

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. ZYIER M SMALL ADDRESS: 250 JOHNSON ROAD MORRIS PLAINS NJ 07950-0000	
1303	W	2020	000792		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH					
# of CHARGES 8	CO-DEFTS 1	POLICE CASE #: 20AP12008		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 08/24/2001 DRIVER'S LIC. #: SOCIAL SECURITY #: TELEPHONE #: LIVSCAN PCN #: 130304008846	
COMPLAINANT DILLON J GOURLEY NAME: ONE MUNICIPAL PLAZA ATTN RECORD BUREAU ASBURY PARK NJ 07712				DL STATE: SBI #: 182570H	

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 06/02/2020 in **ASBURY PARK CITY**, **MONMOUTH County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE, BY POSSESSING A FIREARM WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST THE PERSON OF J.S., A CRIME OF THE SECOND DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF ATTEMPTED MURDER, BY PURPOSELY ATTEMPTING TO CAUSE THE DEATH OF J.S., A CRIME OF THE FIRST DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF CONSPIRACY, BY , WITH PURPOSE OF PROMOTING OR FACILITATING THE CRIME OF MURDER, AGREEING WITH MALIK CAREY THAT THEY OR ONE OR MORE OF THEM WOULD COMMIT THE CRIME OF MURDER, A CRIME OF THE FIRST DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY TRESPASS ON 2 ATKINS AVE ASBURY PARK VILLAGE. A PUBLIC HOUSING DEVELOPMENT THAT THEY DID NOT RESIDE IN, in violation of:

Original Charge	1) 2C:39-4A(1)	2) 2C:5-1A(1) 2C:11-3A(1)	3) 2C:5-2A(1) 2C:11-3A(1)
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: DILLON J GOURLEY Date: 06/03/2020

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of **MONMOUTH** at the following address: **MONMOUTH COUNTY COURTS**
71 MONUMENT PARK PO BOX 1271
Date of Arrest: **06/03/2020** Appearance Date: Time: **FREEHOLD NJ 07728-0000**
Phone: **732-358-8700**

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. JOANNE PILLIOD JUDICIAL OFFICER 06/03/2020
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				STATE V.	ZYIER M SMALL
1303	W	2020	000792		
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WAS NOT VISITING ANY RESIDENCE NOR DID THEY HAVE PERMISSION TO BE ON.

WITHIN THE JURISDICTION OF THIS COURT,DID COMMIT THE CRIME OF UNLAWFUL POSSESSION OF A WEAPON, BY POSSESSING A HANDGUN WITHOUT FIRST OBTAINING A PERMIT TO CARRY THE SAME, A CRIME OF THE SECOND DEGREE

WITHIN THE JURISDICTION OF THIS COURT,DID COMMIT THE CRIME OF POSSESSION OF A LARGE CAPACITY MAGAZINE, BY KNOWINGLY POSSESSING A LARGE CAPACITY AMMUNITION MAGAZINE, A CRIME OF THE FOURTH DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID KNOWINGLY AND OR PURPOSELY; COMMIT THE CRIME OF HINDERING APPREHENSION, BY, WITH PURPOSE TO HINDER HIS OWN APPREHENSION AND/OR PROSECUTION, SUPPRESSING, BY MEANS OF CONCEALMENT OR DESTRUCTION, EVIDENCE OF THE CRIME OF ATTEMPTED MURDER, WHICH MIGHT AID IN HIS DISCOVERY OR APPREHENSION OR IN THE LODGING OF A CHARGE AGAINST HIM, A CRIME OF THE THIRD DEGREE

WITHIN THE JURISDICTION OF THIS COURT,DID KNOWINGLY AND OR POMPOUSLY OBSTRUCT THE ADMINISTRATION OF JUSTICE, SPECIFICALLY BY RUNNING FROM THE POLICE DURING THE COURSE OF A SHOTS FIRED INVESTIGATION.

