

**BRADLEY D. BILLHIMER**  
Ocean County Prosecutor

**JOSEPH F. MITCHELL**  
Chief of Detectives



**MICHAEL T. NOLAN, JR.**  
First Assistant Prosecutor

**ROBERT J. ARMSTRONG**  
Deputy First Assistant Prosecutor

**OFFICE OF THE PROSECUTOR**

Courthouse Annex Building  
119 Hooper Avenue  
P.O. Box 2191  
Toms River, New Jersey 08754-2191  
732-929-2027

October 29, 2020

Via OPRA Machine: [opra+request-18103-0a7c3027@requests.opramachine.com](mailto:opra+request-18103-0a7c3027@requests.opramachine.com)

Re: Open Public Records Act (OPRA) Request – “Case Reports”  
OCPO Case# 19003231  
Mark Austin

Dear Sir/Madam:

Enclosed please find the Global Subject Activity Report/Arrest Report, Complaint Warrant, Affidavit of Probable Cause, Preliminary Law Enforcement Incident Report and Indictment pursuant to your request. Redactions of personal identifying information have been made pursuant to N.J.S.A. 47:1A-1.1 et seq. Additionally, criminal history record information has been redacted pursuant to N.J.A.C. 13:59-1.2.

Please be advised that the above case is pending, therefore, no plea or sentencing information is in existence at this time.

If I can be of further assistance, please do not hesitate to contact me directly at 732-929-2027, x3135.

Yours very truly,  
*Dina R. Khajezadeh*  
Dina R. Khajezadeh  
Assistant Prosecutor

DRK/dp

Enclosures



# Global Subject Activity Report



## Detail

Print Date/Time: 09/18/2019 08:16

Login ID: jsisco

Brick Township Police Department

ORI Number: NJ0150600

Austin, Mark Joseph

Jacket: 45914 A

SSN:

Address:

Sex:

Male

Phone #:

Height:

6ft 0in to 6ft 0in

Weight:

141.0 lbs. to

170.0 lbs.

DOB:

Eyes:

Hazel

Race:

White

Hair:

Red

DL State:

NJ

DL#:

### Physical Characteristics:

Appearance: Normal

Hair Style: Straight

Hair Length: Short

Facial Shape: Oval

Complexion: Freckled

Build: Thin

Glasses: No

Teeth: Normal

Speech: Normal

Voice: Medium Pitch

Mustache: None

DNA Collected: Yes

Known Offender:

Country/State of Birth: US/NJ

City of Birth: Toms River

County of Origin: Ocean

Ethnicity: Non Hispanic

Citizenship: US

Tribe: Not Applicable

Hate Group: Not Applicable

Military Service: Not Applicable

Military Discharge:

School: Associate Degree

Beard: Unshaven

DNA Collected Date: 09/13/2019

Age Range: 28

Hand Preference: Right

Place of Birth: New Jersey

Occupation: Unemployed

# of Dependents: 1

Primary Language: English

Second Language: English

Gang Affiliation: Not Applicable

Marital Status: Single

Blood Type: Unknown

Religion: Catholic

Illegal Alien: No

County of Conviction:

State Of Conviction:

Identifying Clothing:

Modus Operandi

Crime Specialties

### Aliases

| Type | Alias               | DOB | Race  | Sex  | SSN | Hair | Eyes  | DL# | Height  | Weight     | Phone |
|------|---------------------|-----|-------|------|-----|------|-------|-----|---------|------------|-------|
| AKA  | Austin, Mark Joseph |     | White | Male |     | Red  | Green |     | 6ft 0in | 160.0 lbs. |       |

### Nicknames

| Entered Date/Time | Nickname Type | Nickname |
|-------------------|---------------|----------|
|-------------------|---------------|----------|

### Associated IDs

| Issue Date | ID Type | Number    | Issuing State | Start Date | Expire Date |
|------------|---------|-----------|---------------|------------|-------------|
|            | *FBI    | 464196Wd9 |               |            |             |
|            | *SBI    | 857698E   |               |            |             |

### Known Associates

| Relationship | Name |
|--------------|------|
|--------------|------|

### School/Employer Information

| Relationship | School/Employer Name | Phone Type | Phone |
|--------------|----------------------|------------|-------|
|--------------|----------------------|------------|-------|

### Scars, Marks, Tattoos

| Type | Location | Scar, Mark or Tattoo Detail | Description                              |
|------|----------|-----------------------------|------------------------------------------|
| Scar | SC HEAD  | Old                         | Scars on back right and top left of head |

### Handicap Information

Handicap

### Current Address Information



# Global Subject Activity Report



## Detail

Print Date/Time: 09/18/2019 08:16

Login ID: jsisco

Brick Township Police Department

ORI Number: NJ0150600

Address Type Address City State Zip

### Prior Address Information

Address Type Address City State Zip From Date To Date

### Contact Information

Date Type Phone Extension  
01/27/2012 06:26 Home [REDACTED]

### Vehicle Information

Vehicle # Role Contact Date Vehicle Type Make Model Vehicle Year Registration Number State

### Activity

#### Type : Arrest

| Date             | Activity Reference | Description                                                                                                                                                                                                                        | ORI       |
|------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 09/13/2019 17:11 | 51749              | Arrest Type: Probable Cause<br>Charge(s):<br>2C:5-2A(1), Conspiracy (agrees with)<br>2C:11-3a(1), Murder - Purposely Cause Death<br>2C:39-4d, Possession of a Weapon for Unlawful Purpose<br>2C:39-5D, Possession of Other Weapons | NJ0150600 |

#### Type : Booking

| Date             | Activity Reference | Description                                                                                                                                                                                                    | ORI       |
|------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 09/13/2019 18:43 | 2019-00001112      | Booking<br>Charge(s):<br>2C:5-2A(1), Conspiracy (agrees with)<br>2C:11-3a(1), Murder - Purposely Cause Death<br>2C:39-4d, Possession of a Weapon for Unlawful Purpose<br>2C:39-5D, Possession of Other Weapons | NJ0150600 |



# Global Subject Activity Report



## Detail

Print Date/Time: 09/18/2019 08:16  
Login ID: jsisco  
Type : Case

Brick Township Police Department  
ORI Number: NJ0150600

| Date | Activity Reference | Description | ORI |
|------|--------------------|-------------|-----|
|      |                    |             |     |

|                  |               |                                                                                                                                                                                                                                                                |           |
|------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 09/07/2019 23:07 | 2019-00057483 | Subject Type: Suspect, Incident Type: Homicide - Murder<br>Charge(s):<br>2C:5-2A(1), Conspiracy (agrees with)<br>2C:11-3a(1), Murder - Purposely Cause Death<br>2C:39-4d, Possession of a Weapon for Unlawful Purpose<br>2C:39-5D, Possession of Other Weapons | NJ0150600 |
|------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Type : Incident

| Date | Activity Reference | Description | ORI |
|------|--------------------|-------------|-----|
|      |                    |             |     |



