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Attorney for Defendant

-----X **SUPERIOR COURT OF NEW  
JERSEY, LAW DIVISION -  
ESSEX COUNTY**

-against-

**CRIMINAL DIVISION**

Indictment # 12-09-02358

ALTARIQ COURSEY,

Defendant.

**NOTICE OF MOTION TO  
SUPPRESS EVIDENCE AND  
-----X CONTROVERT WARRANT**

AP John Anderson, Esq.  
Essex County Prosecutor  
50 West Market Street  
Newark, New Jersey 07102

Criminal Division Manager  
50 West Market Street  
Newark, New Jersey 07102

PLEASE TAKE NOTICE, that upon the annexed affirmation of PATRICK MICHAEL MEGARO, ESQ., an attorney duly admitted to practice law before the Courts of the State of New Jersey, the annexed exhibits and the prior proceedings herein, the undersigned will move this Court, the Honorable Michael Ravin, on a **date and time to be set by the Court**, or as soon thereafter as counsel can be heard, pursuant to Rules 3:5-

7 and 3:10-2, for an Order suppressing physical evidence recovered pursuant to a search warrant executed upon 90 Fuller Place, Irvington, New Jersey, on or about January 18, 2012; in the alternative, Defendant requests an evidentiary hearing on the issues raised herein pursuant to Rule 104.

Dated: Orlando, Florida  
October 22, 2018

  
\_\_\_\_\_  
PATRICK MICHAEL MEGARO

Patrick Michael Megaro, Esq.  
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Attorney for Defendant

-----X SUPERIOR COURT OF NEW  
THE STATE OF NEW JERSEY, JERSEY, LAW DIVISION -  
ESSEX COUNTY

-against-

**CRIMINAL DIVISION**

Indictment # 12-09-02358

ALTARIQ COURSEY,

**CERTIFICATION AND  
INCORPORATED  
MEMORANDUM OF LAW**

Defendant.

-----X  
PATRICK MICHAEL MEGARO, an attorney duly admitted to practice law  
before the Courts of the State of New Jersey, hereby affirms as follows under penalty of  
perjury:

1. I am the attorney of record for the Defendant in the above-captioned matter,  
and as such, I am fully familiar with the facts and circumstances of this case and of the  
within motion.

2. This certification is submitted in support of the instant application, which  
seeks an order suppressing physical evidence. For the reasons that follow, the defense  
respectfully requests that this Court grant the motion in its entirety, or in the alternative,

hold an evidentiary hearing pursuant to Rule 104, and grant the Defendant such other and further relief as this Court may deem just, proper and equitable.

### **STATEMENT OF FACTS**

3. On an unspecified date between December 18, 2011 and December 24, 2011, law enforcement dispatched a confidential informant (CI) to 90 Fuller Place, Irvington, New Jersey to make a controlled purchase of a controlled dangerous substance. (**Exhibit A**, ¶ 11). The CI met with an individual identified as Khalid Coursey outside of the home, and they both entered the home and were seen through the window on the first floor. (¶ 11). After the CI exited the home a short time later, the CI told law enforcement that upon entering the home, Khalid Coursey directed the CI to stay in the living room while Khalid Coursey went into a bedroom on the first floor, and emerged shortly after with a substance alleged to be heroin, which was sold to the CI. (¶ 11).

4. On an unspecified date between December 25, 2011 and December 31, 2011, law enforcement dispatched a confidential informant (CI) to 90 Fuller Place, Irvington, New Jersey to make a controlled purchase of a controlled dangerous substance. (¶ 12). The CI was greeted at the door by an individual alleged to be the Defendant, and according to the CI, walked up to the third floor where the person alleged to be Defendant retrieved a single bag of what was alleged to be heroin from under a bed and sold it to the CI. (¶ 12).

5. On an unspecified date between January 1, 2012 and January 8, 2012, law enforcement dispatched a confidential informant (CI) to 90 Fuller Place, Irvington, New Jersey to make a controlled purchase of a controlled dangerous substance. (¶ 13). The CI was greeted at the door by an individual alleged to be the Defendant, and according to the

CI, walked up to the third floor where the person alleged to be Defendant sold a small quantity of heroin to the CI. (¶ 13).

6. On an unspecified date between January 9, 2012 and January 16, 2012, law enforcement dispatched a confidential informant (CI) to 90 Fuller Place, Irvington, New Jersey to make a controlled purchase of a controlled dangerous substance. (¶ 14). The CI met with an individual identified as Khalid Coursey outside of the home, and they both entered the home and were seen through the window on the first floor. (¶ 14). After the CI exited the home a short time later, the CI told law enforcement that upon entering the home, Khalid Coursey sold the CI a substance alleged to be heroin in the living room, which was sold to the CI. (¶ 14).

