty-in-slaying-of-family.html>

⁸² <https://6abc.com/colts-neck-caneiro-murders-murder/5399019/>

⁸³<https://patch.com/new-jersey/marlboro-coltsneck/20-stunning-new-revelations-colts-neck-caneiro-murder-case>; https://www.scribd.com/document/400474408/Ocean-Township-Affidavit#from_embed

⁸⁴https://assets1.cbsnewsstatic.com/i/cbslocal/wp-content/uploads/sites/14578484/2019/02/02.25caneiro.ot_complaints.and_.aff_.pdf;
https://assets1.cbsnewsstatic.com/i/cbslocal/wp-content/uploads/sites/14578484/2019/02/02.25.caneiro.cn_complaints.aff_.pdf

⁸⁵ https://www.scribd.com/document/400472643/Caneiro-Affidavit#from_embed

⁸⁶<https://patch.com/new-jersey/marlboro-coltsneck/20-stunning-new-revelations-colts-neck-caneiro-murder-case>; <https://patch.com/new-jersey/marlboro-coltsneck/former-colleague-says-paul-caneiro-threatened-him-previous-job>

“Accused Colts Neck killer’s violent streak may go back decades”⁸⁷ and “Former Colleague Says Paul Carneiro Threatened Him At Previous Job.”⁸⁸

While it is true that these articles often mention Mr. Caneiro’s assertions of innocence, the backlash in the comments and the discourse on social media platforms make it clear that hardly anyone is presuming Mr. Caneiro is innocent. One website contains a Poll embedded into the article. The poll asks “Do you think a family member [(Mr. Caneiro)] was involved?” According to the poll, 94% of people voted “yes” while only 6% of people voted “no.”

DISCUSSION OF PUBLIC COMMENTARY

As a result of these reports, a flood of comments on news websites and social media websites alike reveal how people truly view Paul Caneiro. (Exhibit F). Some of these comments include:⁸⁹

- “What a monster, [please] bring back the hot shot to take these animals off the board.”⁹⁰
- “He doesn’t deserve another breath. . . . Hopefully he will learn his lesson in prison and I would shake the person’s hand.”⁹¹
- “The kids were still alive when he set them on fire . . . this guy should hang.”⁹²
- “You killed your family you piece of shit own it it’s going to happen anyway your going to spend the rest of your days locked up where you’re going is not going to be fun trust me.”⁹³
- “Stand trial where you committed the crime. Fuck you and your rights.”⁹⁴
- No - he thought it was a great idea to kill this family - suck it up!⁹⁵
- “Here is the poster child for the death penalty”⁹⁶

⁸⁷ <https://nypost.com/2018/12/08/accused-colts-neck-killers-violent-streak-may-go-back-decades/>

⁸⁸ <https://patch.com/new-jersey/marlboro-coltsneck/former-colleague-says-paul-caneiro-threatened-him-previous-job>

⁸⁹ If the comment does not include a footnote, please note that the comment can be found in Defendant’s Appendix.

⁹⁰ <https://nypost.com/2024/12/27/us-news/previously-unusable-dna-samples-entered-as-evidence-in-trial-of-quadruple-killings-in-nj-mansion/>

⁹¹ <https://nypost.com/2024/12/27/us-news/previously-unusable-dna-samples-entered-as-evidence-in-trial-of-quadruple-killings-in-nj-mansion/>

⁹² <https://nypost.com/2024/12/27/us-news/previously-unusable-dna-samples-entered-as-evidence-in-trial-of-quadruple-killings-in-nj-mansion/>

⁹³ <https://share.newsbreak.com/bvkdklze?s=i0>

⁹⁴ <https://share.newsbreak.com/bvkdklze?s=i0>

⁹⁵ <https://share.newsbreak.com/bvkdklze?s=i0>

⁹⁶ <https://share.newsbreak.com/bvkh0z45?s=i0>

- “This pile of garbage is just pure evil! Why is he still breathing?”⁹⁷
- “This guy is a POS”⁹⁸
- “He deserves the electric chair.”⁹⁹
- “Just throw the key AWAY already! A venue change isn’t going to change the outcome.”¹⁰⁰
- “. . . enough with the delays lock him up forever already.”¹⁰¹
 - “Was thinking more execution”
 - “Maybe that will happen in the form of prison justice”
- “And, for the sake of the poor family members, WHY is this still dragging out? Criminals have more rights than victims. Shame on you.”¹⁰²
- “Automatic Death Penalty - Put it in the books - CASE CLOSED”¹⁰³
- “. . . This guys is a real POS. I hope he suffers a long awful death.”
- “Horrific. There is no justice for this man except death.”
- “Incredibly sad. The added details are so horrific. The only justice is a death penalty. And then he will burn in hell.”
- “He needs to be put in with the general population in the prison. Let the prisoners dish out some real prison justice.”
 - “Exactly”
- “That POS needs the death penalty for what he did. He has no heart, he is pure evil and he’s wasting tax payers money in jail. There has to be a way to bring back the death penalty.”
- “That POS . . . Hope [he] rots in hell.”
- “. . . Maximum Sentence. PERIOD.”
- “This was horrific and so many lives were destroyed because of this man!”
- “So sad, bring back the death penalty in New Jersey.”
- “. . . can we . . . burn this guy alive in city square?”
- “Now this ass*le can suffer and rot in hell.”
- “I hope he’s put in general population....Karma.”
- “His turn should be very painful.”
- “We need the death penalty back. He needs to fry.”
- “No punishment is good enough”
- “He deserves to die! Monster!”
- “Pure evil.”
- “Death is too good for this evil scumbag... he needs to suffer”
- “There’s a special place in Hell for this guy.”
- “This is just... OMG. I wish they had a slow and painful death for this guy.”
- “Hopefully he will have horrible and painful death at the prison.”
- “I wanna knock that smile off his face with a brick. Hope he gets shanked in prison.”

⁹⁷ <https://share.newsbreak.com/bvkh0z45?s=i0>

⁹⁸ <https://share.newsbreak.com/bvkh0z45?s=i0>

⁹⁹ <https://www.facebook.com/asburyparkpress/posts/paul-caneiro-said-he-absolutely-wants-a-trial-in-the-murders-of-four-relatives-a/1044777061027312/>

¹⁰⁰ https://www.facebook.com/story.php?story_fbid=1093777199460631&id=100064850825847&_rdr

¹⁰¹ https://www.facebook.com/story.php?story_fbid=1093777199460631&id=100064850825847&_rdr

¹⁰² https://www.facebook.com/story.php?story_fbid=1093777199460631&id=100064850825847&_rdr

¹⁰³ https://www.facebook.com/story.php?story_fbid=1093777199460631&id=100064850825847&_rdr

- "What pure evil this man is..These were innocent children.. Hell is too good for him."
- "May this scumbag rot in hell."
- "Scumbag pos."
- "Scum."
- "Scumbag."
- "DEATH ROW HE SHOULD NOT BE ALIVE."
- "There's a special place in hell waiting for him."
- "Slip a rope into his jail cell problem solved."
- "Is it just me or does this pic of him scream im guilty."
- "It's truly amazing how many people here are from New Jersey, and have absolutely no clue that we do not have the death penalty in this state."
- "Give him the chair he had no mercy for his brother or wife or kids!!!!"
- "I'm guessing his plan didn't go so well. Busted! POS!!!"
- "#monster"
- "I wouldn't want to leave jail either you POS."
- "Pass go straight to the death penalty."
- "How can the lawyer defend him when obviously he killed them."
- "Wish there was a death penalty in NJ, but then on the other hand let him live in agony, let him rotten in jail, get a** f***ed daily, and who knows if he's lucky maybe one of his mates will put him out of his misery."
- "This guy is SO guilty. Hope his wife and daughters have left and won't look back!!"
- "If he had any remorse, he would spare his family more anguish of a trial and just plead guilty."
- "He deserves to di[e] not stay in jail."
- "How do you think someone is innocent when they have the gun and knife that killed his brother and his family in your possession???? Hello, wake up!!!!"
- "He doesn't deserve to be incarcerated. . . the death penalty should await him."
- "He belongs in hell, not in prison where we are paying to keep him."
- "This is when I question, what lawyer would defend this monster? The thought of any one making a case to help this guy makes m[e] sick! I hope he enjoys jail and hell!"
- "This state needs to bring back the death penalty."
- "He deserves whatever is thrown at him."
- "Show him no Mercy. Give him DEATH PENALTY."
- "He's a cold hearted animal."
- "Don't forget to give him some rope."
- "Horrible... he has a dark road ahead of him and a special place in hell."
- "His defense attorneys are also JUNK!"
- "Rot in hell POS."
- "... this man deserves so much more then he will get...he killed his brother and brothers family... 4 human beings... babies to boot! There is no justice cruel enough for this SOB."
- "But you will get no mercy."
- "Hang him soon!"
- "Burn in hell like you did to your family."
- "Evil it's sad."