# Global Subject Activity Report

## Detail



Print Date/Time: 09/18/2019 08:16

Login ID: jsisco

Brick Township Police Department

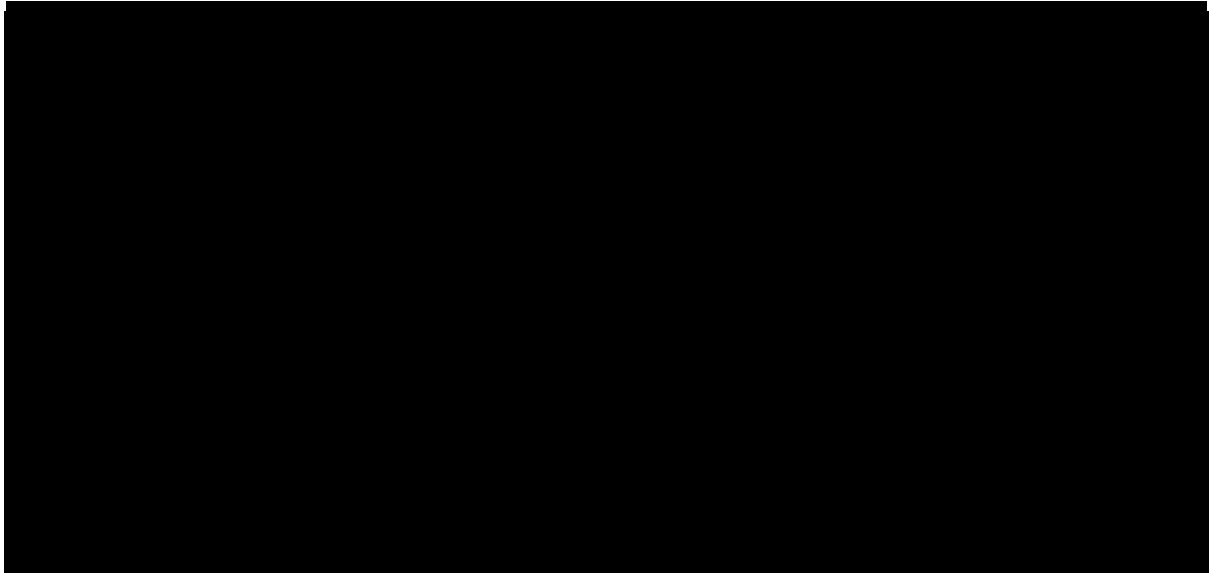
ORI Number: NJ0150600

Type : Orders Of Protection

| Date             | Activity Reference | Description                                   | ORI       |
|------------------|--------------------|-----------------------------------------------|-----------|
| 09/01/2013 00:00 | 3614               | Order No.: 3614 Role: Defendant<br>Charge(s): | NJ0150600 |

Type : Tickets & Citations

| Date | Activity Reference | Description | ORI |
|------|--------------------|-------------|-----|
|------|--------------------|-------------|-----|



Total Activity : ■

# COMPLAINT - WARRANT

| COMPLAINT NUMBER                                                                                                                                 |                      |                                                                                                                                                                                                                                                                      |               |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>1506</b>                                                                                                                                      | <b>W</b>             | <b>2019</b>                                                                                                                                                                                                                                                          | <b>000917</b> |
| COURT CODE                                                                                                                                       | PREFIX               | YEAR                                                                                                                                                                                                                                                                 | SEQUENCE NO.  |
| <b>BRICK TOWNSHIP MUNICIPAL COURT</b><br><b>401 CHAMBERS BRIDGE</b><br><b>BRICK NJ 08723-0000</b><br><b>732-262-1226</b> COUNTY OF: <b>OCEAN</b> |                      |                                                                                                                                                                                                                                                                      |               |
| # of CHARGES<br><b>4</b>                                                                                                                         | CO-DEFTS<br><b>1</b> | POLICE CASE #:<br><b>57483-19</b>                                                                                                                                                                                                                                    |               |
| COMPLAINANT NAME: <b>MARK BYRNE DET.</b><br><b>401 CHAMBERSBRDG RD</b><br><b>ATTN WARRANTS</b><br><b>BRICK TOWN NJ 08723</b>                     |                      | DEFENDANT INFORMATION<br>SEX: <b>M</b> EYE COLOR: <b>HAZEL</b> DOB: <b>06/17/1991</b><br>DRIVER'S LIC. #: [REDACTED] DL STATE: <b>NJ</b><br>SOCIAL SECURITY #: [REDACTED] SBI #: <b>857698E</b><br>TELEPHONE #: [REDACTED] (C)<br>LIVSCAN PCN #: <b>150603005562</b> |               |

THE STATE OF NEW JERSEY

VS.

MARK J AUSTIN

ADDRESS: **770 ACORN DRIVE**

**BRICK**

**NJ 08723-0000**

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **09/07/2019** in **BRICK TWP**, **OCEAN** County, **NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF MURDER WITHIN THE JURISDICTION OF THIS COURT, BY KNOWINGLY OR PURPOSELY CAUSING THE DEATH OF, OR KNOWING OR PURPOSELY CAUSE SERIOUS BODILY INJURY RESULTING IN THE DEATH OF MARK RICHARD AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT DURING THE COMMISSION OF A CRIME AGAINST A PERSON UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR SUCH LAWFUL USE

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST MARK R AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, in violation of:

|                 |                       |                    |                    |
|-----------------|-----------------------|--------------------|--------------------|
| Original Charge | 1) <b>2C:11-3A(1)</b> | 2) <b>2C:39-5D</b> | 3) <b>2C:39-4D</b> |
| Amended Charge  |                       |                    |                    |

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: **MARK BYRNE DET.**

Date: **09/13/2019**

You will be notified of your **Central First Appearance/CJP** date to be held at the **Superior Court** in the county of **OCEAN** at the following address: **OCEAN SUPERIOR COURT**

**100 HOOPER AVE**

Date of Arrest: **09/13/2019** Appearance Date:

Time:

**TOMS RIVER**

**NJ 08753-0000**

Phone: **732-244-2121**

## PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause **IS NOT** found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator

Date

Signature of Judge

Date

☒ Probable cause **IS** found for the issuance of this complaint. **MICHELE EDGIN JUDICIAL OFFICER** **09/13/2019**

Signature and Title of Judicial Officer Issuing Warrant

Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: by:

(if different from judicial officer that issued warrant)

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets or Other Complaints

☒ Serious Personal Injury/ Death Involved

Special conditions of release:

☐ No phone, mail or other personal contact w/victim

☐ No possession firearms/weapons

☐ Other (specify):

**ORIGINAL**

# COMPLAINT - WARRANT

## COMPLAINT NUMBER

**1506**

**W**

**2019**

**000917**

STATE V.