7. Nowhere in the search warrant application is there any specific information concerning the existence of a “stash” of other controlled dangerous substances, packaging material, paraphernalia, etc. There is no information set forth in the application that the CI observed any other contraband other than the singular items the CI allegedly purchased on the four dates in question. Nor is there any mention of the CI observing any weapons, ammunition, or other indicia of the existence of a weapon at 90 Fuller Place.

8. The search warrant application was made to the Court on or about January 12, 2012, but not executed until January 18, 2012. In the affidavit in support of the application for the search warrant, law enforcement sought permission to search the first and third floors of 90 Fuller Place for controlled dangerous substances, paraphernalia, and weapons.

9. On January 18, 2018, law enforcement agents search 90 Fuller Place and recovered what is alleged to be a quantity of heroin, drug paraphernalia, documents and photographs, and a handgun from the third floor.<sup>1</sup> Defendant was subsequently indicted for various drug and weapons offenses, and now moves to suppress the items.

### **ARGUMENT**

10. Both the Fourth Amendment of the United States Constitution and Article I, paragraph 7 of the New Jersey Constitution provide in nearly identical language that “no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.” N.J. Const. art. I, ¶ 7. Thus, a warrant should not issue unless the court is satisfied that there is “probable cause to believe that a crime has been committed, or is being committed, at a specific location or that evidence of a crime is at the place sought to be searched.” State v. Marshall, 199 N.J. 602, 610 (2009) quoting State v. Sullivan, 169 N.J. 204, 210 (2001).

11. Generally, doubt concerning the validity of a search warrant is to be determined in favor of the preference accorded search warrants. See State v. Sheehan, 217 N.J. Super. 20, 27 (App. Div. 1987). Where there is a challenge, however, one must look to the four corners of the affidavit giving rise to its issuance. See State v. Novembrino, 105 N.J. 95, 128 (1987); see also State v. Howery, 80 N.J. 563, 567, cert. denied, 444 U.S. 994 (1979).

12. Courts consider the “totality of the circumstances” and should sustain the validity of a search only if the finding of probable cause relies on adequate facts. State v.

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<sup>1</sup> At Defendant’s first trial in 2012, he was acquitted of the weapons offenses. His convictions for the various drug offenses charged in the Indictment was subsequently vacated by this Court upon his petition for post-conviction relief.

Boone, 232 N.J. 417, 426 (2017). Upon a challenge to the validity of a search warrant, the analysis into sufficient probable cause to issue a warrant for an arrest or for a search involves two separate inquiries: (1) that the items sought are in fact seizable by virtue of being connected with criminal activity, and (2) that the items will be found in the place to be searched. Boone at 427, quoting State v. Chippero, 201 N.J. 14, 28 (2009).

13. In State v. Boone, 232 N.J. 417 (2017), law enforcement conducted surveillance on Boone, observing him engage in hand-to-hand transactions in various locations, enter and exit a vehicle, and enter and exit a residence where law enforcement believed he lived. Law enforcement applied for, and received, a search warrant for Boone's car and his apartment. Nothing within the search warrant specified any reasonable cause for belief that the apartment or vehicle contained drugs or other contraband. Execution of the search warrant revealed a large quantity of cocaine and an illegal handgun, and Boone was charged with controlled dangerous substance and weapons offenses. He unsuccessfully moved to suppress and challenge the search warrant, and Boone pled guilty, reserving his right to appeal. The Appellate Division affirmed, and Boone sought and received certification to appeal to the New Jersey Supreme Court.

14. The Supreme Court reversed and granted suppression. The Supreme Court noted that "[n]o documentary evidence, such as a voting record, utility bill, or lease, was offered to corroborate Boone's address...Police failed to provide the issuing judge a basis of knowledge from which to conclude that contraband would be found in the particular apartment." Boone at 429. The Supreme Court noted that while there might have been sufficient probable cause to obtain an arrest warrant for Boone based upon alleged drug

sales, probable cause to arrest was a completely different inquiry than probable cause to conduct a search of a residence. Boone at 430. Because "nothing on the face of the warrant application gave rise to probable cause to believe that evidence of any of Boone's wrongdoing might be specifically found in Unit 4A," the New Jersey Supreme Court granted suppression, ruling the warrant was invalid. Id.

15. Here, the sole basis for probable cause set forth in the affidavit was four separate controlled purchases of drugs, two of which were conducted by different individuals in different areas of 90 Fuller Place on different dates. This was legally insufficient to establish probable cause to search the premises.