- "Evil."
- "Pure evil."
- "He did it."
- "... This scumbag deserves no mercy."
- "Hopefully it don't make it to trial and someone beats him to death in prison."
- "He's a monster Killing innocent children."
- "Scumbag....I hope he burns in hell."
- "Scum of the earth. Karma will set you free."
- "He needs immediate death penalty."
- "What a POS!!!!!! He should rot in Hell."
- "He needs to be put to death! No trial, no death row and definitely no tax payers dollars wasted on this scum."
- "SCUMBAG!! Rot in hell!!"
- "... he deserves to rot in hell."
- "Rot in hell."
- "Cowardly POS."
- "Kill the MOTHER FORKER."
- "Wtf. This guy is a monster!"
- "Hang the P.O.S.!!"
- "Sociopath."
- "Sick monster."
- "P.O.S."
- "All bc of money.... Unbelievable.. I hope he gets killed in prison."
- "There is a special place in hell for you."
- "Awful... he should not be breathing."
- "...Omg horrible. Someone needs to put him out. He is a sick evil person."
- "Sick bast@ard."
- "This thing is downright disgusting! Hell is too good for him."
- "What a pos prison isn't fair for this scumbag."
- "Poor excuse for a human being."
- "... So says his liar for hire."
- "The[] lawyer needs to be fired!!! I won't even waste my time reading way to suspicious."
- "He looks like a guy who would torch his own house."
- "Read the article ... my verdict is in!"
- "... Any lawyer representing this nut job needs a psych evaluation."
- "WTF... IT WAS YOUR FAMILY YOU FREAK!!"
- "What a monster."
- "Animal!!!"
- "Sicko."
- "... COWARD!! FAILURE AS A SON, BROTHER AND HUSBAND AND MOST DISGUSTING...A FATHER!"
- "What a very evil monster."
- "Paul clearly did it!!! No question."
- "Paul is clearly a gobshite."

- "Just pure evil!"
- "I hope Paul rots in hell when his time comes and his time in prison is also hellish!"
- "May he rot forever!"
- "How do those lawyers live with themselves??"
- "Very very disturbed man!! Wish NJ still had the death penalty."
- "What a disgusting man. . . Then the defense lawyers have the nerve to stand there and say he would never hurt them and loved them."
- "What a sick Asshole!"
- ". . . that fat waste of skin monster. . . . I hope hell is real for that POS."
- "Pure evil. . . he should get the death penalty, Evil piece of shit!!!!!!!"
- "This guys seems to be guilty . . . death penalty should be given[.]"
- "Is this monster still alive??? Please say no. I am hoping you go to hell sooner rather than later. Satan has a seat for you."
- "He needs the death penalty."
- "What a monster. What an awful plan."
- "You sick son of a bitch, rot scumbag."
- "There is only one verdict: death penalty."
- "How do lawyers live with themselves trying to excuse the murder of children??"
- "Yeaaa... that should have been a quick trial concluded with slow execution. That demon doesn't deserve to draw breath."
- "Disgusting slimy lawyers."
- "He's a monster!!! . . . death penalty is what he deserves for his horrific crime!"
- "Even death is not enough for this man."
- "What a f...ing POS, he would be nothing without his brother... I hope he burns in hell!"
- "What a sick, evil, demented individual."
- "They really need to bring back the death penalty for these scumbags and enforce it."
- "These nasty lawyers . . . How can you sleep at night?"
- "He is the monster that lives under children's beds...disgusting!"
- "He will burn in hell and shame on him killing innocent babies and his own brother!!!"
- "Heartless Animal" .
- "PURE EVIL."
- "What a sick mf. Drawn & quartered seems an appropriate punishment."
- "I hate these cowards who always proclaim their innocence when the evidence is totally overwhelming. . . What a surprise this piece of shit who stabs children to death is a coward when it comes to facing up for it."
- "Death penalty is not enough. I want legal torture in the system[.]"
- "That's my home town, ugh :(... Honestly they should TORTURE the bastard!"
- "I don't know who's more disgusting the multi-murderer or the sleazeball defense attorneys."
- "Waste of defense attorneys. He should just plead and go to prison."
- "What a despicable piece of shit. Amazing how he went his entire life acting normal but underneath it all he was truly a psychopath."
- "He looked evil from the start"

- “How can these disgusting lawyers defend this pos, how do they sleep at night!! Saying he didn’t do it, the evidence is overwhelming. Hope he rots in prison.”
- “We see killers in every one of Mike’s videos.. But this guy, Paul, is an actual MONSTER”
- “PIECE OF SHIT!!!”
- “Fucking monster”
- “Wow...what a POS Paul is... incredible evil manifestation of hatred and self serving heinous actions”
- “What a complete piece of crap, psychopathic bastard.”
- “The guy dares to plead not guilty with that much damnable evidence against him??”
- “Scumbag hope he rots in prison forever. Shame on him and on those who defend this sicko.”
- “Evil Paul. The death penalty suits him right!”
- “I’m all for prison justice on this scumbag”
- “I hope this monster gets the most brutal “affection” in prison.”
“Absolute monster”
- “He’s a sociopath, not a monster. They live among us.”
- “Lock Paul up throw away the key he aint going nowhere!!!!!!!!”
- “Paul is guilty,,,even these lawyers know that”
- “Devil!!!”
- “Look at the faces of these two scumbags. They know their client killed two young children and their parents but are just saying prove it. I don’t need proof. I know he did it just by looking at him.”
 - “I agree this is why people hate lawyers because they defend sickos like him. Shame on them.”

Contrary to our constitutional provisions entitling the accused to the presumption of innocence and due process, these comments clearly reflect the sentiment that no one is interested in affording Mr. Caneiro these protections. Rather, the public’s “verdict is in” just by reading what is presented to them in the media and “looking at him.” As one commenter stated, the message to Mr. Caneiro is clear: “Fuck you and your rights.”

Additionally, throughout the discourse, commenters are adding false information into the narrative. For example, “2 days before Paul killed all of his brother, Keith’s family... Keith issues an email to the entire company saying Paul embezzled and he was closing their business.” And, “They have footage of Paul driving to his brother’s house at 5am to murder him and his family in their gated community with tons of CCTV STREET cameras . . . and then driving back to his own home to set fire around 6am.” Another user states, “So Paul was clever. The money he stole his family gets to keep.” Also, “With all

the evidence from the cctv cameras that morning as well as the ballistic evidence[,] it will be very interesting indeed to see how these lying defense lawyers get out of this one[.]”

Notably, while these comments span over 6+ years, many of them are recently authored or from more recent 2024 and 2025 local media articles. Community members are also upset that the case has not yet reached trial, noting “why this man has no[t] been put away for life after four years and we tax payers are on the hook for all of this legal crap[.]”¹⁰⁴ If anyone is going to be upset about the ‘tax dollars wasted on this trial,’ it is the tax payers of Monmouth County.

While these comments are obviously not all from members of the Monmouth County community, that is far from the point here. The point is this: these comments are merely a *sample* of the feelings of those who are familiar with this case. And, of course, those who reside in Monmouth County are way more familiar with this case than the average person. As such, these comments – whether attributed to Monmouth County residents or not – reflect the feelings and attitudes of the Monmouth County community members who are well versed in the allegations surrounding this case. No one is better suited to pass pre-determined judgment in this case than a Monmouth County resident, who is most familiar with, and likely invested in, this case.

¹⁰⁴<https://nypost.com/2024/12/27/us-news/previously-unusable-dna-samples-entered-as-evidence-in-trial-of-quadruple-killings-in-nj-mansion/>

LEGAL ARGUMENT

POINT I:

PRESUMED PREJUDICE IN THIS CASE REQUIRES A CHANGE OF VENUE.

“A criminal defendant is guaranteed the right to trial by a fair and impartial jury.” State v. Timmendequas, 161 N.J. 515, 551 (1999) (citing State v. Harris, 156 N.J. 122, 142; U.S. Const. amend. XIV; N.J. Const. art. I, 10); State v. Biegenwald, 106 N.J. 13, 32 (1987) (“It is axiomatic that a criminal defendant's right to a fair trial requires that he be tried before a jury panel not tainted by prejudice.”); Irvin v. Dowd, 366 U.S. 717, 722 (1961). “The concept of impartiality requires that ‘the jury's verdict be based on evidence received in open court, not from outside sources.’” Ibid (quoting Harris, 156 N.J. at 140–43); see also State v. Bey, 112 N.J. 45, 75 (1988). Likewise, “[d]ue process requires that the accused receive a trial by an impartial jury free from outside influences.” Sheppard v. Maxwell, 384 U.S. 333, 362 (1966).

