



OFFICE OF THE MERCER COUNTY PROSECUTOR

ANGELO J. ONOFRI
Prosecutor

VELDON HARRIS
Chief of County Detectives

240 West State Street, 8th Floor
P.O. Box 8068
Trenton, New Jersey 08650-0068
Phone: (609) 989-6350
Fax: (609) 989-0161
mercercountyprosecutor.com

DORIS M. GALUCHIE
First Assistant Prosecutor

MICHAEL J. NOVEMBRE
Deputy Chief of County Detectives

FOR IMMEDIATE RELEASE
July 30, 2018

CONTACT: Casey A. DeBlasio
(609) 989-6379

Prosecutor's Office Releases Findings of Fatal Police Shooting in Trenton

In compliance with the New Jersey Attorney General's Law Enforcement Directive regarding uniform statewide procedures and best practices for conducting police use-of-force investigations, the Mercer County Prosecutor's Office is releasing this public statement regarding the fatal police shooting of Alfred Toe on August 27, 2016, on Roosevelt Street in Trenton.

Mercer County Prosecutor Angelo J. Onofri determined the undisputed facts in this case indicate that the use of deadly force was legally justified and the interests of justice do not demand that this matter be presented to a grand jury.

The New Jersey Office of the Attorney General reviewed the Mercer County Prosecutor's Office investigation and agreed with the conclusion that the use of deadly force was legally justified and that a grand jury presentation was not required because no material facts were in dispute.

Factual findings of the investigation

On August 27, 2016, at approximately 9:50 p.m., the Trenton and Ewing police departments responded to the area of 571 Roosevelt Street in Trenton on a report of a shooting. Police arrived to find a black male, later identified as Trenton Police Officer 1, securing a black male, later identified as Constantine Toe. Officer 1 was pointing what was later determined to be his service weapon at a gathered crowd. A second black male, later identified as Alfred Toe, was lying behind Officer 1, having suffered one gunshot wound beneath his right arm.

Police officers immediately rendered aid to Alfred Toe. Emergency medical personnel arrived shortly thereafter and transported him to Capital Health Regional Medical Center where he was pronounced deceased at 10:15 p.m.

At approximately 10:30 p.m., members of the Mercer County Prosecutor's Homicide Task Force were activated to investigate the incident. The investigation, including statements of 16 witnesses, evidence collection, and the review of the Trenton and Ewing police departments' body-worn cameras revealed that earlier in the day, a funeral celebration for Ellen Y. Zoeduah was held at Shiloh Baptist Church. The funeral was scheduled from 9 a.m. to 11 a.m. After the funeral, the burial took place at a cemetery in Bristol, Pennsylvania, ending at approximately 1 p.m. A repass celebration was held at Father Rocco Park on Calhoun Street in Trenton following the burial. As this reception ended, arrangements were made to continue the celebration at 571 Roosevelt Street. A large group then arrived at 571 Roosevelt Street for the conclusion of the repass celebration. After his work shift, Officer 1 changed into civilian clothes and attended the reception at Father Rocco Park and the ongoing celebration at 571 Roosevelt Street with his fiancée.

At the party on Roosevelt Street, an argument began between an unidentified black male and J.A. It was not determined what the argument was about, but Constantine Toe and Alfred Toe, biological brothers, were asked to intervene by J.A.'s wife. Constantine Toe and Alfred Toe intervened, but Alfred Toe started arguing with E.G. After it appeared that the argument was under control, Alfred Toe was observed by numerous witnesses retrieving his brother's handgun from a 2004 Kia Amanti. After retrieving and loading the handgun, Alfred Toe walked back toward the gathering, specifically toward E.G. Constantine Toe and other unidentified individuals attempted to disarm Alfred Toe. During this altercation, Alfred Toe fired one round, striking Constantine Toe in the left hand.

Despite suffering a non-fatal gunshot wound to his left hand, Constantine Toe was able to disarm Alfred Toe and place the handgun into the right-hand pocket of his pants. Having heard the gunshot but not seen the initial struggle, Officer 1 saw Constantine Toe in possession of the handgun and believed he was the individual that fired the gunshot he heard. Officer 1 activated a wrist-worn flashlight, unholstered his department-issued handgun, and issued verbal commands to Constantine Toe to get on the ground. Constantine Toe complied with these commands and laid face down on the ground. Officer 1 retrieved Constantine Toe's handgun with his right hand and placed Constantine Toe into custody. At that point, Alfred Toe interfered and struggled with Officer 1. During this altercation, Alfred Toe was described by several witnesses as struggling to gain possession of Constantine Toe's handgun from Officer 1.

Officer 1 gave verbal commands to Alfred Toe to stand down, but they were disregarded. Officer 1 struck Alfred Toe in his chest to move Alfred Toe away from himself and Constantine Toe. Alfred Toe continued to disregard Officer 1's verbal commands and

physical efforts to move him away, and persisted in his attempt to disarm Officer 1. When Officer 1 felt that he was losing his grip on the loaded firearm, Officer 1 fired one round from his department-issued firearm, striking Alfred Toe in the left chest area.

In conclusion, the undisputed facts of this matter reveal that Officer 1 was legally justified in using deadly force as he was acting to protect himself and others from imminent danger of death or serious bodily harm. This conclusion is based upon the investigative reporting, statements of officers and witnesses, radio transmissions, body-worn camera footage, photographs and physical evidence gathered and reviewed as a result of the investigation conducted by the Mercer County Prosecutor's Homicide Task Force.

This entire matter has been reviewed by Prosecutor Onofri. The MCPO complied with all portions of the Attorney General's Law Enforcement Directive regarding uniform statewide procedures and best practices for conducting police use-of-force investigations.

###