16. The New Jersey Supreme Court has held "we reject the State's suggestion that a controlled drug buy conclusively establishes probable cause. Such a per se rule would be antithetical to our probable cause jurisprudence." State v. Sullivan, 169 N.J. 204, 216 (2001).

17. Here, like in Boone, the search warrant application failed to set forth sufficiently particularized facts that would have supported a finding that drugs, weapons, or other contraband would be found at 90 Fuller Place at the time the warrant was issued, much less executed.<sup>2</sup> Accordingly, this Court should suppress the evidence as the result of an invalidly-issued search warrant.

18. Nor can good faith reliance by law enforcement justify the search here. In State v. Shannon, 222 N.J. 576 (2015), the New Jersey Supreme Court explicitly held that

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<sup>2</sup> In the search warrant application, the State deliberately omitted the specific dates of the alleged controlled purchases of drugs. Thus, the issuing Court, and this Court, cannot determine whether the information supplied by the Confidential Informant was fresh, or stale, from the four corners of the affidavit. If the affidavit had set forth facts such that the CI had purchased drugs the same day as the application was made, and had seen other drugs besides the ones purchased inside 90 Fuller Place, there might have been sufficient facts to find that other drugs would still be present at the time the warrant was issued. That was not the case here. Further, the fact that law enforcement waited an additional 6 days to execute the warrant indicates that the information, and thus the probable cause, were by that time stale.



the New Jersey Constitution, unlike the Federal Constitution, requires that the exclusionary rule apply to evidence seized pursuant to a warrant issued by a neutral magistrate, later determined to be erroneously issued as without probable cause, even if law enforcement relied upon the warrant in good faith.

**CONCLUSION**

19. Based upon the foregoing reasons, the Defendant respectfully requests that this Court grant the relief requested herein in its entirety, together with any further relief that this Court may deem just and proper.

Dated: October 22, 2018

  
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PATRICK MICHAEL MEGARO

**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2018, I served a copy of the within notice of motion, certification and incorporated memorandum of law, and exhibits upon the parties listed below via electronic filing and via email:

AP John Anderson, Esq.  
Essex County Prosecutor  
50 West Market Street  
Newark, New Jersey 07102

  
\_\_\_\_\_  
PATRICK MICHAEL MEGARO

# ***EXHIBIT A***

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ESSEX COUNTY**

IN THE MATTER OF AN APPLICATION )  
FOR A SEARCH WARRANT AUTHORIZING ) *AFFIDAVIT IN SUPPORT*  
THE SEARCH OF A PREMISE, VEHICLES, & ) *OF APPLICATION FOR*  
PERSONS LOCATED WITHIN THE COUNTY ) *A SEARCH WARRANT*  
OF ESSEX, STATE OF NEW JERSEY )

STATE OF NEW JERSEY )

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COUNTY OF ESSEX )

I, Detective II Timothy D. Meyers #6417, of the New Jersey State Police,  
being of full age and duly sworn according to law, upon my oath, depose and say:


**1. QUALIFICATIONS OF APPLICANT.**

1. I make this Application in the performance of my duties as a law enforcement officer of the State of New Jersey. In such capacity, I am empowered to conduct investigations of, and make arrests for, any and all violations of the Criminal Laws of the State of New Jersey.

2. I have been a member of the New Jersey State Police for approximately seven years. Since May of 2009, I have been assigned to the Strategic Investigations Unit-North (hereafter referred to as S.I.U-North), working out of the Irvington Police Mini-Precinct on 16<sup>th</sup> Avenue, formally known as the NJSP, Irvington PD and Newark PD CeaseFire Initiative. The unit was designed to assist Irvington and Newark Police

  
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Departments with shooting related investigations, violent crimes, illegal drug activity, and quality of life issues that occurred within the predetermined CeaseFire Zone in Irvington and Newark. Since August of 2010 the CeaseFire Initiative has been dissolved and SIU has moved into the New Jersey State Police Metro-North Station on Nye Avenue Irvington, NJ. SIU-North is responsible for conducting extensive and thorough investigations aimed directly at disrupting, deterring and dismantling criminal activity that occurs in the northern portion of the State of New Jersey. SIU-North works in a cooperative capacity with Local, State and Federal Law Enforcement (L/E) Agencies in order to suppress illicit behavior and individual's associations with criminal organizations. The goal of this cooperative effort is to restore the belief and strength of the peaceful residents that seek refuge from the actions of the transgressors. Prior to my current assignment, I was a general duty road trooper assigned to various stations throughout the northern region of the State of New Jersey. In November 2004, I graduated the New Jersey State Police Academy located in Sea Girt, New Jersey where I received extensive training in all aspects of police work, including drug identification and investigation procedures. I have completed an eighty (80) hour course in generalized Criminal Investigation, conducted by the New Jersey State Police, much of which dealt with controlling confidential informants and evaluating their information. I attended a seminar sponsored by the NYPD and DEA regarding vehicle traps, vehicle hidden compartments, and household compartments. I have received several in-service training sessions regarding search and seizure issues presented by the New Jersey State Police. In addition, I was educated at Wilkes University: Wilkes-Barre, PA and attended Thomas

  
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Edison State College: Edison, NJ.