“A trial court, therefore, must take ‘significant precautions to minimize adverse pretrial and mid trial publicity that is capable of affecting juror perception of the case.’” Ibid (quoting State v. Feaster, 156 N.J. 1, 50 (1998)). Thus, “[w]here there is a reasonable likelihood that prejudice in a community will prevent a fair trial, a change of venue should be granted. Sheppard, 384 U.S. at 363.

Rule 3:14-2 requires a change of venue where the trial court “finds that a fair and impartial trial cannot otherwise be had.” In State v. Williams, 93 N.J. 39, 61 (1983), our Supreme Court recognized the constitutional significance of an impartial jury. “In determining whether a change of venue is necessary, a court must consider whether the change of location is ‘necessary to overcome the realistic likelihood of prejudice resulting from pretrial publicity[.]’” State v. Nelson, 173 N.J. 417, 475 (2002) (quoting Williams, 93 N.J. at 67-68 n. 13) (citing State v. Koedatich, 112 N.J. 225, 267 (1988)).

Our Supreme Court has also explained that determining whether a change of venue is necessary can come in two forms: (1) “cases in which the trial atmosphere is so

corrupted by publicity that prejudice may be presumed, and [(2)] cases in which pretrial publicity, while extensive, is less intrusive, making the determinative issue the actual effect of the publicity on the impartiality of the jury panel.” Nelson, 173 N.J. at 475 (quoting State v. Biegenwald, 106 N.J. 13, 33 (1987)) (internal quotations omitted). To determine whether prejudice is presumed, courts will turn to an assessment of six factors, discussed below, and conduct a totality of the circumstances analysis. See id. at 476. In those cases, voir dire is not necessary. Ibid. However, if prejudice is not presumed, courts will then conduct voir dire and turn to a similar totality of the circumstances analysis.

“Cases in which prejudice is presumed are ‘relatively rare and arise out of the most extreme circumstances.’” Nelson, 173 N.J. at 475 (quoting Koedatich, 112 N.J. at 269)). “Presumptively prejudicial publicity means a torrent of publicity that creates a carnival-like setting or a barrage of inflammatory reporting that may but need not include all of the following: evidence that would be inadmissible at the trial, editorial opinions on guilt or innocence, and media pronouncements on the death-worthiness of a defendant.” Ibid (quoting Harris, 156 N.J. at 143) (internal quotations omitted). A presumption of prejudice occurs in cases where jurors’ “claims that they can be impartial should not be believed.” Patton v. Yount, 467 U.S. 1025, 1031 (1984).

In Nelson, our Supreme Court listed the factors, established in Koedatich, supra, to be considered in determining whether presumed prejudice exists:

- (1) evidence of extreme community hostility against defendant;
- (2) prominence of either the victim or defendant within the community;
- (3) the nature and extent of news coverage;
- (4) the size of the community;
- (5) the nature and gravity of the offense; and
- (6) the temporal proximity of the news coverage to the trial.

Id. at 476 (noting that this list is “non-exhaustive”). Nelson also highlighted an example of a case where prejudiced was deemed presumed, and thus change of venue was deemed necessary, by our United States Supreme Court:

An example of presumed prejudice is illustrated in Rideau v. Louisiana, 373 U.S. 723 (1963) where the defendant's confession was televised three times to tens of thousands of viewers. In that case, the United States Supreme Court stated:

[W]e do not hesitate to hold, without pausing to examine a particularized transcript of the voir dire examination of the members of the jury, that due process of law in this case required a trial before a jury drawn from a community of people who had not seen and heard Rideau's televised ‘interview.’ ‘Due process of law, preserved for all by our Constitution, commands that no such practice as that disclosed by this record shall send any accused to his death.’

Ibid (citing Rideau, 373 U.S. at 727) ((quoting Chambers v. Florida, 309 U.S. 227, 241 (1940)).

The controlling precedent of the United States Supreme Court in Patton v. Yount, 467 U.S. 1025 (1984), and Sheppard v. Maxwell, 384 U.S. 333 (1966), hold that upon the showing of abundant evidence in the record demonstrating media saturation including facts about the case, false information about the case and otherwise inadmissible material, a change of venue is appropriate. In Sheppard, the Court held that due process requires a change of venue when the defendant can show a “reasonable likelihood that prejudicial news prior to trial will prevent a fair trial.” 384 U.S. at 363.

I. The Nelson factors clearly show presumed prejudice in the instant case and thus the present motion must be granted.

In this case, we are dealing with a series of horrific crimes, intense publicity, pervasive and inflammatory press coverage, and perceived hatred and rage that is very likely to infiltrate the adjudicatory process. Additionally, it is safe to surmise that as the trial commences, the publicity will only worsen and consume the news feeds and social media feeds of local Monmouth County jurors. As a result, State v. Caneiro is an “extreme

case” where a venue change is required. It is simply not possible to impanel an impartial jury in Monmouth County based on the public’s very loud and very expressive outrage against these crimes and against Mr. Caneiro.

As discussed below, consideration of the relevant factors clearly weighs in favor of transferring venue to another county.

1. There is clear evidence of extreme community hostility against Mr. Caneiro.

The rhetoric surrounding this case has been extreme. While public discourse often becomes heated in homicide cases, the response to this case has far exceeded the norm. From the outset, (former) Monmouth County Prosecutor Christopher Gramiccioni escalated the stakes, calling it the “most brutal case” he had seen in his career, referring to it as a “capital case” and outwardly stating that Paul Caneiro is deserving of the death penalty. His remarks ignited a broader movement, with lawmakers swiftly organizing calls to reinstate the death penalty - explicitly citing the Caneiro case as justification.

Although the call to reinstate the death penalty never gained political traction, it did gain public traction, drawing intense media coverage from local outlets like the Asbury Park Press. It is clear from these remarks and their subsequent public reception that there is **extreme** community hostility against Mr. Caneiro. Indeed, as outlined above (and attached as an exhibit), an overwhelming number of the public comments across the internet call for the death penalty, underscoring the extreme hostility within the community. These comments reflect the public’s irreparable animosity toward Mr. Caneiro and show that, in many cases, the public has already assumed Mr. Caneiro’s guilt. In fact, much of the public discourse completely denigrates the fact that Mr. Caneiro has “pled not guilty” and chosen to proceed to trial. The comments even suggest that the delay in the trial is entirely attributable to Mr. Caneiro, casting even more prejudicial blame on him.

In the “Discussion of Public Commentary” section, *supra*, defense counsel has detailed the widespread public condemnation of Mr. Caneiro – and his defense team as a whole. To highlight just a few, these comments include calling Mr. Caneiro “evil,” “an absolute monster,” “a demon,” “scum,” “a pile of garbage,” “a piece of shit,” “pure evil,” “a

sick bastard,” “a sociopathic,” “a psychopathic bastard,” “a sick son of a bitch,” and “a heartless animal.” These comments express that Mr. Caneiro “doesn’t deserve to draw another breath” and question, “why is he still breathing?” Even more alarming, the public has called for Mr. Caneiro to be burnt alive, given an *automatic* death penalty, put in the electric chair, locked up forever, killed, subject to a long awful or slow and painful death, subject to prison violence and prison rape, hung, fried, shown no mercy, and, told to suffer, burn, and rot in hell. Numerous commenters agree: “the death penalty is not enough” and call for Mr. Caneiro to be tortured – *all while he is still presumed innocent and before any finding of guilt.*

As discussed above, it is clear that these comments are not only from members of Monmouth County but from the public at large. However, as also explained above, the overarching theme is that those who have familiarity with this case demonstrate an overwhelming level of hostility toward Mr. Caneiro. It can be deduced and reasonably inferred that if this is how members of the public react when they are exposed to the facts and circumstances alleged in this case, then certainly the members of the Monmouth County community – those who are inherently most familiar with this case – will demonstrate the same hostility toward Mr. Caneiro.

Given how much this gruesome event has horrified and struck the heart of the Monmouth County community, there is no question that they will feel most compelled to presume guilt in this case. That is, if someone in another state can feel this much animosity toward Mr. Caneiro, then imagine how the person living in Colts Neck and its surrounding close-knit towns will feel. Monmouth County residents, who have been bombarded with media and social media coverage of this case over the last 6+ years will have the most compelling hostility toward Mr. Caneiro at trial. Both conscious and unconscious cognitive biases have formed to Mr. Caneiro's detriment. The pervasive presumption of guilt and the intensity of public outrage make it undeniable that Mr. Caneiro cannot receive a fair trial here in Monmouth County.