Original Charge	4) 2C:18-3A	5) 2C:39-5B (1)	6) 2C:39-3J
Amended Charge			

COMPLAINT - WARRANT

COMPLAINT NUMBER**1303****W****2020****000792****STATE V.****ZYIER M SMALL**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

Original Charge

7) 2C:29-3B(1)

8) 2C:29-1A

Amended Charge

COMPLAINT - WARRANT**Page 3 of 13**

NJ/CDR2 1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER			
1303	W	2020	000792
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH			
# of CHARGES 8	CO-DEFTS	POLICE CASE #: 20AP12008	
COMPLAINANT NAME: DILLON J GOURLEY ONE MUNICIPAL PLAZA ATTN RECORD BUREAU ASBURY PARK NJ 07712		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 08/24/2001 DRIVER'S LIC. #: SOCIAL SECURITY: J SBI #: 182570H TELEPHONE #: () LIVESCAN PCN #: 130304008846	

THE STATE OF NEW JERSEY

VS.

ZYIER M SMALL

ADDRESS:

250 JOHNSON ROAD

MORRIS PLAINS

NJ 07950-0000

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 ATTACHED

Affidavit of Probable Cause

On June 2, 2020, at approximately 10:32 pm, Officer Thomas and other officers from the Asbury Park Police Department ("APPD") were on patrol in the area of Springwood Avenue in Asbury Park when he heard the sound of gunshots coming from the area of the Asbury Park Village housing complex, located at Atkins Ave. and Boston Way in Asbury Park. As Officer Thomas turned onto Avenue A, which is located one block west of, and parallel to, Atkins Ave., he observed a black male wearing a red hooded sweatshirt and blue pants running from east to west, towards Borden Ave., cradling an object in the front of his sweatshirt. Officer Thomas observed that the male looked in the direction of his marked patrol vehicle and continued running. Officer Thomas called out multiple times "Stop. Police" to this male, who was later identified as Zyier Small (hereinafter "Small"), but Small did not stop and ran west towards Borden Ave. Officer Thomas then radioed a description and location of Small and that he was pursuing him.

At the same time, other APPD officers were flagged down in the area of the Asbury Park Village complex and directed to a shooting victim. Upon the officers' arrival, they located the victim lying in the parking lot bleeding from his chest. The officers requested EMS, which arrived and transported the victim to a local hospital. At the hospital, it was determined that the victim had suffered one gunshot wound to his chest and another gunshot wound to his thigh. He is currently being treated for those injuries.

By this time, other officers including Officer DiOrio of the APPD, had joined Officer Thomas in the pursuit of Small. As the officers chased Small towards the dead end 10 block of Dewitt Ave., they saw him hop a fence into the yard of 4 Dewitt Ave., where they saw him take off the red sweatshirt and throw it to the ground. Small continued to run southwest towards the 1400 block of Heck Ave. in Neptune. Shortly thereafter, approximately 8 minutes after the shooting, officers located Small crouched between a van and a house. When Small was taken into custody, he was found to be wearing distinctive red sneakers with a white reflective material on the top of the shoes, and he was wearing blue pants with white stripes on the sides. He was also in possession of a phone that was ringing, which the officers seized.

Officer Thomas then went back to where he first saw Small on Avenue A. In the area between Avenue A and Borden Ave., Officer Thomas located a loaded .40 caliber handgun with a large capacity magazine, which was up against a fence. The handgun was later collected as evidence. Small's red sweatshirt was located in the backyard of 4 Dewitt Ave where the officers saw him discard it as he was running from them. Also located near the sweatshirt was a pair of black gloves, one of which was under the sweatshirt.

Around the same time Officer Thomas observed Small on Avenue A, Sgt. Townsend of the APPD was driving on Borden Ave. (which is one block west of Avenue A) when he observed a black male wearing all black with white stripes on his pants later identified as Malik Carey (hereinafter "Carey") running in front of his car. Sgt. Townsend attempted to stop Carey but Sgt. Townsend lost sight of Carey when he ran into a yard on the west side of Borden Ave. headed towards Dewitt Ave.