Furthermore, I was honorably discharged as a sergeant from the United States Marine Corps after serving four years of active duty. I have assisted the DEA, FBI and have participated in numerous investigations regarding controlled dangerous substances. I have arrested and interviewed individuals who are sellers, distributors, and users of illegal drugs. I have also seized, recovered, and purchased (through the use of confidential informants) various forms of contraband, including controlled dangerous substances. I have conducted surveillance of individuals and groups involved in the distribution of controlled dangerous substances, as well as locations where illegal narcotic activities have taken place. I have been involved in several investigations involving cocaine, heroin, PCP, khat (*catha edulis*), marijuana, ecstasy, and prescription legend drug distribution enterprises. I have been the affiant in search warrants resulting in the arrests of individuals for CDS related offenses. I have received extensive on the job training from my fellow Troopers/Detectives and senior Detectives in the New Jersey State Police. I have worked with the DEA and FBI which targets individuals in the Irvington / Newark area who are involved with the distribution of narcotics and money laundering. Furthermore, I have attended the Top Gun Class #39 presented and instructed by The Advocacy Institute, in Conjunction With the County Narcotics Commanders Association of NJ, The County Prosecutor's Association of NJ, The NJ State Police, The Middlesex County Prosecutor's Office, The Middlesex County Fire Academy & The Mid-Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCEN).

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3. I have participated in the execution of search warrants which have resulted in numerous arrests of individuals who were engaged in illegal activity as well as the seizure of various forms of contraband and evidence that are commonly used in conjunction with illegal activities. I have interviewed victims, defendants, witnesses and confidential sources as a result of investigations regarding narcotics related crimes. I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection by law enforcement. I have conducted and participated in investigations into the activities of individuals and groups involved in criminal enterprises, including possession and distribution of narcotics, conspiracy, receiving stolen property, theft, possession of prescription legend drugs, and fraud.

4. During the course of this investigation, I have been assisted by DSG D. Johnstone #5611 of the New Jersey State Police and are both responsible for maintaining and coordinating information learned throughout the course of this investigation in New Jersey, namely the City of Irvington, Essex County. All of my opinions expressed below are based upon my training, education and experience, as well as consultations with other detectives and superiors and the cumulative information developed during the course of this investigation.

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5. Based on my education, training and related experience, I am familiar with the techniques, practices and equipment, used by participants involved in the crimes of Possession of Controlled Dangerous Substances (N.J.S.A. 2C: 35-10 et. seq), Possession of a Controlled Dangerous Substance with the Intent to Distribute (N.J.S.A. 2C: 35-5 et. seq), Distribution of a Controlled Dangerous Substance (N.J.S.A. 2C: 35-5 et. seq), Distribution of CDS within 1000 feet of a School Zone (N.J.S.A. 2C: 35-7) (Madison Avenue Elementary School), Unlawful Possession of Weapons (N.J.S.A. 2C:39-5 et. seq) and Conspiracy to commit the foregoing crimes (N.J.S.A. 2C: 5-2 et. seq).

6. This Affidavit in support for an application for a search warrant is submitted in order to seize certain contraband, obtained in violation of the penal laws of the State of New Jersey, possessed, controlled, designed and intended for use in connection with the violation of the penal laws of the State of New Jersey, constitutes evidence of Possession of a Controlled Dangerous Substance (N.J.S.A. 2C:35-10 et. seq), Possession of a Controlled Dangerous Substance with the intent to Distribute (N.J.S.A. 2C: 35-5 et. seq), Distribution of a Controlled Dangerous Substance (N.J.S.A. 2C: 35-5 et. seq), Distribution of CDS within 1000 feet of a School (N.J.S.A. 2C: 35-7 et. seq) (Madison Avenue Elementary School), Unlawful Possession of Weapons (N.J.S.A. 2C:39-5 et. seq) and Conspiracy to commit the foregoing crimes (N.J.S.A. 2C:5-2 et. seq) tends to show violations of the penal laws of the State of New Jersey, that is evidence to commit the above listed crimes.