**MARK J AUSTIN**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

PURPOSELY DID CONSPIRE WITH ANOTHER PERSON OR PERSONS TO COMMIT THE CRIME OF MURDER BY AGREEING WITH SUCH PERSON OR PERSONS THAT THEY OR ONE OR MORE OF THEM WOULD ENGAGE IN CONDUCT THAT WOULD CONSTITUTE THE CRIME OF MURDER OR AN ATTEMPT OR SOLICITATION TO COMMIT THE CRIME OF MURDER

Original Charge

4) **2C:5-2A(1)**  
**2C:11-3A(1)**

Amended Charge

**COMPLAINT - WARRANT**

Page 2 of 10

NJ/CDR2 1/1/2017

## COMPLAINT – WARRANT (Court Action)

|                  |        |      |              |                               |
|------------------|--------|------|--------------|-------------------------------|
| COMPLAINT NUMBER |        |      |              | STATE V.<br><br>MARK J AUSTIN |
| 1506             | W      | 2019 | 000917       |                               |
| COURT CODE       | PREFIX | YEAR | SEQUENCE NO. |                               |
|                  |        |      |              |                               |

|                             |        |                      |                       |                                     |  |                                               |
|-----------------------------|--------|----------------------|-----------------------|-------------------------------------|--|-----------------------------------------------|
| <b>FTA Bail Information</b> |        | Date Bail Set:       |                       | Amount Bail Set: \$ _____ by: _____ |  | <input type="checkbox"/> Bail Recog. Attached |
| Released<br>on Bail<br>(✓)  | R.O.R. | Committed<br>Default | Committed<br>w/o Bail | Place Committed:                    |  | Date Referred to<br>County Prosecutor: _____  |

|                           |                                                    |                                                                                        |
|---------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------|
| Date of First Appearance: | <input type="checkbox"/> Advised of Rights by_____ | Defendant Desires Counsel:<br><input type="checkbox"/> Yes <input type="checkbox"/> No |
|---------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------|

| Prosecuting Attorney Information |        |           |       | Defense Counsel Information |          |            |          |        |       |
|----------------------------------|--------|-----------|-------|-----------------------------|----------|------------|----------|--------|-------|
| <b>Name:</b>                     |        |           |       | <b>Name:</b>                |          |            |          |        |       |
| State                            | County | Municipal | Other | None                        | Retained | Public Def | Assigned | Waived | Other |

|                 |                       |                    |                    |
|-----------------|-----------------------|--------------------|--------------------|
| Original Charge | 1) <b>2C:11-3A(1)</b> | 2) <b>2C:39-5D</b> | 3) <b>2C:39-4D</b> |
|-----------------|-----------------------|--------------------|--------------------|

|                |  |  |  |
|----------------|--|--|--|
| Amended Charge |  |  |  |
|----------------|--|--|--|

|                  |  |  |  |
|------------------|--|--|--|
| Waiver Indt/Jury |  |  |  |
|------------------|--|--|--|

|                   |                                  |                                  |                                  |
|-------------------|----------------------------------|----------------------------------|----------------------------------|
| Plea/Date of Plea | Plea:                      Date: | Plea:                      Date: | Plea:                      Date: |
|-------------------|----------------------------------|----------------------------------|----------------------------------|

|                           |                                          |                                          |                                          |
|---------------------------|------------------------------------------|------------------------------------------|------------------------------------------|
| Adjudication (* see code) | Finding Code:                      Date: | Finding Code:                      Date: | Finding Code:                      Date: |
|---------------------------|------------------------------------------|------------------------------------------|------------------------------------------|

|           |  |                  |           |  |                  |           |  |                  |           |
|-----------|--|------------------|-----------|--|------------------|-----------|--|------------------|-----------|
| Jail Term |  | Jail time credit | Susp. Imp |  | Jail time credit | Susp. Imp |  | Jail time credit | Susp. Imp |
|-----------|--|------------------|-----------|--|------------------|-----------|--|------------------|-----------|

|                |  |           |  |           |  |           |
|----------------|--|-----------|--|-----------|--|-----------|
| Probation Term |  | Susp. Imp |  | Susp. Imp |  | Susp. Imp |
|----------------|--|-----------|--|-----------|--|-----------|

|                      |  |  |  |
|----------------------|--|--|--|
| Cond. Discharge Term |  |  |  |
|----------------------|--|--|--|

|                   |  |  |  |
|-------------------|--|--|--|
| Community Service |  |  |  |
|-------------------|--|--|--|

|                     |  |  |  |
|---------------------|--|--|--|
| D/L Suspension Term |  |  |  |
|---------------------|--|--|--|

| Fines/Costs | Fines: | Costs: | Fines: | Costs: | Fines: | Costs: |
|-------------|--------|--------|--------|--------|--------|--------|
|-------------|--------|--------|--------|--------|--------|--------|

|           |             |             |             |
|-----------|-------------|-------------|-------------|
| VCCB/SNSF | VCCB: SNSF: | VCCB: SNSF: | VCCB: SNSF: |
|-----------|-------------|-------------|-------------|

|              |       |      |       |      |       |      |
|--------------|-------|------|-------|------|-------|------|
| DEDR/Lab Fee | DEDR: | LAB: | DEDR: | LAB: | DEDR: | LAB: |
|              |       |      |       |      |       |      |

|                    |     |       |     |       |     |       |
|--------------------|-----|-------|-----|-------|-----|-------|
| CD Fee/Drug Ed Fnd | CD: | DAEF: | CD: | DAEF: | CD: | DAEF: |
|                    |     |       |     |       |     |       |

|                     |     |        |     |        |     |        |
|---------------------|-----|--------|-----|--------|-----|--------|
| DV Surch/Other Fees | DV: | Other: | DV: | Other: | DV: | Other: |
|                     |     |        |     |        |     |        |

|                    |  |  |  |
|--------------------|--|--|--|
| Restitution        |  |  |  |
| Beneficiary: _____ |  |  |  |

|                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:</b> | * Finding Codes                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                                  | 1 – Guilty<br>2 – Not Guilty<br>3 – Dismissed – Other<br>4 – Guilty but Merged<br>5 – Dismissed-Rule<br>6 – Dismissed Lack of Prosecution<br>7 – Dismissed – Pros Motion/Vic Req<br>8 – Conditional Discharge<br>D – Dismissed- Prosecutor Discretion<br>M – Dismissed- Mediation<br>P - Dismissed-Plea Agreement<br>S – Disposed at Superior<br>W – Dismissed-False ID |
| <b>Related Traffic Tickets and Complaints:</b>                                                   |                                                                                                                                                                                                                                                                                                                                                                         |

|                         |            |                                           |                  |
|-------------------------|------------|-------------------------------------------|------------------|
|                         |            | <b>COMPLAINT - WARRANT (Court Action)</b> |                  |
| JUDGE'S SIGNATURE _____ | DATE _____ | <b>Page 3 of 10</b>                       | NJ/CDR2 1/1/2017 |