While Officer DiOrio was on the 10 block of Dewitt Ave. (after Small had ran towards Heck Ave.), he saw the male later identified as Carey walking north on the sidewalk of Dewitt

Ave. As another APPD patrol car came down the 10 block of Dewitt, placing Carey in between Officer DiOrio and the approaching patrol car, Carey turned into a yard on the west side of Dewitt Ave. towards Ridge Ave., and disappeared out of view. Shortly thereafter, officers from the Neptune Twp. Police Dept. ("NTPD") and Monmouth County Sherriff's Office ("MCSO") saw Carey come out of a backyard in the area of 54-56 Ridge Ave. and detained Carey. When Carey was taken into custody, he was wearing a dark shirt, black pants with a white stripe, and white sneakers. Officers then searched the backyards on Ridge Ave. in the area where Carey had emerged from and located a black ski mask and black hooded sweatshirt with white writing on the back of the hood and small white writing on the left front of the sweatshirt.

Small and Carey were both placed under arrest and transported to APPD headquarters for processing. Search incident to arrest, both Small and Carey were swabbed for the presence gunshot residue, and the presumptive tests were positive for both Small and Carey. Detectives attempted to interview Small and Carey but both men declined to be interviewed.

A search of the scene of the shooting, which was located near the playground at the Asbury Park Village housing complex, revealed 11 spent .380 shell casings and 1 live .40 caliber round of ammunition. The .40 caliber live round recovered at the scene of the shooting matched the headstamp of the ammunition loaded in the .40 caliber handgun recovered between Avenue A and Borden Ave. From my training and experience, I know that a semiautomatic handgun can malfunction, resulting in a live round of ammunition being ejected from the gun when it is fired, and that this is something that can occur when an extended or large capacity magazine is used in the gun. In addition, a bullet strike was located in a window of an apartment adjacent to the playground, and additional bullet strikes were located in a residence on Heck Ave., which is behind the playground, clearly indicating that the victim was in the area of the playground when he was shot. During a daylight canvass of the neighborhood, officers recovered a .380 handgun with a large capacity magazine hidden in a grill in the backyard of 20 Dewitt Ave., which is located on the east side of Dewitt between the area where Sgt. Townsend lost sight of Carey on Borden Ave. and where Officer DiOrio saw him on Dewitt Ave.

A review of City of Asbury Park surveillance cameras, as well as cameras from the housing authority, showed the following: at approximately 10:26 pm on the Atkins Ave city camera, the male later identified as Carey (wearing black pants with white stripes, a black hooded sweatshirt, and white sneakers) and the male later identified as Small (wearing dark pants, a red hooded sweatshirt, and red sneakers) emerge together from the west side of Atkins Ave. near Boston Way and walk east together towards Asbury Park Village. A review of multiple housing authority cameras shows Carey and Small continue together towards the playground in Asbury Park Village. On the housing authority cameras, it is clear that Small (the male with the red sweatshirt) is wearing blue pants and red sneakers with a white reflective material on the top of the shoes, and Carey (the male with the black hoody) is wearing black pants and black hooded sweatshirt with white writing on the back of the hood and small white writing on the front right side. The housing cameras also show that Small and Carey have their hoods pulled tight to their faces and appear to have something covering their face as they approach the area of the playground. The housing cameras also show the time of the shooting, which shows Carey and Small appear to stop for a moment before proceeding, then show Small head towards the victim closer to the building as Carey is seen

moving towards the middle of the courtyard, getting into a shooter's stance, and firing a handgun. The housing cameras then show Carey and Small run down Boston Way westbound towards Atkins Ave. It should be noted that the victim's apartment is located in close proximity to where the shooting occurred near the playground.

At 10:31 pm, the Atkins Ave. city camera shows Carey and Small running back westbound across Atkins Ave. towards Avenue A, with Carey approximately 6 seconds ahead of the male wearing the red hoody. The city camera facing the 10 block of Dewitt Ave. is consistent with what APPD officers saw on that block – Small running southwest towards Heck Ave. where he was taken into custody, and Carey crossing the block and heading west towards Ridge Ave. where he was taken into custody. The city camera facing the 10 block of Ridge Ave. is consistent with the NTPD and MCSO officers locating Carey in that area.