2. Both the victims and the defendant in this case were prominent within the local community.

The second Nelson factor, the prominence of either the victim or defendant within the community, also supports a finding of presumed prejudice. This case involves two highly respected and well-known members of their community—both successful business owners and devoted family men—whose prominence has drawn significant public attention and scrutiny.

Keith Caneiro was an influential figure within the close-knit Colts Neck community, a town known for its affluence. He has been described as “an Ivy-League educated CEO of an Asbury Park technology company[.]”¹⁰⁵ Despite being part of a community of accomplished individuals, Keith stood out due to his leadership as the CEO of Square One, one of three successful businesses that he built with his brother Paul. The first company they ran together, Jay Martin, was named by combining the brothers’ two middle names, “Paul Jay” and “Keith Martin.”¹⁰⁶ In 2001, Keith was featured in the business section of the Asbury Park Press in a profile piece that highlighted Keith’s entrepreneurial spirit and successes.¹⁰⁷ Since that initial profile, Keith’s success continued to grow. Keith got married, had children, and, in the years immediately preceding his death, earned his undergraduate and master’s degrees from Columbia University; he also received online certifications from the Harvard Business school.¹⁰⁸

Likewise, Paul Caneiro was regarded as a successful businessman with the companies he co-owned with his brother. The brothers’ close relationship and successful businesses were well known within Monmouth County. Numerous articles also highlight the significant role each held in the other’s wedding.¹⁰⁹

¹⁰⁵ https://www.nj.com/monmouth/2018/11/person_killed_in_fatal_colts_neck_fire.html

¹⁰⁶ <https://www.app.com/story/news/crime/2018/11/24/colts-neck-fire-what-do-we-know-paul-caneiro/2097264002/>

¹⁰⁷ <https://www.newspapers.com/article/asbury-park-press/25585276/>

¹⁰⁸ <https://6abc.com/square-one-colts-neck-fire-keith-caneiro-nj/4727054/>

¹⁰⁹ <https://www.nytimes.com/2018/11/29/nyregion/colts-neck-murder-paul-caneiro.html#:~:text=When%20Paul%20Caneiro%20got%20married,too%2C%20a%20photo%20on%20Ms.>

The response of the Colts Neck community members to the deaths of Keith and his family leaves no question of the Caneiros' profound impact. Multiple NJ.com articles covering the event stated that hundreds were in attendance at a candlelight vigil at Colts Neck Town Hall despite the chilly weather and it being the night before Thanksgiving.¹¹⁰ These articles describe that, "On the chilly eve of a holiday that represents coming together with family, Colts Neck did so as a town - to pray, to cry and to fondly remember a family gone so suddenly."¹¹¹ A memorial was also created on the top step of town hall to honor the Caneiro family.¹¹² Photos of this memorial can be found in various media articles.

Colts Neck Mayor J.B. Bartolomeo, a close personal friend of the family, spoke to those who gathered. The mayor described the Caneiros as "well known in town" and often seen in the community at local shops or sporting events.¹¹³ He also noted, "We lost four really nice people from our community, who I happened to be friends with, who my boys were friends with."¹¹⁴ Although many in attendance reported they knew the family directly, others shared that they just wanted to "come out and show their support for them."¹¹⁵ Also in attendance was Pastor Chris Durkin of the Colts Neck Community Church.¹¹⁶

An NJ.com article further explains that Mayor Bartolomeo stated, "Keith and Jennifer were a common sight at youth sporting events and school activities" and that "[t]hey were good people that fit into our community perfectly[.]"¹¹⁷ The Mayor went on to say that Colts Neck "is now struggling to return to normalcy" explaining that "It's not very easy to just move on . . . The town is reeling from the tragedy. Our children are feeling it. Our schools are feeling it. Our teachers are feeling it. Our parents are feeling it."¹¹⁸

¹¹⁰<https://www.nj.com/monmouth/2018/12/colts-neck-killings-the-rise-and-fall-of-the-caneiro-brothers.html>;
https://www.nj.com/monmouth/2018/11/we_still_have_each_other_colts_neck_comes_together.html

¹¹¹https://www.nj.com/monmouth/2018/11/we_still_have_each_other_colts_neck_comes_together.html

¹¹²https://www.nj.com/monmouth/2018/11/we_still_have_each_other_colts_neck_comes_together.html

¹¹³<https://www.nj.com/monmouth/2018/12/colts-neck-killings-the-rise-and-fall-of-the-caneiro-brothers.html>

¹¹⁴https://www.nj.com/monmouth/2018/11/colts_neck_mansion_murder_brother_charged_with_kil.html

¹¹⁵<https://www.nj.com/monmouth/2018/12/colts-neck-killings-the-rise-and-fall-of-the-caneiro-brothers.html>

¹¹⁶https://www.nj.com/monmouth/2018/11/we_still_have_each_other_colts_neck_comes_together.html

¹¹⁷<https://www.nj.com/monmouth/2018/12/colts-neck-killings-the-rise-and-fall-of-the-caneiro-brothers.html>

¹¹⁸<https://www.nj.com/monmouth/2018/12/colts-neck-killings-the-rise-and-fall-of-the-caneiro-brothers.html>

Additionally, the news media covered multiple stories surrounding the Caneiro family's funeral.¹¹⁹ The article explains that "hundreds of mourners" gathered for the funeral and that relatives of Keith Caneiro commented that "they were 'grateful for the outpouring of love and support we have received' from the friends and the community."¹²⁰ Another article describes the attendance as "floods of people."¹²¹ Another quotes one of Keith's former professors from Columbia University: "Chaudhury said about 30 former classmates from the graduate program flew in from all over the world for Keith's funeral. 'It shows how good of a guy he was,' Chaudhury said."¹²²

Another article, describing in detail how all four family members were placed in a single blue-and-white marble urn, explains that "Keith's greedy brother murdered them over money[.]"¹²³ This same article also details Keith, Jennifer, Jesse, and Sophia's obituaries, referring to Keith as "a tech prodigy."¹²⁴ The article also notes that "[p]hotos and drawings of the family were posted on the fence in a makeshift memorial, which also bore a large pink heart on a poster that read "Love you! Forever together."¹²⁵ Another article actually contains a copy/ paste version of the family's obituaries,¹²⁶ while another mentions this same memorial, noting that it is lined with "homemade posters, flowers and toys[.]"¹²⁷ Numerous articles also include a photo of the memorial.¹²⁸ After Keith's death, his local gym owner, Brian Bott, owner of Aspire Fitness LLC, made a post on Facebook (where he has 3,300 followers) to commemorate him¹²⁹ as "Keith Caneiro had become a

¹¹⁹ <https://www.cbsnews.com/newyork/news/funeral-new-jersey-family-murder/>

¹²⁰ Id.

¹²¹ <https://www.nj.com/news/2018/12/colts-neck-murders-family-laid-to-rest-today.html>

¹²² <https://www.nj.com/monmouth/2018/12/colts-neck-killings-the-rise-and-fall-of-the-caneiro-brothers.html>

¹²³ <https://nypost.com/2018/12/02/murdered-colts-neck-family-laid-to-rest-in-single-urn/>

¹²⁴ <https://nypost.com/2018/12/02/murdered-colts-neck-family-laid-to-rest-in-single-urn/>

¹²⁵ <https://nypost.com/2018/12/02/murdered-colts-neck-family-laid-to-rest-in-single-urn/>

¹²⁶ <https://www.tapinto.net/towns/middletown/sections/our-hearts-remember/articles/paying-respects-colts-neck-memorial-gathering-set-for-murdered-caneiro-family-funeral-arrangements-released-by-holmdel-funeral-home>

¹²⁷ <https://nypost.com/2018/12/01/accused-mansion-killer-was-usual-self-a-day-later-employee/>

¹²⁸ <https://www.nj.com/monmouth/2020/11/before-nj-family-was-killed-suspect-was-accused-of-stealing-from-childrens-college-funds-suit-says.html>; <https://www.nj.com/monmouth/2019/07/man-accused-of-killing-brothers-family-setting-colts-neck-mansion-ablaze-faces-new-insurance-fraud-charge.html>

¹²⁹ <https://www.facebook.com/watch/?v=10110390854341489>

morning fixture at Aspire Fitness for the past four years[.]”¹³⁰ This post was later referenced in a news article.¹³¹

Keith Caneiro had long been a well-known figure in his community, but Paul Caneiro’s notoriety skyrocketed exponentially after his arrest in this quadruple homicide double-arson case. Shortly after the investigation began, for example, the Asbury Park Press published a piece titled, “Colts Neck fire: What we know about Paul Caneiro, victim’s brother accused of arson.”¹³² Since that initial arrest and profile piece, interest in the charges, who Paul Caneiro is, and what his alleged “motive” is have only grown. Numerous true-crime podcasts, YouTube broadcasts, and social media websites reflect a tireless interest in this case.