# COMPLAINT – WARRANT (Court Action)

| COMPLAINT NUMBER                                                                                 |  |        |  |                                                     |  |                    |  |                                    |  | STATE V.                                                                               |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
|--------------------------------------------------------------------------------------------------|--|--------|--|-----------------------------------------------------|--|--------------------|--|------------------------------------|--|----------------------------------------------------------------------------------------|--|-------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------|--|------------------|--|-----------|--|
| 1506                                                                                             |  | W      |  | 2019                                                |  | 000917             |  | MARK J AUSTIN                      |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| COURT CODE                                                                                       |  | PREFIX |  | YEAR                                                |  | SEQUENCE NO.       |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| <b>FTA Bail Information</b>                                                                      |  |        |  | Date Bail Set:                                      |  |                    |  | Amount Bail Set: \$ _____          |  |                                                                                        |  | by: _____                                 |  | <input type="checkbox"/> Bail Recog. Attached                                                                                                                                                                                                                                                                                                                                                     |  |        |  |                  |  |           |  |
| Released on Bail (✓)                                                                             |  | R.O.R. |  | Committed Default                                   |  | Committed w/o Bail |  | Place Committed:                   |  |                                                                                        |  | Date Referred to County Prosecutor: _____ |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| Date of First Appearance:                                                                        |  |        |  | <input type="checkbox"/> Advised of Rights by _____ |  |                    |  |                                    |  | Defendant Desires Counsel:<br><input type="checkbox"/> Yes <input type="checkbox"/> No |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| <b>Prosecuting Attorney Information</b>                                                          |  |        |  |                                                     |  |                    |  | <b>Defense Counsel Information</b> |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| <b>Name:</b>                                                                                     |  |        |  |                                                     |  |                    |  | <b>Name:</b>                       |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| State                                                                                            |  | County |  | Municipal                                           |  | Other              |  | None                               |  | Retained                                                                               |  | Public Def                                |  | Assigned                                                                                                                                                                                                                                                                                                                                                                                          |  | Waived |  | Other            |  |           |  |
| Original Charge                                                                                  |  |        |  | 4) <b>2C:5-2A(1)</b><br><b>2C:11-3A(1)</b>          |  |                    |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| Amended Charge                                                                                   |  |        |  |                                                     |  |                    |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| Waiver Indt/Jury                                                                                 |  |        |  |                                                     |  |                    |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| Plea/Date of Plea                                                                                |  |        |  | Plea: _____ Date: _____                             |  |                    |  | Plea: _____ Date: _____            |  |                                                                                        |  | Plea: _____ Date: _____                   |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| Adjudication (* see code)                                                                        |  |        |  | Finding Code: _____ Date: _____                     |  |                    |  | Finding Code: _____ Date: _____    |  |                                                                                        |  | Finding Code: _____ Date: _____           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| Jail Term                                                                                        |  |        |  |                                                     |  | Jail time credit   |  | Susp. Imp                          |  |                                                                                        |  | Jail time credit                          |  | Susp. Imp                                                                                                                                                                                                                                                                                                                                                                                         |  |        |  | Jail time credit |  | Susp. Imp |  |
| Probation Term                                                                                   |  |        |  |                                                     |  |                    |  | Susp. Imp                          |  |                                                                                        |  |                                           |  | Susp. Imp                                                                                                                                                                                                                                                                                                                                                                                         |  |        |  |                  |  | Susp. Imp |  |
| Cond. Discharge Term                                                                             |  |        |  |                                                     |  |                    |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| Community Service                                                                                |  |        |  |                                                     |  |                    |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| D/L Suspension Term                                                                              |  |        |  |                                                     |  |                    |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| Fines/Costs                                                                                      |  |        |  | Fines:                                              |  | Costs:             |  |                                    |  | Fines:                                                                                 |  | Costs:                                    |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  | Fines: |  | Costs:           |  |           |  |
| VCCB/SNSF                                                                                        |  |        |  | VCCB:                                               |  | SNSF:              |  |                                    |  | VCCB:                                                                                  |  | SNSF:                                     |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  | VCCB:  |  | SNSF:            |  |           |  |
| DEDRLab Fee                                                                                      |  |        |  | DEDR:                                               |  | LAB:               |  |                                    |  | DEDR:                                                                                  |  | LAB:                                      |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  | DEDR:  |  | LAB:             |  |           |  |
| CD Fee/Drug Ed Fnd                                                                               |  |        |  | CD:                                                 |  | DAEF:              |  |                                    |  | CD:                                                                                    |  | DAEF:                                     |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  | CD:    |  | DAEF:            |  |           |  |
| DV Surch/Other Fees                                                                              |  |        |  | DV:                                                 |  | Other:             |  |                                    |  | DV:                                                                                    |  | Other:                                    |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  | DV:    |  | Other:           |  |           |  |
| Restitution<br>Beneficiary: _____                                                                |  |        |  |                                                     |  |                    |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| <b>Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:</b> |  |        |  |                                                     |  |                    |  |                                    |  |                                                                                        |  |                                           |  | <b>* Finding Codes</b><br>1 – Guilty<br>2 – Not Guilty<br>3 – Dismissed – Other<br>4 – Guilty but Merged<br>5 – Dismissed-Rule<br>6 – Dismissed Lack of Prosecution<br>7 – Dismissed – Pros Motion/Vic Req<br>8 – Conditional Discharge<br>D – Dismissed- Prosecutor Discretion<br>M – Dismissed- Mediation<br>P - Dismissed-Plea Agreement<br>S – Disposed at Superior<br>W – Dismissed-False ID |  |        |  |                  |  |           |  |
| <b>Related Traffic Tickets and Complaints:</b>                                                   |  |        |  |                                                     |  |                    |  |                                    |  |                                                                                        |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
| JUDGE'S SIGNATURE _____                                                                          |  |        |  |                                                     |  |                    |  |                                    |  | DATE _____                                                                             |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
|                                                                                                  |  |        |  |                                                     |  |                    |  |                                    |  | <b>COMPLAINT - WARRANT (Court Action)</b>                                              |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
|                                                                                                  |  |        |  |                                                     |  |                    |  |                                    |  | <b>Page 4 of 10</b>                                                                    |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |
|                                                                                                  |  |        |  |                                                     |  |                    |  |                                    |  | NJ/CDR2 1/1/2017                                                                       |  |                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |  |                  |  |           |  |

# COMPLAINT - WARRANT

| COMPLAINT NUMBER                                                                                                                                 |                      |                                                                                                                                                                                                                                                                      |               |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>1506</b>                                                                                                                                      | <b>W</b>             | <b>2019</b>                                                                                                                                                                                                                                                          | <b>000917</b> |
| COURT CODE                                                                                                                                       | PREFIX               | YEAR                                                                                                                                                                                                                                                                 | SEQUENCE NO.  |
| <b>BRICK TOWNSHIP MUNICIPAL COURT</b><br><b>401 CHAMBERS BRIDGE</b><br><b>BRICK NJ 08723-0000</b><br><b>732-262-1226</b> COUNTY OF: <b>OCEAN</b> |                      |                                                                                                                                                                                                                                                                      |               |
| # of CHARGES<br><b>4</b>                                                                                                                         | CO-DEFTS<br><b>1</b> | POLICE CASE #:<br><b>57483-19</b>                                                                                                                                                                                                                                    |               |
| COMPLAINANT<br>NAME: <b>MARK BYRNE DET.</b>                                                                                                      |                      | DEFENDANT INFORMATION<br>SEX: <b>M</b> EYE COLOR: <b>HAZEL</b> DOB: <b>06/17/1991</b><br>DRIVER'S LIC. #: [REDACTED] DL STATE: <b>NJ</b><br>SOCIAL SECURITY #: [REDACTED] SBI #: <b>857698E</b><br>TELEPHONE #: [REDACTED] (C)<br>LIVSCAN PCN #: <b>150603005562</b> |               |

THE STATE OF NEW JERSEY

VS.