Over the course of the past several months, there have been a number of shooting incidents, including a homicide, that appear to be part of an ongoing dispute between two local gangs in the Asbury Park/Neptune Twp. area – one group referred to as “TNO”/ “718” and another group referred to as “250.” I am familiar with the TNO/718 and 250 street gangs from these past investigations and information provided by reliable informants to APPD officers as well as several other local police departments and the MCPO. The TNO/718 street gang is a group of individuals who are predominantly affiliated with the Grape Street Crips criminal street gang while the “250” street gang is mostly affiliated with the Bloods criminal street gang. The “TNO’s” have been suspected in numerous shootings throughout Asbury Park, Neptune and other municipalities in Monmouth County, as have the “250’s.” Through the course of the investigations into those shootings, and from the information from the informants, it is clear that the “TNO/718” gang is actively involved in a gang feud or war with the “250’s.” Small and Carey are members of the MOB Piru set of the Bloods as well as “250’s” while the victim is a member of “TNO/718.”

Affidavit of Probable Cause

COMPLAINT NUMBER

1303

W

2020

000792

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

ZYIER M SMALL

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

PUBLIC HOUSING SECURITY CAMERAS, CITY OWNED CAMERAS, OFFICERS OBSERVATIONS AND PRIVATE SURVEILLANCE CAMERAS.

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

ONE GUN SHOT WOUND TO THE CHEST, ONE GUN SHOT WOUND TO THE THIGH. CRITICAL CONDITION

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: DILLON J GOURLEY LAW ENFORCEMENT OFFICER

Date: 06/03/2020

Affidavit of Probable Cause

COMPLAINT - WARRANT

COMPLAINT NUMBER			
1303	W	2020	000794
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH			
# of CHARGES 8	CO-DEFTS 1	POLICE CASE #: 20AP12008	
COMPLAINANT NAME: DILLON J GOURLEY ONE MUNICIPAL PLAZA ATTN RECORD BUREAU ASBURY PARK NJ 07712		DEFENDANT INFORMATION SEX: M EYE COLOR: BLACK DOB: 01/25/2001 DRIVER'S LIC. #, DL STATE: SOCIAL SECURITY # SBI #: 663124G TELEPHONE #: LIVSCAN PCN #: 130304008845	

THE STATE OF NEW JERSEY

VS.

MALIK J CAREY

ADDRESS: 417 MAMIE DR

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 06/02/2020 in ASBURY PARK CITY, MONMOUTH County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF POSSESSION OF A WEAPON FOR AN UNLAWFUL PURPOSE, BY POSSESSING A FIREARM WITH THE PURPOSE TO USE IT UNLAWFULLY AGAINST THE PERSON OF J.S., A CRIME OF THE SECOND DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF UNLAWFUL POSSESSION OF A WEAPON, BY POSSESSING A HANDGUN WITHOUT FIRST OBTAINING A PERMIT TO CARRY THE SAME, A CRIME OF THE SECOND DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF POSSESSION OF A LARGE CAPACITY MAGAZINE, BY KNOWINGLY POSSESSING A LARGE CAPACITY AMMUNITION MAGAZINE, A CRIME OF THE FOURTH DEGREE

WITHIN THE JURISDICTION OF THIS COURT, DID COMMIT THE CRIME OF HINDERING APPREHENSION, BY, WITH PURPOSE TO HINDER HIS OWN APPREHENSION AND/OR

in violation of:

Original Charge 1) 2C:39-4A(1) 2) 2C:39-5B(1) 3) 2C:39-3J

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: DILLON J GOURLEY

Date: 06/03/2020

You will be notified of your Central First Appearance/CJP date to be held at the Superior Court in the county of MONMOUTH at the following address: MONMOUTH COUNTY COURTS 71 MONUMENT PARK PO BOX 1271 FREEHOLD NJ 07728-0000 Date of Arrest: 06/03/2020 Appearance Date: Time: Phone: 732-358-8700