Now, Paul Caneiro is a household name within the Monmouth County community. Unfortunately, the public outcry has linked his name to terms like “guilty,” “monster,” “POS,” “scum” and the death penalty. The highly publicized investigation into the brutal deaths of a prominent and affluent family immediately captured the attention of the community – and has held it ever since. For Mr. Caneiro, this intense focus has only hindered his ability to receive a fair trial in this County.

3. The nature and extent of news coverage in this case.

A defendant is entitled to a change of venue where there is such “a barrage of inflammatory reporting,” Nelson, 173 N.J. at 475 (internal quotation marks omitted), that “the trial atmosphere is so corrupted by publicity that prejudice may be presumed[.]” State v. Biegenwald, 106 N.J. 12, 33 (1987). Our Supreme Court has warned, with regard to prejudicial publicity, that “trial courts must take strong measures to ensure that the balance is never weighed against the accused.” Harris, 156 N.J. at 132-33.

¹³⁰ <https://apnews.com/article/58084b8626414a45bec86fca09a40a2e>

¹³¹ <https://www.wdsu.com/article/prosecutors-financial-feud-led-man-to-slaughter-brother-s-family-set-mansion-on-fire/25375906>

¹³² <https://www.app.com/story/news/crime/2018/11/24/colts-neck-fire-what-do-we-know-paul-caneiro/2097264002/>

In Delaney v. United States, 199 F.2d 107 (1st Cir. 1952) the court recognized the difficulty of assuming that the average juror “may confidently exclude even the unconscious influence of his preconceptions as to probable guilt, engendered by a pervasive pre-trial publicity.” Id. at 112-113. Claims of impartiality should be rejected where prejudice is widespread. In U.S. v. Angiulo, the Court stated that “[w]hen a high percentage of the venire admits to a disqualifying prejudice, a court may properly question the remaining jurors’ avowals of impartiality, and choose to presume prejudice.” 897 F.2d 1169, 1181 (1st Cir. 1990); see also U.S. v. Moreno Morales, 815 F.2d 725, 734 (1st Cir. 1987) (quoting Murphy v. Florida, 421 U.S. 794, 803 (1975)) (“[i]n a community where most veniremen will admit to a disqualifying prejudice, the reliability of the others’ protestations may be drawn into question; for it is then more probable that they are part of a community deeply hostile to the accused, and more likely that they may unwittingly have been influenced by it.”); United States v. Marcello, 280 F.Supp. 510, 514 (E.D.La. 1968), aff’d 423 F.2d 993 (5th Cir. 1970) (quoting Delaney, *supra*).

In State v. Timmendequas, *supra*, the trial court ordered a change of venue after the defense presented the court with “**437 separate articles**” and argued such extensive local news coverage “prevented [the defendant] from receiving a fair trial in Mercer County.” 161 N.J. at 550-51. The State filed a Motion for Reconsideration based on the hardship that daily travel to another county would present to the victims, which ultimately resulted in the court agreeing to impanel a foreign jury rather than change the venue. Id. at 552-553.

On appeal, our Supreme Court noted that the pretrial publicity in the case had been “constant, prolonged, and horrendous.” Id. at 551. The Court also noted that the defendant was referred to as “scum, a predator, a piece of trash, an animal, a pervert, a dirtball, a sicko, a monster, and a bottom-feeder.” Ibid. (internal quotations omitted). The Court found that “the trial court properly recognized that the media coverage created a realistic likelihood of prejudice to defendant” however also stated that the trial court’s decision to impanel a foreign jury was not reversible error in light of the hardship to the victims and the state of the law at the time the issue was decided by the trial court. Id. at 552. However, since the law changed following the State v. Harris decision, the Court

cautioned that, “in future capital cases a court should change the venue of a capital trial when there is a realistic likelihood that presumptively prejudicial publicity will continue during the conduct of a trial.” Id. at 557 (quoting Harris, 156 N.J. at 147).

The facts supporting the change of venue / impaneling of a foreign jury decision in Timmendequas have a striking resemblance and application to the instant matter. As in Timmendequas, the media coverage in this case has also been “constant, prolonged, and horrendous.” Id. at 551. Also similarly, the defendant in this case, Mr. Paul Caneiro, has been called a host of similar hostile terms, including “scum, evil, a monster, a demon, a pile of garbage, a POS, pure evil, a sick bastard, a sociopath, a psychopathic bastard, and an animal.” Even more alarming, the public has called for Mr. Caneiro to be burnt alive, given an automatic death penalty, put in the electric chair, locked up forever, killed, subject to a long awful or slow and painful death, subject to prison violence and prison rape, hung, fried, tortured, shown no mercy, and, told to suffer, burn, and rot in hell.

Another striking similarity between the two cases is that while the defense in Timmendequas presented the court with **437** articles, in the instant matter, the defense can point to at least **474** articles having been published about this case. While the articles in Timmendequas were found in local papers, it must be emphasized that the pretrial publicity occurred in 1994 and 1995 – the mid-90s. In the mid-90s, the internet hardly existed as it was in its infancy stage. Social media did not yet exist – there was no Facebook, Instagram, YouTube, Reddit, or online public forums for people to lash out in large numbers against a single defendant. People did not have access to all of this information at their fingertips via a smartphone. In other words, 474 articles (locally news sourced or not) in today’s modern world will have a much larger impact on the local community than 437 print articles did 3 decades ago. To be sure, in light of how fast and wide news spreads in modern day time, there is no question that these news articles have had insurmountable prejudice on the defendant and his ability to have a fair trial. Moreover, it is worth emphasizing that these 474 articles represent only what the defense was able to locate in the past few weeks while preparing this motion. Many more articles and posts undoubtedly exist and will continue to surface across the internet.

In addition to the 474 articles that were recently uncovered, there is also a staggering amount of social media posts and public commentary about the case that further amplify the coverage. For instance, on YouTube, case exposure has been persistent, with one particularly inflammatory video titled “He Framed His Own Attack and Killed His Brother” racking up over **1.5 million views**. The sheer volume and intensity of this coverage goes far beyond what is typical for a homicide case, elevating it to an extraordinary level of public scrutiny and sensationalism. The engagement with these videos totals approximately 2 million views and almost 7,000 comments by the public. Moreover, with millions of subscribers to these YouTube channels, far more than the 2 million viewers received notifications or likely read the headlines of these inflammatory videos. Some of the headlines include reference to the “Mansion Murders,” the “NJ Family Massacre,” and the “Colts Neck Killings.” The dates of publication for these videos range from 2018 to 2025.

Additionally, the case has also been the focus of at least two widely available podcasts on major platforms like Apple Podcasts and Spotify, where the allegations are discussed and dissected in detail. Reddit pages and Facebook posts about this case have likewise resulted in extensive public engagement. As discussed, the comments on these platforms reflect the public's deep prejudice against Paul Caneiro and his presumed guilt, while simultaneously feeding the public's insatiable appetite for more media coverage, intensifying the media frenzy surrounding the case.

The “nature and extent” of the news coverage in this case has been unforgettable and unforgivable from a constitutional standpoint. Media saturation in Monmouth County began almost immediately after the crimes in this case were discovered. The coverage has been relentless over the years, with a recent surge during the litigation of the DNA/Daubert issue. In the last three court appearances involving the undersigned, the media was present. However, it is counsel's understanding that the media has attended nearly every court date over the past six-plus years.

Additional coverage runs the gamut of reporting on items contained in court filings to interviews with “friends of the family” as well as reporting based on other media stories.

At least one Asbury Park Press article, along with other media outlets, even included a hyperlink to the 911 tapes, inviting readers to listen for themselves. The link was labeled, “LISTEN: Colts Neck murders 9-1-1 tape: ‘My god, there’s blood here... it’s a corpse¹³³.’” Likewise, published articles embedded copies of the Affidavit of Probable Cause or Indictment, where readers could download and save these non-evidentiary items. Such coverage is strategically designed to captivate readers and draw them deeper into the media’s narrative. However, it is also highly prejudicial, fostering a biased storyline that stirs prejudicial public opinion and creates a relentless urge to target the alleged antagonist— an effect that is impossible to undo and undermines the possibility of a fair and impartial trial in the local community, Monmouth County.