MARK J AUSTIN

ADDRESS: **770 ACORN DRIVE**

**BRICK**

**NJ 08723-0000**

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **09/07/2019** in **BRICK TWP**, **OCEAN** County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF MURDER WITHIN THE JURISDICTION OF THIS COURT, BY KNOWINGLY OR PURPOSELY CAUSING THE DEATH OF, OR KNOWING OR PURPOSELY CAUSE SERIOUS BODILY INJURY RESULTING IN THE DEATH OF MARK RICHARD AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT DURING THE COMMISSION OF A CRIME AGAINST A PERSON UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR SUCH LAWFUL USE

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY POSSESS A BASEBALL BAT WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST MARK R AUSTIN

WITHIN THE JURISDICTION OF THIS COURT, WITHIN THE JURISDICTION OF THIS COURT, in violation of:

|                 |                       |                    |                    |
|-----------------|-----------------------|--------------------|--------------------|
| Original Charge | 1) <b>2C:11-3A(1)</b> | 2) <b>2C:39-5D</b> | 3) <b>2C:39-4D</b> |
| Amended Charge  |                       |                    |                    |

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment  
Signed: **MARK BYRNE DET.** Date: **09/13/2019**

You will be notified of your **Central First Appearance/CJP** date to be held at the Superior Court in the county of **OCEAN**  
at the following address: **OCEAN SUPERIOR COURT**  
**100 HOOPER AVE** **TOMS RIVER NJ 08753-0000**  
Date of Arrest: **09/13/2019** Appearance Date: Time: Phone: **732-244-2121**

## PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause **IS NOT** found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator

Date

Signature of Judge

Date

☒ Probable cause **IS** found for the issuance of this complaint. **MICHELE EDGIN JUDICIAL OFFICER** **09/13/2019**  
Signature and Title of Judicial Officer Issuing Warrant Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: by: (if different from judicial officer that issued warrant)

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets  
or Other Complaints

☒ Serious Personal Injury/ Death  
Involved

### Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

COMPLAINT - WARRANT (DEFENDANT'S COPY)

# COMPLAINT - WARRANT

## COMPLAINT NUMBER

**1506**

**W**

**2019**

**000917**

STATE V.

**MARK J AUSTIN**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

PURPOSELY DID CONSPIRE WITH ANOTHER PERSON OR PERSONS TO COMMIT THE CRIME OF MURDER BY AGREEING WITH SUCH PERSON OR PERSONS THAT THEY OR ONE OR MORE OF THEM WOULD ENGAGE IN CONDUCT THAT WOULD CONSTITUTE THE CRIME OF MURDER OR AN ATTEMPT OR SOLICITATION TO COMMIT THE CRIME OF MURDER

Original Charge

4) **2C:5-2A(1)**  
**2C:11-3A(1)**

Amended Charge

**COMPLAINT - WARRANT (DEFENDANT'S COPY)**

**Page 6 of 10**

NJ/CDR2 1/1/2017

# COMMITMENT

|                                                                                                                                                  |                      |                                   |               |                                                                                                                                                                                                                                                                              |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| COMPLAINT NUMBER                                                                                                                                 |                      |                                   |               | <p><i>THE STATE OF NEW JERSEY</i></p> <p>VS.</p> <p><b>MARK J AUSTIN</b></p> <p>ADDRESS : <b>770 ACORN DRIVE</b></p> <p><b>BRICK NJ 08723-0000</b></p>                                                                                                                       |  |
| <b>1506</b>                                                                                                                                      | <b>W</b>             | <b>2019</b>                       | <b>000917</b> |                                                                                                                                                                                                                                                                              |  |
| COURT CODE                                                                                                                                       | PREFIX               | YEAR                              | SEQUENCE NO.  |                                                                                                                                                                                                                                                                              |  |
| <b>BRICK TOWNSHIP MUNICIPAL COURT</b><br><b>401 CHAMBERS BRIDGE</b><br><b>BRICK NJ 08723-0000</b><br><b>732-262-1226</b> COUNTY OF: <b>OCEAN</b> |                      |                                   |               |                                                                                                                                                                                                                                                                              |  |
| # of CHARGES<br><b>4</b>                                                                                                                         | CO-DEFTS<br><b>1</b> | POLICE CASE #:<br><b>57483-19</b> |               | DEFENDANT INFORMATION<br>SEX: <b>M</b> EYE COLOR: <b>HAZEL</b> DOB: <b>06/17/1991</b><br>DRIVER'S LIC. #. [REDACTED] DL STATE: <b>NJ</b><br>SOCIAL SECURITY #: [REDACTED] SBI #: <b>857698E</b><br>TELEPHONE #: [REDACTED] <b>(C)</b><br>LIVESCAN PCN #: <b>150603005562</b> |  |
| COMPLAINANT <b>MARK BYRNE DET.</b><br>NAME: <b>401 CHAMBERS BRDG RD</b><br><b>ATTN WARRANTS</b><br><b>BRICK TOWN NJ 08723</b>                    |                      |                                   |               |                                                                                                                                                                                                                                                                              |  |

**To any Law Enforcement Official of New Jersey, You are commanded to transport this defendant to the Warden of this county who is required to keep the defendant in custody until a release or detention decision is made.**

|    | Offense            | Aux Offense        | Drug Code | Degree   | Offense Description    |
|----|--------------------|--------------------|-----------|----------|------------------------|
| 1. | <u>2C:11-3A(1)</u> | <u></u>            | <u></u>   | <u>1</u> | <u>MURDER - PURPOS</u> |
| 2. | <u>2C:39-5D</u>    | <u></u>            | <u></u>   | <u>4</u> | <u>UNLAWFUL POSS W</u> |
| 3. | <u>2C:39-4D</u>    | <u></u>            | <u></u>   | <u>3</u> | <u>POSS OF WEAPON</u>  |
| 4. | <u>2C:5-2A(1)</u>  | <u>2C:11-3A(1)</u> | <u></u>   | <u>1</u> | <u>CONSPIRACY - AG</u> |