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. JOANNE PILLIOD JUDICIAL OFFICER 06/03/2020
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				STATE V.
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	
1303	W	2020	000794	MALIK J CAREY
PROSECUTION, SUPPRESSING, BY MEANS OF CONCEALMENT OR DESTRUCTION, EVIDENCE OF THE CRIME OF ATTEMPTED MURDER, WHICH MIGHT AID IN HIS DISCOVERY OR APPREHENSION OR IN THE LODGING OF A CHARGE AGAINST HIM, A CRIME OF THE THIRD DEGREE WITHIN THE JURISDICTION OF THIS COURT, DID OBSTRUCT THE ADMINISTRATION OF LAW SPECIFICALLY BY RUNNING FROM POLICE DURING THE COURSE OF A SHOTS FIRED INVESTIGATION. WITHIN THE JURISDICTION OF THIS COURT,DID COMMIT THE CRIME OF ATTEMPTED MURDER, BY PURPOSELY ATTEMPTING TO CAUSE THE DEATH OF J.S., A CRIME OF THE FIRST DEGREE WITHIN THE JURISDICTION OF THIS COURT,DID COMMIT THE CRIME OF CONSPIRACY, BY , WITH PURPOSE OF PROMOTING OR FACILITATING THE CRIME OF MURDER, AGREEING WITH MALIK CAREY THAT THEY OR ONE OR MORE OF THEM WOULD COMMIT THE CRIME OF MURDER, A CRIME OF THE FIRST DEGREE WITHIN THE JURISDICTION OF THIS COURT, DID PURPOSELY TRESPASS ON 2 ATKINS AVE ASBURY PARK VILLAGE, A PUBLIC HOUSING PROPERTY THAT HE DOES NOT RESIDE AT, WAS NOT LEGALLY VISITING A RESIDENT NOR DI HE HAVE ANY PERMISSION TO BE THERE				
Original Charge	4) 2C:29-3B(1)	5) 2C:29-1A	6) 2C:5-1A(1) 2C:11-3A(1)	
Amended Charge				
				COMPLAINT - WARRANT
				Page 2 of 13 NJ/CDR2 1/1/2017

COMPLAINT - WARRANT

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STATE V.

MALIK J CAREY

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SEQUENCE NO.

Original Charge

7) 2C:5-2A(1)
2C:11-3A(1)

8) 2C:18-3A

Amended Charge

COMPLAINT - WARRANT

Page 3 of 13

NJ/CDR2 1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER			
1303	W	2020	000794
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
ASBURY PARK MUNICIPAL COURT ONE MUNICIPAL PLAZA ASBURY PARK NJ 07712-0000 732-775-1765 COUNTY OF: MONMOUTH			
# of CHARGES 8	CO-DEFTS	POLICE CASE #: 20AP12008	
COMPLAINANT DILLON J GOURLEY NAME: ONE MUNICIPAL PLAZA ATTN RECORD BUREAU ASBURY PARK NJ 07712		DEFENDANT INFORMATION SEX: M EYE COLOR: BLACK DOB: 01/25/2001 DRIVER'S LIC. # DL STATE: NJ SOCIAL SECURITY SBI #: 663124G TELEPHONE #: () LIVESCAN PCN #: 130304008845	

THE STATE OF NEW JERSEY

VS.

MALIK J CAREY

ADDRESS: 417 MAMIE DR

BRICK NJ 08723-0000

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 ATTACHED

Affidavit of Probable Cause

On June 2, 2020, at approximately 10:32 pm, Officer Thomas and other officers from the Asbury Park Police Department ("APPD") were on patrol in the area of Springwood Avenue in Asbury Park when he heard the sound of gunshots coming from the area of the Asbury Park Village housing complex, located at Atkins Ave. and Boston Way in Asbury Park. As Officer Thomas turned onto Avenue A, which is located one block west of, and parallel to, Atkins Ave., he observed a black male wearing a red hooded sweatshirt and blue pants running from east to west, towards Borden Ave., cradling an object in the front of his sweatshirt. Officer Thomas observed that the male looked in the direction of his marked patrol vehicle and continued running. Officer Thomas called out multiple times "Stop. Police" to this male, who was later identified as Zyier Small (hereinafter "Small"), but Small did not stop and ran west towards Borden Ave. Officer Thomas then radioed a description and location of Small and that he was pursuing him.