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7. The Application is submitted in support of my request for the issuance of a Search Warrant for the following premise:

**90 Fuller Place 1st and 3<sup>rd</sup> Floors Irvington, Essex County, New Jersey as well as upon all occupants therein, who are deemed to be in control of said premises, and/or reasonably believed to be involved in criminal activity.**

8. The facts tending to establish the grounds for this Application and the Probable Cause of my belief as aforesaid are as follows:

During the month of December 2011, DSG Johnstone and the undersigned interviewed a confidential informant (hereinafter referred to as "C/I") who has given reliable information in the past that has lead to several successful narcotic investigations that has lead to multiple arrests, cash seizures and weapon recoveries. The C/I informed us about the illegal distribution of controlled dangerous substances (hereinafter CDS), specifically Heroin in the City of Irvington, Essex County, New Jersey. The C/I, who wishes to remain anonymous for reasons of personal safety, stated he/she can buy CDS from two separate individuals located in the premise of 90 Fuller Place Irvington, Essex County, NJ. The C/I describes that a black male named "Khalid" lives on the 1<sup>st</sup> floor and a black male named "J-Rock" lives on the third floor of the aforementioned residence where they distribute CDS in exchange for U.S Currency. The C/I advised that he/she can

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walk up, knock on the front door and place an order of CDS with either black male in exchange for U.S Currency. The C/I also advised me that on separate occasions he/she has seen handguns in the first floor of the residence specifically in "Khalid's" bedroom and in the living room areas. Additionally, the C/I admitted that he/she saw a handgun in "Altariq's" third floor room during previous CDS transactions.

The C/I described the individual known as "J-Rock" that sells the CDS as a stocky black male, medium height, weighing approximately 200 lbs to 250 lbs, medium color skin and with low cut hair and usually unshaven. Additionally, the C/I described "Khalid" as a medium color skin black male who is short and stocky approximately 200lbs. He/she also described "Khalid" as wearing a "Sunni" style beard and low cut brown hair.

A LexisNexis inquiry was conducted on 90 Fuller Place Irvington, NJ and revealed the owner to be Jamal S. Coursey D.O.B 03/23/1971. I conducted a New Jersey Department of Motor Vehicle Services (NJDMVS) inquiry on the name of Altariq Coursey. NJDMVS provided a digital photograph of Altariq Coursey with assigned NJ drivers License #C68210336301732. This digital photograph was shown to the C/I who positively identified the black male in the NJDMVS digital photograph as "J-Rock" and the one who has sold him/her CDS from the third floor of 90 Fuller Place Irvington, NJ. I conducted an Essex County Corrections (ECC) inquiry with the name Khalid Coursey. The ECC inquiry supplied me with a digital photograph of Khalid Coursey-State Bureau of Identification (SBI) #798800C. This digital photograph was shown to the C/I who

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positively identified the black male in the ECC digital photograph as the person who sells him/her CDS from the first floor of 90 Fuller Place Irvington New Jersey.

9. During the course of this investigation the black male known as "J-Rock" that sells the CDS to the C/I has been identified as Altariq Coursey [REDACTED] SSN # [REDACTED], last known address 114 Colonial Rd Edgewater, NJ 08010. "Altariq" has an extensive arrest history with five felony convictions in New Jersey and Georgia involving possession/distribution of CDS, weapons offenses, and burglar's tools. "Altariq" has alias names of Joe Rock, Hasson Muhammad and Altariq Muhammad.

10. During the course of this investigation the black male known as "Khalid" that sells CDS to the C/I has been identified as Khalid Coursey [REDACTED] SBI# 798900, last known address of 17 Fuller Place Irvington, NJ 07111. "Khalid" has an extensive arrest history with 2 felony convictions involving possession/distribution of CDS, eluding and resisting arrest.

11. During the week of December 18, 2011 through December 24, 2011, DSG Johnstone and I decided that the C/I would make a controlled purchase from the residence of 90 Fuller Place Irvington, NJ. The C/I was met and searched by the appropriate officer(s) with negative results for any money and/or contraband. The C/I was given a specific amount of currency from NJSP official agency funds and traveled on foot to 90 Fuller Place Irvington, NJ to make a purchase of CDS while under constant

A handwritten signature or set of initials, possibly "GTDM", written in black ink.