In sum, the media frenzy surrounding the Caneiro case has far surpassed the typical level of coverage seen in homicide cases, or any criminal cases for that matter, fueling widespread speculation and sensationalism. A striking example is the creation of a Wikipedia page with the highly charged title, “2018 Mansion Killings.” Nationally recognized programs—including *Fox News*, *CNN*, *ABC Good Morning America*, *CBS This Morning*, and *ABC World News Tonight*—have further amplified the case’s notoriety. The impact of this vast media coverage on a potential Monmouth County juror demonstrates the necessity of the venue change. While media is easily accessible to any potential juror regardless of their home county, or state, the coverage is **centralized** in Monmouth County with most of the case coverage coming out of the Asbury Park Press (app.com) and News 12 New Jersey (news12).com.

Moreover, it is the members of the Colts Neck and Monmouth County communities that will pay the most attention to, and have heightened awareness of, the national broadcasts pertaining to this case. That is, while the average American might come across an article written about this case, it is the Monmouth County community who will retain, process, and recall this information in a much more impactful and unforgettable way. Monmouth County residents will always have a heightened interest in and awareness of this case whether that awareness/ interest is derived from local or national

¹³³ <https://nypost.com/2018/12/05/911-call-reveals-grisly-scene-at-colts-neck-mansion-fire/>

news sources. In other words, regardless of whether the media coverage originates locally, there is no question that crimes committed in Monmouth County resonate more deeply with local jurors than with those from other counties or states. Familiarity with the community, its neighborhoods, and its people makes these offenses feel more immediate and personal. The fact that Monmouth County jurors identify as members of this local community, will make this case ‘hit too close to home’ for them to be fair and impartial. As one public commenter explained, “I live not 15 minutes away from this awful scene. I live in Monmouth county, I love true crime, but with some of these cases that are close to home, it kinda stings.”

Accordingly, the breadth of media coverage in this case should be heavily weighed as evidence of presumed prejudice.

4. The size of the community.

Monmouth County’s relatively small, tight-knit communities further reinforce a finding of presumed prejudice in this case. Although Monmouth County is considered a “mid-sized”¹³⁴ county, its individual towns are generally small to mid-sized, often retaining the close-knit atmospheres of much smaller communities. Many of these towns feature tight-knit neighborhoods, historic main streets, and a strong sense of local identity, giving them a more intimate and community-oriented feel despite being part of a populated county. Outside of a few larger municipalities, many of these communities have populations under 20,000 residents. Colts Neck, for example, has under 10,000 residents per the most recent U.S. Census.¹³⁵

Additionally, Monmouth County is a county known for its prestige, standing as one of the top wealthiest counties in the State.¹³⁶ In fact, Monmouth County proudly boasts

¹³⁴ <https://www.newhomesource.com/learn/best-places-to-live-new-jersey/#8-monmouth-county>

¹³⁵ E.g. <https://www.census.gov/quickfacts/fact/table/coltsnecktownshipmonmouthcountynewjersey/PST045223>; <https://worldpopulationreview.com/us-cities/new-jersey/colts-neck-township>

¹³⁶ <https://propertyclub.nyc/article/richest-counties-in-new-jersey>;
<https://www.northjersey.com/story/news/new-jersey/2024/11/29/nj-wealthiest-counties-include-morris-bergen-hunterdon/76623306007/>; <https://nj1015.com/incomes-new-jersey-counties-2021/>;
<https://patch.com/new-jersey/across-nj/wealthiest-nj-counties-where-high-earners-live-around-state>

that it ranks among the top 50 highest-income counties in the United States.¹³⁷ Rich in resources and more conservative than most other NJ counties, the residents of Monmouth are generally more close-knit and prideful than in other counties. Also, the violent crime rate, particularly the homicide rate, is much lower in Monmouth County compared with other counties.¹³⁸ As such, when homicides do occur, especially those in wealthier areas such as Colts Neck, it results in a heightened level of media attention and public scrutiny. As a commenter on YouTube explained:

“My family has a home in Colts Neck and property in Asbury; we know the family. . . . It not only brought everyone to their knees but also brought most people together. Unfortunately sometimes it takes something truly horrible to bring people closer together[.]

Interestingly, this commenter analogizes the community coming together after the Caneiro murders the same way that people came together after 9/11. Then, another commenter states, “I remember this day like it was yesterday. I was picking my kids up from school right around the corner and the helicopters were flying like right above. Didn’t know what happened yet.” Yet another, “I remember the day this happened. I live in the town where the family was murdered and 2 towns over from the scumbag brother’s home.” Similarly, “I live one town over and remember when this happened. No one could believe it, makes me sick to this day” and “I live in colts neck...remember this case like it was yesterday[.]” Similar to 9/11, this Colts Neck killing has had such a profound impact that people vividly remember where they were when they first learned about it. Another commenter states, “I live in Monmouth County, very near where the murders happened. . . This was devastating and shocked everyone.” Yet another, “Only a town over from me, this was as horrifying as it was heartbreaking for the entire community and surrounding communities. Honestly, this is the stuff nightmares are made of.”

¹³⁷ <https://www.co.monmouth.nj.us/documents/24/Chapter%201.pdf>

¹³⁸ <https://www.nj.gov/njsp/ucr/uniform-crime-reports.shtml>; <https://www-doh.nj.gov/doh-shad/indicator/view/Homicide.County.html>

Even if people are not actively thinking about this case during their average day, the reminder of these horrific events triggers a flood of memories and community-based trauma that resurfaces through both conscious and subconscious bias.

In a close-knit community such as Monmouth, serving on a jury in a high-profile case can have especially profound effects. Jurors sitting on this trial will struggle to have anonymity. There is no doubt that everyone will likely know, or soon come to learn, who the seated jurors are if this trial is not moved. Jurors will be under immeasurable pressure to reach a guilty verdict in this particularly harrowing, and horrific, high-profile case. Indeed, any jurors of Monmouth County will be distinctly and acutely aware of the community outrage. As a result, they are likely to fear that they will be publicly condemned and/or ostracized if they do not return a guilty verdict.

The pressures of serving on a jury in such a high-profile case are further intensified by the widespread awareness and extensive discussion of the Caneiro case throughout their local communities and the county more broadly. While the facts of the case are ripe to sensationalize, there is also the reality that many people were directly involved in responding to and investigating the facts as they occurred on the ground. On the day of the fires, firefighters from over a dozen local fire departments showed up to assist in taming the blaze. Their locations spanned Monmouth County from west to east, Millstone to Sea Bright, and north to south, Union Beach to Glendola Fire Company in Wall. In fact, the investigation in this case included law enforcement partners from:

Colts Neck Police Dept; Colts Neck Fire Dept; Earle Fire Dept.; Glendola Fire Dept.; Holmdel Police Dept.; Howell Twp. Fire Dept.; Marlboro Fire Co.; Monmouth County Prosecutor's Office; Monmouth County Sheriff's Dept.; Middletown Police Dept.; Millstone Fire Dist.; Monmouth County Fire Marshal; Neptune Fire Dist.; New Jersey State Police; Oakhurst Fire Dept.; Ocean Twp. Fire Marshal; Sea Bright Fire Rescue; Shrewsbury Fire Dept.; Southard Fire Dept.; Tinton Falls Fire Dept.; Union Beach Fire Dept.; Wanamassa Fire Co.; and the United States DOJ.

The breadth of response to these fires meant that countless people were present in real time, witnessing the aftermath, discussing the crimes, and sharing their thoughts with friends and family. This direct exposure fosters a personal connection to the case

among potential jurors in Monmouth County. That is, given how many agencies were involved, the likelihood that potential Monmouth County jurors know someone who in some way participated in the investigation is much higher than in the average case. Notably, the State's witness list presently has over 250+ names on it. Even if the State does not intend to call all of these people, the jurors will be given their names. Again, the likelihood that Monmouth County jurors are in some way connected to this case is drastically higher than in the average case.

There can be no question that the small community feel of Monmouth County and its local towns amplifies the personal and social impact of jury service in such a significant case.

5. The nature and gravity of the offense.

There is no dispute that Mr. Caneiro is charged with some of the most heinous and severe crimes imaginable. The alleged facts, as outlined by the Prosecutor's office and sensationalized by the media, are ripe for dramatic portrayal: an entire family brutally murdered by one of its own, two fires set to conceal the crimes, and greed and money at the center of it all. Beyond the sensationalism, however, the reality is that the crimes that occurred here are among the most brutal and shocking events to occur not only in our county but also in our State and in our nation.