At the same time, other APPD officers were flagged down in the area of the Asbury Park Village complex and directed to a shooting victim. Upon the officers' arrival, they located the victim lying in the parking lot bleeding from his chest. The officers requested EMS, which arrived and transported the victim to a local hospital. At the hospital, it was determined that the victim had suffered one gunshot wound to his chest and another gunshot wound to his thigh. He is currently being treated for those injuries.

By this time, other officers including Officer DiOrio of the APPD, had joined Officer Thomas in the pursuit of Small. As the officers chased Small towards the dead end 10 block of Dewitt Ave., they saw him hop a fence into the yard of 4 Dewitt Ave., where they saw him take off the red sweatshirt and throw it to the ground. Small continued to run southwest towards the 1400 block of Heck Ave. in Neptune. Shortly thereafter, approximately 8 minutes after the shooting, officers located Small crouched between a van and a house. When Small was taken into custody, he was found to be wearing distinctive red sneakers with a white reflective material on the top of the shoes, and he was wearing blue pants with white stripes on the sides. He was also in possession of a phone that was ringing, which the officers seized.

Officer Thomas then went back to where he first saw Small on Avenue A. In the area between Avenue A and Borden Ave., Officer Thomas located a loaded .40 caliber handgun with a large capacity magazine, which was up against a fence. The handgun was later collected as evidence. Small's red sweatshirt was located in the backyard of 4 Dewitt Ave where the officers saw him discard it as he was running from them. Also located near the sweatshirt was a pair of black gloves, one of which was under the sweatshirt.

Around the same time Officer Thomas observed Small on Avenue A, Sgt. Townsend of the APPD was driving on Borden Ave. (which is one block west of Avenue A) when he observed a black male wearing all black with white stripes on his pants later identified as Malik Carey (hereinafter "Carey") running in front of his car. Sgt. Townsend attempted to stop Carey but Sgt. Townsend lost sight of Carey when he ran into a yard on the west side of Borden Ave. headed towards Dewitt Ave.

While Officer DiOrio was on the 10 block of Dewitt Ave. (after Small had ran towards Heck Ave.), he saw the male later identified as Carey walking north on the sidewalk of Dewitt

Ave. As another APPD patrol car came down the 10 block of Dewitt, placing Carey in between Officer DiOrio and the approaching patrol car, Carey turned into a yard on the west side of Dewitt Ave. towards Ridge Ave., and disappeared out of view. Shortly thereafter, officers from the Neptune Twp. Police Dept. ("NTPD") and Monmouth County Sherriff's Office ("MCSO") saw Carey come out of a backyard in the area of 54-56 Ridge Ave. and detained Carey. When Carey was taken into custody, he was wearing a dark shirt, black pants with a white stripe, and white sneakers. Officers then searched the backyards on Ridge Ave. in the area where Carey had emerged from and located a black ski mask and black hooded sweatshirt with white writing on the back of the hood and small white writing on the left front of the sweatshirt.

Small and Carey were both placed under arrest and transported to APPD headquarters for processing. Search incident to arrest, both Small and Carey were swabbed for the presence gunshot residue, and the presumptive tests were positive for both Small and Carey. Detectives attempted to interview Small and Carey but both men declined to be interviewed.

A search of the scene of the shooting, which was located near the playground at the Asbury Park Village housing complex, revealed 11 spent .380 shell casings and 1 live .40 caliber round of ammunition. The .40 caliber live round recovered at the scene of the shooting matched the headstamp of the ammunition loaded in the .40 caliber handgun recovered between Avenue A and Borden Ave. From my training and experience, I know that a semiautomatic handgun can malfunction, resulting in a live round of ammunition being ejected from the gun when it is fired, and that this is something that can occur when an extended or large capacity magazine is used in the gun. In addition, a bullet strike was located in a window of an apartment adjacent to the playground, and additional bullet strikes were located in a residence on Heck Ave., which is behind the playground, clearly indicating that the victim was in the area of the playground when he was shot. During a daylight canvass of the neighborhood, officers recovered a .380 handgun with a large capacity magazine hidden in a grill in the backyard of 20 Dewitt Ave., which is located on the east side of Dewitt between the area where Sgt. Townsend lost sight of Carey on Borden Ave. and where Officer DiOrio saw him on Dewitt Ave.