Commitment Reason: **Criminal Justice Reform**

You will be notified of your **Central First Appearance/CJP** date to be held at the Superior Court in the county of **OCEAN**  
at the following address: OCEAN SUPERIOR COURT  
**100 HOOPER AVE** **TOMS RIVER** **NJ 08753-0000**

Date of Arrest: **09/13/2019**

**Phone: 732-244-2121**

**MICHELE EDGIN JUDICIAL OFFICER**

**09/13/2019**

Signature and Title of Judicial Officer Issuing Warrant

Date

## COMMITMENT

# Affidavit of Probable Cause

## COMPLAINT NUMBER

**1506****W****2019****000917**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

**BRICK TOWNSHIP MUNICIPAL COURT**  
**401 CHAMBERS BRIDGE**  
**BRICK NJ 08723-0000**  
**732-262-1226** COUNTY OF: **OCEAN**

# of CHARGES  
**4**

CO-DEFTS

POLICE CASE #:  
**57483-19**

COMPLAINANT **MARK BYRNE DET.**  
NAME: **401 CHAMBERS BRDG RD**  
**ATTN WARRANTS**  
**BRICK TOWN NJ 08723**

*THE STATE OF NEW JERSEY*

VS.

**MARK J AUSTIN**

ADDRESS:

**770 ACORN DRIVE****BRICK****NJ 08723-0000**

## DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **HAZEL** DOB: **06/17/1991**DRIVER'S LIC. #: [REDACTED] DL STATE: **NJ**SOCIAL SECURITY #: [REDACTED] SBI #: **857698E**

TELEPHONE #: [REDACTED] (C)

LIVESCAN PCN #: **150603005562**

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:  
**(SEE APPENDIX A)**

**Affidavit of Probable Cause**

# Affidavit of Probable Cause

## COMPLAINT NUMBER

**1506**

**W**

**2019**

**000917**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

**THE STATE OF NEW JERSEY**

**VS.**

**MARK J AUSTIN**

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

3. If victim was injured, provide the extent of the injury:

### Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: MARK BYRNE DET. LAW ENFORCEMENT OFFICER

Date: 09/13/2019

**Affidavit of Probable Cause**

**Page 9 of 10**

1/1/2017

# Preliminary Law Enforcement Incident Report

## COMPLAINT NUMBER

**1506****W****2019****000917**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

**BRICK TOWNSHIP MUNICIPAL COURT**  
**401 CHAMBERS BRIDGE**  
**BRICK NJ 08723-0000**  
**732-262-1226** COUNTY OF: **OCEAN**

# of CHARGES  
**4**

CO-DEFTS

POLICE CASE #:  
**57483-19**

COMPLAINANT **MARK BYRNE DET.**  
NAME: **401 CHAMBERS BRDG RD**  
**ATTN WARRANTS**  
**BRICK TOWN NJ 08723**

*THE STATE OF NEW JERSEY*

VS.

**MARK J AUSTIN**ADDRESS: **770 ACORN DRIVE****BRICK****NJ 08723-0000**

## DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **HAZEL**DOB: **06/17/1991**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY #:

SBI #: **857698E**

TELEPHONE #:

(C)

LIVSCAN PCN #: **150603005562**

**Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.**

- The charge was based on the observations/statements made by an eyewitness(es).
  - The witness statement(s) were recorded via:
    - \*Stationhouse interview room camera
- The defendant was known to the victim as:
  - Family
- The victim was injured and:
  - Victim transported to medical facility
- A weapon was involved in the incident:
  - Other/Explain **BASEBALL BAT**
- Physical evidence was seized/recovered:
  - Weapon(s)
- The defendant attempted to conceal, discard or destroy evidence, **DELETE PHONE/CAMERA INFO**
- The defendant attempted to threaten or intimidate witness(es) in the case, **THREATENED VIOLENCE TO CD**
- The case involves a search warrant(s).
- The case involves a consent search.
- The investigation involved the seizure of one or more cellphones, computers or similar electronic devices.  
List the type of device(s) and total number of each recovered: **2 PHONES/COMPUTERS**

**Certification:**

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: **MARK BYRNE DET. LAW ENFORCEMENT OFFICER**Date: **09/13/2019****Preliminary Law Enforcement Incident Report****Page 10 of 10**

7/20/2018

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - OCEAN COUNTY

THE STATE OF NEW JERSEY :

VS. :

JERAY K. MELTON  
MARK J. AUSTIN

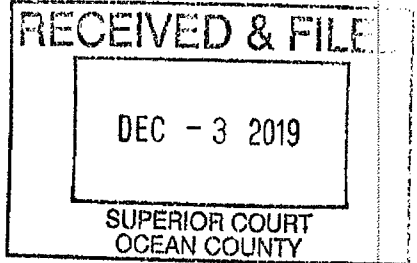
Defendants :

INDICTMENT

NO. 19-12-1883

COUNT ONE

MURDER-FIRST DEGREE



The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JERAY K. MELTON and MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did purposely or knowingly cause the death of Mark R. Austin or did purposely or knowingly cause serious bodily injury to Mark R. Austin resulting in his death, contrary to the provisions of N.J.S.A. 2C:11-3a(1) or N.J.S.A. 2C:11-3a(2), and against the peace of this State, the Government and dignity of the same.

COUNT TWO

CONSPIRACY TO COMMIT MURDER-FIRST DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JERAY K. MELTON and MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, with the purpose of facilitating the crime of Murder, did agree that they or one or more of them would engage in conduct which would constitute the aforesaid crime or did agree to aid each other in the planning or commission of said crime, that is, purposely or knowingly

causing the death of Mark R. Austin or purposely or knowingly causing serious bodily injury resulting in the death of Mark R. Austin, contrary to the provisions of N.J.S.A. 2C:11-3a(1) or 2, in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the Government and dignity of the same.

COUNT THREE

UNLAWFUL POSSESSION OF A WEAPON-FOURTH DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JERAY K. MELTON and MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, knowingly did possess a certain weapon, that is, a baseball bat, under circumstances not manifestly appropriate for such lawful uses as it may have, contrary to the provisions of N.J.S.A. 2C:39-5d, and against the peace of this State, the Government and dignity of the same.

COUNT FOUR

POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE-THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths present that JERAY K. MELTON and MARK J. AUSTIN, on or about September 7, 2019, in the Township of Brick, County of Ocean, and within the jurisdiction of this Court, did possess a certain weapon, that is, a baseball bat, with a purpose to use it unlawfully against the person or property of another, contrary to the provisions of N.J.S.A. 2C:39-4d, and against the peace of this State, the Government and dignity of the same.

BRADLEY D. BILLHIMER  
OCEAN COUNTY PROSECUTOR

DATED: 12/3/19

BY: [Signature]  
MICHAEL R. WEATHERSTONE  
ASSISTANT PROSECUTOR

ENDORSED: [Signature]  
Foreperson

---

Superior Court of New Jersey  
Law Division, Ocean County

---

THE STATE

VS.