To be sure, this case is far from the typical murder case. First, four people are deceased. Second, all four people died a tragic, horrible, and gruesome death. Keith Caneiro, a beloved father and successful businessman, was shot in cold blood 5 times in his own front yard – once in the back and four times in the head. Jennifer Caneiro, his wife, was not only shot in the head, but also stabbed, and her body was burnt so badly that it was beyond recognition. The children, ages 8 and 11, were found repeatedly stabbed. The kitchen, where 11 year old Jesse was found, displayed a horrific, blood-spattered scene. Sophia, an 8 year old girl, was not only stabbed, but suffered a shockingly horrible and painful death as she slowly suffocated from smoke inhalation.

For the past six and a half years, this narrative has been inescapable for jurors in Monmouth County - shared and amplified through news reports, podcasts, social media, conversation and community discussions. The story has pervaded their daily lives, creating a deeply ingrained impression. It is precisely because of the dramatic and gruesome nature of this case that these facts persist in the minds of the public, fostering a natural cognitive bias that cannot be adequately addressed through voir dire alone.

6. The temporal proximity of the news coverage to the trial.

The prolific media coverage of this case in Monmouth County is not a mere passing story. The generation of new media content has been consistent over the last six years and will surely continue. There have already been six articles published in 2025 despite no major court appearances or events. In 2024, there were at least 46 that counsel easily identified. There is no doubt that coverage of this case will continue and increase as this case moves closer to trial, as additional motions are heard, and as a jury is ultimately impaneled. Of course, once the trial begins, there will be unwavering daily coverage of the trial in the media. Monmouth County residents will tune in each and every day; lunchroom and dinner-time discussions about this case will become the norm while the trial remains ongoing for 1-2 months.

The lasting impact of extensive media coverage cannot be undone through the voir dire process. There is enough evidence to presume prejudice incapable of remedy in Monmouth County. While case law often focuses on the need to err on the side of caution in capital cases, the instant matter is as close to a capital case that we can get: it is a highly publicized high profile case where the accused has been demonized beyond repair. The presumption of innocence has been washed away by a flood of inflammatory media reports and public commentary calling for the death penalty in this case. Indeed, even the former Prosecutor of the county made his position unequivocally clear: if he could, he would deem this a capital case and seek the death penalty for Mr. Caneiro. Thus, for purposes of this Court's analysis as to whether a change of venue is necessary, this case should be viewed as though it were a capital case. In so doing, for the reasons discussed herein, the Court should order a change of venue.

Finally, in the alternative, this Court should impanel a foreign jury. Pursuant to R. 3:14-2, “A motion for trial by a foreign jury may be made by any party.” Similar to a Motion to Change Venue, an application for a foreign jury “shall be granted if the court finds that a fair and impartial trial cannot otherwise be had.” This option is “one of the trial management techniques specifically approved to ensure that a defendant's right to an impartial jury is not compromised.” Timmendequas, 161 N.J. at 556 (quoting Harris, 156 N.J. at 146). In fact, “the empanelment of foreign jurors was the first trial management technique suggested in State v. Williams, 93 N.J. 39, 67 (1983).” Ibid. Other “[a]vailable options include a change of venue, selection of a foreign jury, and augmentation of the jury pool.” Ibid (quoting Feaster, 156 N.J. at 50). Regardless of what this Court chooses, the defense urges this Court to order the implementation of the appropriate remedial measures necessary to ensure Mr. Caneiro receives a fair trial.

POINT II:

EXTENSIVE SOCIAL SCIENCE RESEARCH FURTHER SUPPORTS THE NEED FOR A CHANGE OF VENUE IN THIS CASE.

Heightened exposure to information and potential misinformation about the case, lingering emotions, the closer personal connections to those involved, and the strong sense of community in Monmouth County all contribute to potential bias among jurors selected from this area, based on empirical research on human nature.

There is substantial research to show that pretrial publicity affects how potential jurors perceive a defendant and potential guilt. There has been so much attention to this area of research that two separate meta-studies were conducted to assess the breadth of research within the field and attempt to make generalized conclusions based on the data. An initial meta-analysis of the field, conducted in 1999, shows that individual jurors who were exposed to anti-defendant pretrial publicity were significantly more likely to render a guilty judgment.¹³⁹ A subsequent meta-analysis in 2022 verified the results of

¹³⁹ Steblay, N. M., Besirevic, J., Fulero, S.M. & Jimenez-Lorente, B. (1999). The effects of pretrial publicity on juror verdicts: a meta-analytic review. *Law and Human Behavior*, 23, 219-235.

the 1999 analysis but also found that negative pre-trial publicity significantly impacted **groups** of jurors.¹⁴⁰ The clearest evidence of this within the 2022 meta-analysis came from comparing individual juror judgment to group verdicts. Among individual participants, 55.4% of the thousands of mock jurors voted guilty compared to 45.1% of those who were not exposed to pretrial publicity. The effect was even more pronounced in group verdicts where the impact was almost twice as strong. Of the 292 mock juries analyzed, 49.7% of those exposed to negative pre-trial publicity returned guilty verdicts whereas only 25.2% of those who did not see such exposure returned the same verdict.

Research also shows that juries exposed to emotionally charged pre-trial publicity developed a stronger bias against the defendant and reported more negative emotions than those exposed to publicity just containing objective facts.¹⁴¹

Another factor that may challenge Monmouth County jurors' ability to remain impartial is the intense emotional response following the murders in the small town of Colts Neck. Studies in this field have shown that emotions can bias perceptions, making it even more difficult for an individual to tell the difference between sensationalized fiction and real, informative facts.¹⁴² Beyond grief, there was widespread fear in the immediate aftermath, as residents grappled with the sudden disruption of what was once considered a peaceful and safe community - a place where such tragedy was unimaginable.

Throughout the county, residents feared that a "killer" was on the loose, creating an urgency to identify and apprehend the suspect to restore a sense of safety and normalcy within the county. Once Mr. Caneiro was arrested, Prosecutor Gramiccioni assured the community that it was not at risk and there was no ongoing threat, causing county residents to believe that Paul Caneiro was the perpetrator. This sense of relief may have reinforced an unquestioning confidence in his guilt, as people sought reassurance and closure in the wake of their grief, anxiety, and fear.

¹⁴⁰ 3 Hoetger, L. A., Devine, D. J., Brank, E. M., Drew, R. M., & Rees, R. (2022). The impact of pretrial publicity on mock juror and jury verdicts: A meta-analysis. *Law and Human Behavior*, 46, 121-139.

¹⁴¹ Kramer, G. P., Kerr, N. L., & Carroll, J. S. (1990). Pretrial publicity, judicial remedies, and jury bias. *Law and Human Behavior*, 14, 409-438.

¹⁴² Konijn, Elly A., van der Molen, J. H. W., van Nes, S. (2009). Emotions bias perceptions of realism in audiovisual media: Why we may take fiction for real. *Discourse Processes*, 46, 309-340.

Even well-intentioned jurors may be influenced by the effects of such extraordinary pre-trial publicity. One reason for this is just the way the brain is wired.¹⁴³ The “elaboration likelihood model” is a widely accepted theory of persuasion that shows sometimes people are persuaded by “central processing” and sometimes they are persuaded by “peripheral processing” or factors extraneous to the persuasive message itself. Research suggests that humans tend to rely on peripheral processing more frequently and take “shortcuts” to their decision making. Media stories may provide easy shortcuts for individuals to make judgments in this case. For example, one decision making shortcut available in this case is “if others think Paul Caneiro is guilty, then he is probably guilty.” Attention-grabbing headlines guide cues to this decision. A few examples include:

- Colts Neck Massacre: Slain brother planned to cut ties with killer over missing money, cops say;¹⁴⁴
- Alleged Colts Neck killer loses top lawyers, pleads not guilty in slaying of family;¹⁴⁵
- ‘One of the most brutal cases I have ever seen’ - Brother charged in slaying of family;¹⁴⁶
- Bullets, money trouble and a bloody glove: Affidavit lays out New Jersey quadruple homicide;¹⁴⁷
- Mom, dad, kids slaughtered. Uncle did it all for money, cops say¹⁴⁸

People exposed to these headlines can easily form an impression of Paul Caneiro as “the killer” without further thought using peripheral processing.

Adding to the complexity, research indicates that judicial instructions to disregard information obtained outside the courtroom are largely ineffective. While some jurors may deliberately ignore these directives, substantial evidence suggests that even well-intentioned jurors struggle to distinguish between information learned inside versus

¹⁴³ Petty, R. E., & Cacioppo, J. T. (1986). The elaboration likelihood model of persuasion. Communication and persuasion: Central and peripheral routes to attitude change. New York, NY: Springer-Verlag.