surveillance. Utilizing unmarked vehicles, DSG. Johnstone and I followed the C/I to 90 Fuller Place Irvington, New Jersey under constant surveillance and were able to set up a clear and unobstructed view of the front of same. Upon my arrival at an undisclosed location I observed the C/I walking towards the location and I observed a black male, later identified as "Khalid" as described in paragraph #10, sitting on the front steps of 90 Fuller Place Irvington, NJ. "Khalid" was wearing a dark colored hooded sweatshirt and dark colored pants with white socks. After a short conversation and hand shake, I observed "Khalid" stand up, turn around and walk up the front steps of 90 Fuller Place and open the left front door. As "Khalid" entered the residence the C/I followed as they both walked into the residence. From my location I was able to see an interior light switch on and illuminate the first floor. I observed both "Khalid" and the C/I walk past the first floor bay window and the C/I exited the residence approximately thirty seconds later. "Khalid" remained inside the residence while the C/I departed the scene. The C/I departed the scene and I followed him/her back to the predetermined meeting area under constant supervision. The meeting lasted under a minute. These actions were consistent with the information that the C/I provided us regarding narcotics activity and the length of time it takes to complete the transaction.

Once at the predetermined meeting location, the C/I was debriefed and handed me the CDS that was purchased. The C/I was searched by the appropriate Officer with no further contraband and/or paper currency found. While being debriefed, the C/I advised me that once he/she was at the location "Khalid" asked the C/I what what he/she

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wanted and to come inside the house. Once inside the house, the C/I advised me that "Khalid" made him/her stay in the living room, on the first floor, while he walked into his bedroom and came back out with the CDS in exchange for U.S currency. After the exchange, the C/I told me that "Khalid" stayed inside 90 Fuller Place Irvington, NJ. Once DSG Johnstone and I departed from the C/I, I was able to field test a small amount of CDS, which tested positive for Heroin. All evidence was logged and stored in the secured temporary evidence locker at Metro North Station and upon completion of the investigation it will be relayed to the laboratory for narcotic analysis.

12. During the week of December 25, 2011 through December 31, 2011 DSG Johnstone and the undersigned decided that the C/I should make a **second** controlled purchase from the residence of 90 Fuller Place Irvington, NJ. The C/I was met and searched by the appropriate Officer with negative results for any money and/or contraband. The C/I was given a specific amount of currency from the NJSP official agency funds and traveled on foot to 90 Fuller Place Irvington, NJ to make a purchase of CDS while under constant surveillance. Utilizing unmarked vehicles, DSG Johnstone and I were able to set up a clear and unobstructed view of 90 Fuller Place Irvington, New Jersey. As the C/I approached the residence he/she knocked on the door several times. After approximately the third series of knocks, I observed an interior light illuminate the third floor through the third floor windows. I observed a black male, more particularly described in paragraph #9 as "Altariq", open the third floor window curtains and look downstairs at who was knocking. Shortly after, "Altariq" opened the front door and

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allowed the C/I to enter the residence closing the door behind them. After approximately twenty seconds, I saw two shadows outlined through the third floor windows. Less than a minute later, I observed the C/I exit the residence and the third floor interior light shut off. The C/I departed the scene and the meeting lasted approximately one minute and thirty seconds. I followed the C/I to the predetermined meeting location while under constant surveillance. These actions were consistent with the information that the C/I provided us regarding narcotics activity and the length of time it takes to complete the transaction.

Once at the predetermined meeting location, the C/I was debriefed and handed me the CDS that was purchased. The C/I was then searched by the appropriate Officer with no further contraband and/or paper currency found. While being debriefed the C/I stated that he/she was knocked for a few times before an individual they know as "J-Rock" came down the stairs and opened the door for them. "J-Rock" is more particularly described in paragraph #9 as "Altariq". Once he opened the door, "Altariq" asked the C/I what he/she wanted and to come up stairs with him to get it. The C/I advised me that while up stairs on the third floor "Altariq" retrieved the CDS from underneath his bed and handed it to him/her in exchange for U.S Currency. Once DSG Johnstone and I departed from the C/I, I was able to field test a small amount of CDS, which tested positive for Heroin. All evidence was logged and stored in the secured temporary evidence locker at Metro North Station and upon completion of the investigation it will be relayed to the laboratory for narcotic analysis.

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13. During the week of January 1, 2012 through January 8, 2012 I decided that the C/I should make a **third** controlled purchase from the residence of 90 Fuller Place Irvington, NJ. The C/I was met and searched by the appropriate Officer with negative results for any money and/or contraband. The C/I was given a specific amount of currency from the NJSP official agency funds and traveled on foot to 90 Fuller Place Irvington, NJ to make a purchase of CDS while under constant surveillance. Utilizing an unmarked vehicle, I was able to set up a clear and unobstructed view of 90 Fuller Place Irvington, New Jersey. As the C/I approached the residence he/she knocked on the door and shortly after the door was opened by the "Altariq", more particularly described in paragraph #9. The C/I entered the residence and "Altariq" quickly scanned the outside area prior to shutting the door. After approximately twenty seconds I observed the "Altariq" and the C/I walk across the third floor window. The C/I exited the same front door approximately a minute and a half later and departed the scene. I followed the C/I to the predetermined meeting location while under constant surveillance. These actions were consistent with the information that the C/I provided us regarding narcotics activity and the length of time it takes to complete the transaction.