JERAY K. MELTON  
MARK J. AUSTIN

---

INDICTMENT NO.

19-12-1883

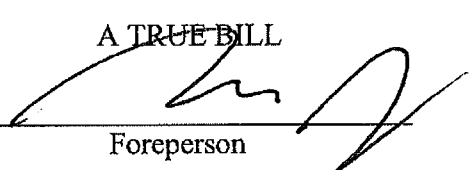
INDICTMENT FOR

MURDER  
CONSPIRACY TO COMMIT MURDER  
UNLAWFUL POSSESSION OF A WEAPON  
POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE

BRADLEY D. BILLHIMER  
Ocean County Prosecutor

---

A TRUE BILL

  
Foreperson

Bail **BOTH:** Eligible defendant  
under Bail Reform - Detained

Condition Of Bail

**SUPERIOR COURT  
COUNTY OF OCEAN**

**\*\*\*ARREST AFFIDAVIT\*\*\***

- A. On Saturday, September 7, 2019, Brick Township Police (C# 57483-19), responded to 770 Acorn Drive following a 9-1-1 call placed at approximately 2307 hours by Michael Rodgers (DOB: [REDACTED], SSN: [REDACTED] in reference to an unresponsive male. Upon arrival, responding officers found the front door of the residence to be unlocked and subsequently made entry. They subsequently discovered what appeared to be a person covered in blankets in the living area to the right.
- B. Upon removal of the blankets, police discovered the body of Mark Austin (DOB: [REDACTED], SSN: [REDACTED] with apparent blunt force trauma to the face. The victim was pronounced dead via telemetry at 2328 hours by Dr. Delmaestro of Newark Beth Israel Hospital. As a result of not knowing if the actor was still in the residence, police cleared the residence.
- C. Patrol Officers spoke with the decedent's ex-wife, Barbara Austin (DOB: [REDACTED], SSN: [REDACTED]), and the decedent's friend, Jeremy Londino ([REDACTED], SSN: [REDACTED]) outside of the residence. The following information was related by the two.
- D. On Saturday, September 7, 2019, at approximately 1947 hours, Londino received a phone call from the decedent, requesting that Londino bring him water and chips. Londino arrived at the residence at approximately 2100 hours and used the rear door to make entry. Subsequent to entering the residence, Londino discovered the body of the decedent on the sofa in the front living area. Londino stated that he noticed blood spatter on the walls and ceiling. Londino then called his friend Artie. Artie was identified as Arthur Smith (DOB: [REDACTED], SSN: [REDACTED]).
- E. Londino and Smith responded to Barbara Austin's boyfriend's residence at [REDACTED].

[REDACTED] in [REDACTED] Austin's boyfriend was identified as Michael Rodgers.

- F. Londino, Smith, and Austin then responded back to 770 Acorn Drive. Upon arrival, the three entered through the rear door of the residence and observed the body of the decedent. Austin noticed a baseball bat on the floor and picked up the same, leaning it on the wall and cabinet in the kitchen of the residence.
- G. The three left the residence. Smith drove Austin back to [REDACTED]. Austin related to Rodgers what she observed while at the residence. Austin and Rodgers subsequently called 9-1-1.
- H. On September 8, 2019, at approximately 0233 hours, a Court authorized Search Warrant was authorized telephonically by the Honorable Therese Cunningham, J.S.C. A search of the residence was conducted pursuant to said Search Warrant. The search yielded one baseball bat with apparent blood transfer and hair located in the kitchen of the residence leaning against a cabinet and the wall. Located in the back room near the back entrance of the residence were a beer, spoon, and a belt. Located on the table in the backroom was, what appeared to be, an apparatus used for ingesting narcotics.
- I. Located in the front of the residence was a black in color 2010 Ford F150 bearing New Jersey Registration Number [REDACTED]. Said vehicle was found to be registered to Carol Lehman of [REDACTED].
- J. On Thursday, September 8, 2019, Detective Murphy and Detective Byrne conducted an audio/video recorded statement of Mark J Austin in regards to this investigation. The interview was conducted at the Brick Township Police Department. During the course of the interview with Mr. Austin, he related that he resides at 770 Acorn Road with the decedent, whom he identified as his father. According to Austin, on September 6, 2019, he slept at his residence along with his four (4) year old a child. He woke up on September 7 at approximately 0700 hours and made breakfast for him and his son.
- K. Austin stated that at approximately 1315 hours, he had a conversation with the decedent who advised that he was going to Bayonne, New Jersey, presumably to purchase heroin from an individual that he only knows as "Shadow." The

decedent also related to Austin that he needed Austin to travel to a location on State Highway 70, near the intersection of State Highway 72, to pick up a black male who would be standing on the side of the road.

- L. It was at that time that Austin left the residence and dropped his son off at his mother's residence located on [REDACTED]
- M. After dropping his son off at Austin's mother's house, Austin travelled to the aforementioned location on Highway 70, where he picked up a black male that he described as wearing a red baseball cap and had a beard. He then drove said male back to his residence at 770 Acorn in Brick Township, where, according to Austin, the decedent told him that the unidentified male could stay in his room until the decedent returned home.
- N. Subsequent to dropping off the unidentified male at his residence, Austin took his dogs and dropped them off at his mother's house. He remained there for a period of time and then returned to his residence, picked up the unknown male, and dropped him off around the location he picked him up at earlier in the day. Austin stated that he did not mind doing so because he planned on going to a bonfire in Whiting, NJ.
- O. Austin advised that after dropping off the unidentified male, he decided to take a ride to Philadelphia, where he purchased two cheesesteaks.
- P. Austin advised that at approximately 2300 hours he received a phone call from his neighbor across the street. The neighbor told him that he needed to return home and that something happened to his father. He eventually told Austin that his father was deceased and after pulling over numerous times to calm himself down, he returned to the residence where he was met by law enforcement.
- Q. During the interview, Austin advised that he drove himself to Brick Police Headquarters in a white Volkswagen Jetta. A look up of vehicles registered to Austin yielded a New Jersey registration number [REDACTED] described as a white in color 2006 Volkswagen Jetta registered to Mark J Austin bearing vehicle identification number 3VWST71K16M791408.
- R. Subsequent to the interview, Austin's cell phone and smart watch were seized from his person pending application for a Court authorized Search Warrant.

