

PREPARED BY THE COURT
Superior Court of New Jersey
Criminal Courts Complex
4997 Unami Boulevard
Mays Landing, NJ 08330

STATE OF NEW JERSEY :

v. :

MARTY SMALL :
LA'QUETTA SMALL :

ATLANTIC COUNTY
LAW DIVISION
CRIMINAL

INDICTMENT NO.: 24-09-2951 & 24-12-3927

**ORDER FOR POST-ARGUMENT
SUBMISSIONS REGARDING THE
ADMISSIBILITY OF THE ALLEGED
RECORDED INTERCEPTS BY E.L. AND/OR
J.S.**

THIS MATTER having come before the Court by way of Motion to Suppress Media Evidence Obtained in Violation of the New Jersey Wiretap Act on April 15, 2025, by Jordan Barbone, Esq. and Patrick Joyce, Esq. on behalf of Defendant Marty Small, Michael Schreiber, Esq. on behalf of Defendant, La'Quetta Small, and Joseph Remy, Esq. and Elizabeth Fischer, Esq. on behalf of the State of New Jersey; and the Court having considered the submissions and arguments of counsel, and for the reasons set forth on the record;

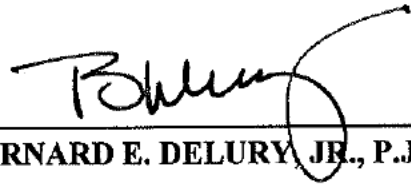
IT IS as of the **15th** day of **April 2025**,

ORDERED that:

1. The parties will simultaneously submit to each other and the Court proposed findings of fact and conclusions of law on May 19, 2025.
2. The proposed findings of fact shall address, at minimum, the number, date, time, device, and parties regarding each intercept. The Court's form may be used as a template. Additionally, the parties shall indicate the exhibit, certification, or other evidence upon which the finding of fact is drawn.
3. The proposed conclusions of law shall address at a minimum the burdens of persuasion, the burdens of proof as to admissibility, the nature of the evidence that is warranted or necessary for the Court to make its determination.
4. The parties submissions shall address whether the 13 "clips" of audio/video recordings are recorded intercepts of oral wire communications within the meaning of the Wiretap statute; whether the recorded intercepts were obtained

with the consent of any one of the parties to the oral communications, or whether the intercepts were obtained by another with the prior consent of one of the parties to the communications; whether the issue of consent must be shown by direct, indirect, or circumstantial evidence; whether the State must show by a preponderance of the evidence that the recorded intercepts of oral communications were obtained with the consent of one of the parties to the oral communication; and whether, given their minority, [REDACTED] and [REDACTED] had the ability to consent to the recorded interception of J.S.'s oral communications.

5. The parties shall return before the Court on June 16, 2025.

A handwritten signature in black ink, appearing to read "B. Delury", written over a horizontal line.

BERNARD E. DELURY JR., P.J.Cr.