Once at the predetermined meeting location, the C/I was debriefed and handed me the CDS that was purchased. The C/I was then searched by the appropriate Officer with no further contraband and/or paper currency found. While being debriefed the C/I stated that he/she knocked on the front door and an individual known to them as "J-Rock" opened the door and asked the C/I what he/she needed. The C/I told me that after "J-Rock" (also known as "Altariq") closed the door they both walked up to the third floor

  
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bedroom where the CDS was exchanged for U.S Currency. Once I departed from the C/I, I was able to field test a small amount of CDS, which tested positive for Heroin.

14. During the week of January 9, 2012 through January 16, 2012 DSG Smarth and I decided that the C/I should make a **fourth** controlled purchase from the residence of 90 Fuller Place Irvington, NJ. The C/I was met and searched by the appropriate Officer with negative results for any money and/or contraband. The C/I was given a specific amount of currency from the NJSP official agency funds and traveled on foot to 90 Fuller Place Irvington, NJ to make a purchase of CDS while under constant surveillance. Utilizing unmarked vehicles DSG Smarth and I were able to set up a clear and unobstructed view of 90 Fuller Place Irvington, New Jersey. As the C/I approached the residence he/she knocked on the door. Shortly after the C/I knocked on the door I observed the first floor interior light illuminate same. "Khalid", more particularly described in paragraph #10, opened the front door and the C/I entered the residence. Once inside the house I was able to see "Khalid" and the C/I walk across the first floor window. After approximately thirty seconds later I was able to see the C/I walk back across the first floor window, close the door and exit the house. I followed the C/I to the predetermined meeting location while under constant surveillance. These actions were consistent with the information that the C/I provided us regarding narcotics activity and the length of time it takes to complete the transaction.

Once at the predetermined meeting location, the C/I was debriefed and handed me the CDS that was purchased. The C/I was then searched by the appropriate Officer with

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no further contraband and/or paper currency found. While being debriefed the C/I stated that he/she was knocked on the front door and an individual known to them as "Khalid" opened the door and asked them what he/she needed. The C/I advised that after "Khalid" closed the door they both entered the first floor living room where the CDS was exchanged for U.S Currency. Once I departed from the C/I, I was able to field test a small amount of CDS, which tested positive for Heroin.

15. Based upon my education, training and experience, as well as the investigation detailed herein, I have probable cause to believe, and do believe, that individuals known as "Khalid" (who is identified in paragraph #10) and "Altariq" (who is identified in paragraph #9) are occupying 90 Fuller Place (1<sup>st</sup> & 3<sup>rd</sup> Floors) Irvington, NJ (more particularly described in paragraph #16) to distribute and store controlled dangerous substances, as well as proceeds derived there from, and that in and upon said person(s) and premises will be found controlled dangerous substances; drug paraphernalia, including scales, weights, containers, packaging, adulterating materials and supplies; records pertaining to the distribution of controlled dangerous substances; contraband money; papers, writings and lists containing names, addresses and telephone numbers of drug associates and related information; as well as any and all documents, memos, recordings, and/or correspondence, whether kept manually or by mechanical or electronic devices, evidencing the production, purchases and/or sale of controlled dangerous substances; as well as any and all documents, memos, recordings, and/or correspondence, whether kept manually or by mechanical or electronic devices,

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evidencing the proceeds and/or disposition of monies generated by the purchase, manufacture, transportation and subsequent sale of controlled dangerous substances, as well as the proceeds generated from the distribution of controlled dangerous substances; and firearms and other weapons used to defend the illicit operation. As a result, it is also my belief that such items can and will be found within the aforementioned the residence of 90 Fuller Place (1<sup>st</sup> & 3<sup>rd</sup> Floors) Irvington, New Jersey, more particularly described in paragraph #16.

16. Based upon the above information, I have probable cause to believe, and do believe, that controlled dangerous substances are being stored at, and distributed from:

**90 Fuller Place (1<sup>st</sup> & 3<sup>rd</sup> Floors)  
Irvington, Essex County, New Jersey**

A PSE&G Utilities check was conducted on **90 Fuller Place Irvington, NJ** and revealed Rashad Perry as the account owner. The Utilities check described the residence as being a three story multi-family dwelling. The utilities check confirmed Perry as the only occupant listed residing in the house on the second floor and that there is only one "power meter" supplying power to the residence. The first and second floors are listed as vacant.