- S. On Sunday, September 8, 2019 at approximately 1930 hours, a post mortem examination was conducted on the body of the decedent. The examination, which took place at Community Medical Center in Toms River, New Jersey, was conducted by Dr. Ian Hood of the Ocean County Medical Examiner's Office. Dr. Hood determined the cause of death of Mark Austin to be blunt trauma to the head and face and the manner of death to be homicide.
- T. On Monday, September 9, 2019, officers returned to the residence located at 770 Acorn Drive in Brick Township to continue processing the scene. Recovered from the residence was a black in color cell phone with a cracked screen and "ZTE" written in gray lettering on the back in the center of the phone. Also located on a desk in the residence was gold in color Samsung SM-N950F/DS bearing serial number R38JBOLVKAT.
- U. On Sunday, September 8, 2019, a Search Warrant for the Samsung Galaxy Note 10 was drafted by Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit and subsequently approved by Chief Trial Attorney Michael Weatherstone. The Search Warrant was authorized by the Honorable Therese A. Cunningham, J.S.C., at approximately 1313 hours.
- V. An extraction of the cellphone was conducted by Detective Ray Coles of the High Tech Crime Unit. A review of the extraction yielded a Wyze Labs application on the device. Said application can be used to review and store video surveillance from synced cameras. A review of the content yielded video surveillance from the victim's residence at 770 Acorn Drive on September 7, 2019. Said footage is contradictory to statements made by Austin to police. Austin previously told police that the cameras in the residence have not worked for several days and that there would not be video footage from September 7, 2019. The email account associated with the Wyze account was found to be [REDACTED]
- W. On Monday, September 9, 2019, Communications Data Warrants were drafted by Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit for the telephone facilities [REDACTED] and [REDACTED]. Said telephone facilities are were found to belong to the victim and Mark J. Austin, respectively. The Communications Data Warrants were approved by Chief Trial Attorney

Michael Weatherstone and approved by the Honorable Guy P. Ryan, J.S.C.

- X. A review of the documentation provided pursuant to said Warrants was conducted. On September 7, 2019, the victim's phone, as well as Mark J. Austin's, were in the area of 770 Acorn Drive at approximately 1600 hours. At approximately 2101 hours, the victim's cell phone was located in area of Route 70 and Route 539. Mark J. Austin's phone appears to travel west on Route 70 from the hours of 2040 hours to 2125 hours which was documented as a result of the previously issued warrants.
- Y. A review of video surveillance collected from the Wawa located at 135 NJ-70, in Lakewood Township shows a white vehicle pull into the fueling area. A male exits the vehicle and walks into the store to make a purchase at approximately 2043 hours. The male was identified through the surveillance to be Mark J. Austin.
- Z. On Tuesday, September 10, 2019, Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit completed the Search Warrant Return for the residence located at 770 Acorn Drive in Brick Township. Among the items taken from the residence were a black in color Synology Diskstation, Model DS1812+ network area storage drive, a HP M7-J010DX laptop bearing serial number 6CG3352FS, an Apple iPad A1567, and Apple iPad A1395 bearing serial number F5RKR655DKPH, a Seagate SRD0SP0 External Drive bearing serial number NA5AG9RJ, a Western Digital Passport External Hard drive serial number WXE1A174JS2F, a Western Digital WD1600UO-17-004 External Drive bearing serial number WXE107697021, a Sandisk 32GB Micro USB, a Sandisk 64GB MicroSD Card serial number 627DPEYK08M, a HP Presario C700 laptop serial number CND742093Y, a HP TC1100 laptop serial number KRD53009V, and a Toshiba Satellite A205-S5000 laptop serial number 68148276K.
- AA. On Thursday, September 9, 2019 the forensic extraction of the gold in color Samsung SM-N90F/DS was reviewed pursuant to a Court authorized Search Warrant. The cellular device was identified as an old phone belonging to Mark J. Austin. Said extraction yielded a conversation using the application Facebook Messenger between Austin and an individual using the Facebook handle "Jeray

Melton." "Jeray Melton" was identified as Jeray Melton (DOB: 09/23/1991, SSN: [REDACTED]). The only visible text in the chat was sent by Melton to Austin. The messages starting on September 7, 2019 at 1915 hours read as follows:

"This shit"

"He went in his room to do his hit he told me he was a junky he noticed the cameras"

"He said someone is on there way"

"K"

"[image: thumbs up]"

"I'm ready but he said someone is coming"

BB. Detective John Carroll, of this office, spoke with Melissa Jones of the New Jersey Department of Corrections, Garden State Youth Correctional Facility, in reference to Jeray Melton. Ms. Jones related that Melton and Austin were bunkmates from March 2016 to May 2016 at the Garden State Youth Correctional Facility.

CC. [REDACTED]

DD. A search of an online law enforcement database was conducted by detective for Jeray Melton. Said search yielded a possible phone number for Jeray Melton as [REDACTED] with an address of [REDACTED] as of March 7, 2019. A search of an online law enforcement database was conducted

by detective for Jeray Melton. Said search yielded a possible phone number for Jeray Melton as [REDACTED] with an address of [REDACTED] as of March 7, 2019.

- EE. A subpoena for subscriber information was sent to Sprint Wireless. A response pursuant to said subpoena showed the subscriber to be Baron Smith, Jr of [REDACTED]
- FF. On September 12, 2019, this Affiant was provided with information from the Salem County Prosecutor's Office that Jeray Melton was stopped by police on two occasion in May 2019 and one occasion in July 2019. On all three occasions Melton provided officers with the address of 112 Anderson Drive, Salem City, New Jersey. Furthermore, Melton was observed by a detective from the Salem County Prosecutor's Office in a vehicle registered to Teonna Nelson. Nelson is a known associate of Melton. The vehicle was observed parked in front of the residence 112 Anderson Drive as of September 13, 2019.
- GG. Based on the aforementioned information Detective Dennis Mitchell of the Ocean County Prosecutor's Office Major Crimes Unit made an application for a telephonic search warrant for the residence 112 Anderson Drive, Salem City, New Jersey. The Search Warrant was authorized by the Honorable Therese Cunningham, J.S.C.
- HH. On September 13, 2019 Melton was observed leaving the residence of 112 Anderson Drive and entering a 2010 grey Chrysler Sebring, Pennsylvania registration [REDACTED] This is the same vehicle Melton was observed driving on the night of September 12, 2019.
- II. Detectives from Salem County Prosecutor's Office executed a motor vehicle stop on the vehicle and Melton was taken into custody. Melton was transported back to the Salem County Prosecutor's Office. Melton was interview by Detective John Murphy of the Ocean County Prosecutor's Office and Detective Mark Byrne of the Brick Township Police Department, prior to the interview, Melton was advised of his Miranda warnings and waived same.
- JJ. During the subsequent interview Melton admitted that on September 7, 2019, he was transported by Mark Austin to 770 Acorn Drive, Brick, New Jersey. While at

the residence Melton said Austin threatened him with a handgun and forced Melton to strike Austin's father multiple times in the head with a bat resulting in his death.

KK. Melton stated that after striking the victim multiple times in the head with a bat Austin drove Melton back to his residence in Salem City. Melton further stated that Austin had Melton remove his clothing, place it in a garbage bag. Austin then poured bleach into the garbage bag and through the clothing into a dumpster in Salem City.

LL. Melton stated that he communicated with Austin via Facebook Messenger.

DET. Mark Byrne #177  
Detective Mark Byrne  
Brick Township Police Department