¹⁴⁴<https://www.nj.com/monmouth/2019/02/alleged-colts-neck-killers-brother-was-threatening-to-cut-him-off-financially-just-before-mansion-massacre-cops-say.html>

¹⁴⁵<https://www.nj.com/monmouth/2019/03/alleged-colts-neck-killer-loses-top-lawyers-pleads-not-guilty-in-slaying-of-family.html>

¹⁴⁶<https://westchester.news12.com/one-of-the-most-brutal-cases-i-have-seen-brother-charged-in-slaying-of-family-39559019>

¹⁴⁷<https://www.heraldmailmedia.com/story/news/2019/02/26/bullets-money-trouble-and-a-bloody-glove-affidavit-lays-out-new-jersey-quadruple-homicide/44309619/>

¹⁴⁸ <https://nj1015.com/mom-dad-kids-slaughtered-uncle-did-it-all-for-money-cops-say/>

outside the courtroom, often treating all information as valid.¹⁴⁹ Jurors in Monmouth County, who are inundated with extensive media coverage of a case, and who are emotionally reactive to such coverage, are significantly less likely to accurately recognize the source of their knowledge and ability to denote that it was acquired outside the trial proceedings.

Confirmation bias also presents a formidable obstacle for jurors exposed to negative pre-trial publicity. This cognitive bias, well-documented in psychological literature, leads individuals to selectively focus on information that aligns with their preexisting beliefs while disregarding contradictory evidence.¹⁵⁰ Moreover, confirmation bias distorts the interpretation of ambiguous facts, making them appear more supportive of an individual's expectations than they truly are.

Empirical research has demonstrated the persistent influence of pre-trial publicity on juror decision-making. In a landmark study employing a "shadow jury paradigm," researchers tracked mock jurors over a ten-week period as they received trial information in real time.¹⁵¹ One group was naturally exposed to pre-trial publicity, while another was drawn from an outside region to control exposure. Despite repeated judicial instructions to disregard such information, mock jurors continued to exhibit bias, incorporating pre-trial publicity into their verdicts even as the trial progressed. This finding underscores the insidious nature of confirmation bias and highlights the challenge of ensuring a fair trial in cases where jurors have been influenced by extrajudicial information.

The New Jersey Supreme Court has already acknowledged that bias - both systemic and cognitive - undermines the fairness of the criminal justice system and courts must take proactive steps to ensure just outcomes. In State v. Henderson, the Court recognized that human memory is not a flawless recording but rather a "malleable"

¹⁴⁹ 1 Ruva, C. L., & Guenther, C. C. (2015). From the shadows into the light: How pretrial publicity and deliberation affect mock jurors' decisions, impressions, and memory. *Law and Human Behavior*, 39, 294-310.

¹⁵⁰ Carlson, K. A., & Russo, J. E. (2001). Biased interpretation of evidence by mock jurors. *Journal of Experimental Psychology: Applied*, 7, 91-103.

¹⁵¹ Daftary-Kapur, T., Penrod, S. D., O'Connor, M., & Wallace, B. (2014). Examining pretrial publicity in a shadow jury paradigm: Issues of slant, quantity, persistence, and generalizability. *Law and Human Behavior*, 38, 462-477.

process that is easily susceptible to distortion from various biases. 208 N.J. 208 (2011). Because these biases can significantly impact the reliability of eyewitness identifications, the Court fundamentally reshaped the legal framework governing their admissibility, requiring that such evidence be assessed through procedures “informed by scientific research.” Id. at 218-219.

Just as the Court in Henderson recognized the dangers of bias in shaping witness testimony, so too must it acknowledge the equally dangerous impact of bias on jurors’ ability to render an impartial verdict. Jurors, like witnesses, are not immune to cognitive and systemic influences that can shape their perceptions, particularly when they have been consistently exposed to pretrial publicity or extreme community hostility. To ensure fairness, courts must extend Henderson’s logic to the question of venue - recognizing that jury biases, like flawed eyewitness testimony, are a critical threat to the integrity of the trial process.

Given the well-documented research on the effects of extensive pretrial publicity, emotional responses, and cognitive shortcuts, it is undeniable that securing an impartial jury in Monmouth County poses a significant and overwhelming challenge. The pervasive media coverage, emotionally charged atmosphere, and the community’s collective need for closure create an environment where potential jurors are far more likely to be influenced by extrajudicial information, whether consciously or unconsciously. Studies consistently show that jurors struggle to separate what they have learned outside the courtroom from the actual evidence presented at trial, making the risk of bias not just theoretical, but highly probable. To safeguard the fundamental right to a fair trial, this Court must recognize the overwhelming likelihood of prejudgment in this county and grant the motion to change venue.

POINT III:**IF PREJUDICE IS NOT PRESUMED, THE DEFENSE
RESERVES THE RIGHT TO RENEW ITS REQUEST FOR
CHANGE OF VENUE IF/ WHEN ACTUAL PREJUDICE IS
DEMONSTRATED DURING VOIR DIRE.**

Where prejudice is not presumed, the appropriate inquiry in determining whether a change of venue is necessary to overcome the “realistic likelihood of prejudice” is whether under the totality of circumstances “the jury process resulted in a fair and impartial jury.” State v. Biegenwald, supra, 106 N.J. at 35–36. Thus, the court must examine the extent to which potential jurors are biased as a result of any publicity surrounding the case. In determining the actual bias of a juror, courts place great reliance on a trial court's voir dire examination of a juror. Patton v. Yount, supra, 467 U.S. at 1038–1039. This is because “the determination of a juror's bias is essentially one of credibility, and therefore largely one of demeanor.... [T]he trial court's resolution of such questions is entitled, even on direct appeal, to ‘special deference.’” Ibid.

Thus, in New Jersey, “[i]f prejudice is not presumed, a court must evaluate whether under the totality of circumstances ‘the jury process resulted in a fair and impartial jury’ to determine if a change of venue is necessary to overcome the realistic likelihood of prejudice.” Nelson, 173 N.J. at 476 (quoting Koedatich, 112 N.J. at 274). “In making that determination, a court ‘must examine [through voir dire] the extent to which potential jurors are biased as a result of any publicity surrounding the case.’” Ibid (quoting Koedatich, 112 N.J. at 274). In sum, in the absence of presumed prejudice resulting from pretrial publicity, “the Sixth Amendment inquiry turns largely on the adequacy of the voir dire.” Welch v. United States, 466 A.2d 829, 835 (D.C.1983).

Indeed, where the publicity does not establish presumed prejudice, it may nonetheless warrant a “change of location ... to overcome the realistic likelihood of prejudice[.]” Nelson, 173 N.J. at 476. “[T]he court must examine the extent to which potential jurors are biased as a result of [the] publicity[.]” State v. Koedatich, 112 N.J. 225, 274 (1987). Here, if this Court does not grant the defense’s Change of Venue Motion,

it is submitted that an *extensive* voir dire process must be implemented to ascertain whether there is actual prejudice. And, if there is, the defense intends to renew its application for a change of venue at that time.

CONCLUSION

The Sixth Amendment to the federal constitution guarantees "to the criminally accused a fair trial by a panel of impartial, 'indifferent' jurors." Irvin v. Dowd, 366 U.S. 717, 722 (1961); see Rideau v. Louisiana, 373 U.S. 723 (1963); Coleman v. Kemp, 778 F.2d. 1487 (11th Cir. 1985), cert. den. 476 U.S. 1164 (1986). "Indifference" cannot be achieved by a Monmouth County jury given the notoriety of this case, the small town feel of Monmouth County communities, and the pervasive, unrelenting nature of media coverage. Taken in sum, the Nelson factors and social science research clearly show jurors would be subject to a bias that cannot be overcome. Accordingly, the instant Motion for Change of Venue must be granted.

Sincerely,

/s/ Monika Mastellone

Monika Mastellone, Esq. 122942014

/s/ Victoria Howard

Victoria Howard, Esq. 021052012

CC: AP Chris Decker; AP Nicole Wallace

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ATTORNEY FOR DEFENDANT, PAUL CANEIRO

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,	:	
	:	NOTICE OF MOTION
Defendant.	:	TO CHANGE VENUE

TO: AP Chris 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., and Victoria Howard, attorneys 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 a Change of Venue. The defendant will rely upon oral argument and the attached brief and exhibits in support of this Motion.

/s/ Monika Mastellone

Monika Mastellone, Esquire
Attorney for Defendant

Dated: March 7, 2025

