



## OFFICE OF THE MERCER COUNTY PROSECUTOR

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*Prosecutor*

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*Deputy Chief of County Detectives*

November 15, 2021

Trishka Waterbury Cecil, Esq.  
MASON, GRIFFIN AND PIERSON, PC  
101 Poor Farm Road  
Princeton, New Jersey 08540

Re: Princeton, New Jersey  
Suburban Deer Management Program  
Approval of N.J.S.A. 2C:39-3(c) Exemption

Dear Ms. Cecil:

In your capacity as the Municipal Attorney for Princeton, New Jersey, you have requested that the Mercer County Prosecutor's Office grant written approval of the New Jersey Fish and Game Council's authorization of an exemption from *N.J.S.A. 2C:39-3(c)* to permit the use of silencers in the proposed 2021-2022 Princeton Community-Based Deer Management Program.

We have once again reviewed the applicable statutes, the Wildlife Management Service Agreement and supporting documents. We note that under *N.J.S.A. 2C:4-42.5*, the Division of Fish and Wildlife is the approving authority for the community based deer management plan, while the Fish and Game Council is the authority to determine exemptions from the State laws enumerated in the statute. The only role of the county prosecutor under this statutory scheme is to give or deny written approval to the Council for its authorization of an exemption from the prohibition against the possession of silencers as contained in *N.J.S.A. 2C:39-3(c)*. We also note that the statute does not provide guidance for county prosecutors on which to base a decision in this matter.

Based on our experience pertaining to previous years requests, we again grant approval to the Fish and Game Council to authorize an exemption from the provisions of *N.J.S.A. 2C:39-3(c)* upon the following conditions:

1. All site selections and time periods during which services are to be provided shall be approved, in advance, by Chief Christopher Morgan of the Princeton Police Department or his designee. Members of White Buffalo shall be accompanied by a member(s) of the Princeton Police Department. All decisions made by the Princeton Police Department regarding safety considerations shall be final. The Princeton Police Department may disapprove and/or stop any activity of White Buffalo at any time.
2. Strict compliance by the Council and White Buffalo with the requirements necessary for an exemption from *N.J.S.A. 23:4-13* and *N.J.S.A. 23:4-44* as articulated in *N.J.S.A. 23:4-42.5(c)*.
3. Except for the exemptions granted by the Council, White Buffalo must comply with the New Jersey Code of Criminal Justice and New Jersey law in all other respects.
4. The individuals to be utilized by White Buffalo must pass criminal background checks to be conducted by the Mercer County Prosecutor's Office. This has been completed and the individuals were found to be free of a criminal record.
5. The plan, as reviewed by this office, does not change in any material respect before its actual implementation.

It is our intention to delegate all safety considerations to the Princeton Police Department. We strongly believe that safety concerns must be determined by sworn law enforcement officials who have an intimate knowledge of the area to be serviced. We also suggest that you once again contact the Bureau of Alcohol, Tobacco and Firearms ("ATF") at (609) 989-2155 and/or the United States Attorney's Office for the District of New Jersey at (609) 989-2190 to verify that federal law does not prohibit the use of silencers by White Buffalo.

Should you have any questions or require any additional information, please feel free to contact me at (609) 989-6309 (office) or (609) 610-5981 (cell).

By copy of this letter, I am informing Chief Morgan of the terms and conditions of our approval.

Very truly yours,



**ANGELO J. ONOFRI**  
**Mercer County Prosecutor**

**AJO/df**

cc: Stephanie A. Katz, First Assistant Prosecutor  
Amy Devenny, Deputy First Assistant Prosecutor  
Jennifer Downing, Deputy First Assistant Prosecutor  
Michael Borgos, Executive Assistant Prosecutor  
Jessica Plumeri, Chief of County Detectives  
Chief Christopher Morgan, Princeton Police Department