The exterior is multi colored gray and white siding with ten cement steps leading up to the front double doors. The residence has an asphalt driveway to the right of the house and extends the length of the house. The number 90 is visible and appears painted black and is affixed to the white trim on top of the front double doors. The left front

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door opens inward and while the right door remains closed. Upon entering the front door there is a second set of interior doors. Upon approaching the second set of interior doors, the door on the left opens to the first floor while the door on the right opens to a stairway that leads to the second and third floors. Upon entering the first floor, the door opens into the living room and there is a hallway to the right that leads to the kitchen on the right and "Khalid's" bedroom on the left. Continuing down the hallway there is another bedroom on the left and a bathroom on the right.

Upon walking through the door on the right and up the stairs there is a landing halfway up that has a door opening to the second floor. The stairway continues up to another door that opens to the third floor. This door opens to a small bedroom where there is a bed, book case, TV, a nightstand and a bathroom to the right. This room is small in size, has a dormered ceilings and two small windows facing the front of the house.

17. Based upon my training and experience, I have become familiar with the practices, methods, techniques and equipment used by those involved in the unlawful trafficking, distribution, possession and use of controlled dangerous substances within the State of New Jersey. As a result, I have found it usually to be a fact that the distributors of controlled dangerous substances will make and keep controlled dangerous substances; drug paraphernalia including scales, weights, containers, packaging, adulterating materials and supplies; records pertaining to the distribution of controlled dangerous substances; contraband money; papers, writings and lists containing names, addresses and

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telephone numbers of drug associates and related information; as well as any and all documents, memos, recordings, and/or correspondence, whether kept manually or by mechanical or electronic devices, evidencing the production, purchases and/or sale of controlled dangerous substances; any and/or all documents, memos, recordings, and/or correspondence, whether kept manually or by mechanical or electronic devices, evidencing the proceeds and/or disposition of monies generated by the purchase, manufacture, transportation and subsequent sale of controlled dangerous substances, as well as the proceeds generated from the distribution of controlled dangerous substances; firearms and other weapons used to defend the illicit operation.

18. **Wherefore,** I respectfully request authorization to search the following premises 90 Fuller Place (1<sup>st</sup> & 3<sup>rd</sup> Floors) Irvington, New Jersey. Including all occupants therein, who are deemed to be in control of the premises and/or reasonably believed to be involved in criminal activity. Authorization is sought to seize any and all controlled dangerous substances; drug paraphernalia, including scales, weights, containers, packaging, adulterating materials and supplies; records pertaining to the distribution of controlled dangerous substances; contraband money; papers, writings and lists containing names, addresses and telephone numbers of drug associates and related information; as well as any and all documents, memos, recordings, and/or correspondence, whether kept manually or by mechanical or electronic devices, evidencing the production, purchases and/or sale of controlled dangerous substances; any and/or all documents, memos, recordings, and/or correspondence, whether kept manually

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or by mechanical or electronic devices, evidencing the proceeds and/or disposition of monies generated by the purchase, manufacture, transportation and subsequent sale of controlled dangerous substances, as well as the proceeds generated from the distribution of controlled dangerous substances; firearms and other weapons used to defend the illicit operation.

19. Based on my training and experience, I have found that person(s) illegally engaged in the distribution of controlled dangerous substances will go to great lengths to hide the evidence of the crime. They will utilize chutes, closets, traps, altered compartments originally installed by the manufacturer, tunnels and passageways which lead from the designated premises to another location thereby hiding the evidence from law enforcement officers at the original designated premises. Therefore, a need may exist to follow any such chute, closet, tunnel or passageway from the designated premises to where it leads and to search that location and all person(s) deemed to be in control of that premises, and/or reasonably believed to be involved in criminal activity.

20. Based upon my training and experience, I know that distributors of controlled dangerous substances will engage in their illegal activities at all hours of the day and night. Accordingly, I request that authorization be granted to execute the warrant between the hours of 6:00 A.M. to 12:00 A.M., and within ten (10) days from the issuance thereof.

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1/31/2011

Affidavit in Support of Application for S/W.  
90 Fuller Place, 1st & 3rd floors, IRVINGTON

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Det. Timothy D. Meyers #6417  
New Jersey State Police Detective II #6417  
Timothy D. Meyers

Sworn to and subscribed before me

this 10<sup>th</sup> day of January 2012  
at 11:40 am

  
\_\_\_\_\_  
Honorable Judge Cronin  
Judge of the Superior Court

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