A review of City of Asbury Park surveillance cameras, as well as cameras from the housing authority, showed the following: at approximately 10:26 pm on the Atkins Ave city camera, the male later identified as Carey (wearing black pants with white stripes, a black hooded sweatshirt, and white sneakers) and the male later identified as Small (wearing dark pants, a red hooded sweatshirt, and red sneakers) emerge together from the west side of Atkins Ave. near Boston Way and walk east together towards Asbury Park Village. A review of multiple housing authority cameras shows Carey and Small continue together towards the playground in Asbury Park Village. On the housing authority cameras, it is clear that Small (the male with the red sweatshirt) is wearing blue pants and red sneakers with a white reflective material on the top of the shoes, and Carey (the male with the black hood) is wearing black pants and black hooded sweatshirt with white writing on the back of the hood and small white writing on the front right side. The housing cameras also show that Small and Carey have their hoods pulled tight to their faces and appear to have something covering their face as they approach the area of the playground. The housing cameras also show the time of the shooting, which shows Carey and Small appear to stop for a moment before proceeding, then show Small head towards the victim closer to the building as Carey is seen

moving towards the middle of the courtyard, getting into a shooter's stance, and firing a handgun. The housing cameras then show Carey and Small run down Boston Way westbound towards Atkins Ave. It should be noted that the victim's apartment is located in close proximity to where the shooting occurred near the playground.

At 10:31 pm, the Atkins Ave. city camera shows Carey and Small running back westbound across Atkins Ave. towards Avenue A, with Carey approximately 6 seconds ahead of the male wearing the red hoody. The city camera facing the 10 block of Dewitt Ave. is consistent with what APPD officers saw on that block – Small running southwest towards Heck Ave. where he was taken into custody, and Carey crossing the block and heading west towards Ridge Ave. where he was taken into custody. The city camera facing the 10 block of Ridge Ave. is consistent with the NTPD and MCSO officers locating Carey in that area.

Over the course of the past several months, there have been a number of shooting incidents, including a homicide, that appear to be part of an ongoing dispute between two local gangs in the Asbury Park/Neptune Twp. area – one group referred to as “TNO”/ “718” and another group referred to as “250.” I am familiar with the TNO/718 and 250 street gangs from these past investigations and information provided by reliable informants to APPD officers as well as several other local police departments and the MCPO. The TNO/718 street gang is a group of individuals who are predominantly affiliated with the Grape Street Crips criminal street gang while the “250” street gang is mostly affiliated with the Bloods criminal street gang. The “TNO’s” have been suspected in numerous shootings throughout Asbury Park, Neptune and other municipalities in Monmouth County, as have the “250’s.” Through the course of the investigations into those shootings, and from the information from the informants, it is clear that the “TNO/718” gang is actively involved in a gang feud or war with the “250’s.” Small and Carey are members of the MOB Piru set of the Bloods as well as “250’s” while the victim is a member of “TNO/718.”

Affidavit of Probable Cause

COMPLAINT NUMBER

1303

W

2020

000794

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

MALIK J CAREY

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

VIDEO SURVEILLANCE FOOTAGE, CITY OWNED VIDEO SURVEILLANCE FOOTAGE, PRIVATELY OWNED SURVEILLANCE FOOTAGE, AND OFFICER OBSERVATION

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

1 GUN SHOT WOUND TO THE CHEST AND 1 GUN SHOT WOUND TO THE THIGH

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: DILLON J GOURLEY LAW ENFORCEMENT OFFICER

Date: 06/03/2020

Affidavit of Probable Cause