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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-2657-21**

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

TRAVIS MURPHY,  
a/k/a TRAVIS M. MURPHY,  
and TREMEOR MURPHY,

Defendant-Appellant.

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Argued August 15, 2023 — Decided August 22, 2023

Before Judges Currier and Mawla.

On appeal from the Superior Court of New Jersey, Law Division, Hudson County, Indictment Nos. 20-11-0313 and 20-12-0353.

Lucas B. Slevin, Legal Fellow, argued the cause for appellant (Joseph E. Krakora, Public Defender, attorney; Tiffany J. Barlow, Assistant Deputy Public Defender, of counsel and on the briefs).

Meagan E. Free, Assistant Prosecutor, argued the cause for respondent (Esther Suarez, Hudson County Prosecutor, attorney; Meagan E. Free, on the brief).

## PER CURIAM

Defendant Travis Murphy appeals from an August 31, 2021 order denying a motion to suppress evidence seized following his arrest. We affirm.

The facts were adduced at a hearing during which the State offered testimony from Detective Emiliano Fuda, a twelve-year veteran of the Port Authority Police Department. On April 26, 2020, the detective was notified about a robbery at the Grove Street PATH Station. The victim told the detective the robber was: approximately six feet and two inches tall; black; "on the heavier side[;]" and wore a neoprene-like mask, an "orange construction-like vest or jacket[,] and dark colored pants.

Detective Fuda reviewed surveillance footage of the incident from the Grove Street Station, created still photos, and traced the suspect's movements prior to the robbery back to Newark Penn Station. He noted the suspect had "three distinctive rips . . . on his jeans as well as his height and weight compared to the turnstiles . . . ."

The detective extracted still photos from the Penn Station surveillance footage and identified the train car ridden by defendant to Grove Street Station to obtain surveillance footage from the train car. He met the train car at the Journal Square Station and in the process of boarding it to remove the footage,

noticed a male smoking on the platform. Although the man was not wearing the mask or jacket identified by the victim, his height,<sup>1</sup> weight, and color of clothing, including three distinctive rips in his jeans, matched the suspect. Detective Fuda called for a backup officer, who asked defendant to step out of the train he had just boarded. Defendant was handcuffed and patted down. The detective testified defendant was under arrest at this time.

Detective Fuda introduced himself to defendant, explained to defendant that he matched the description of a robbery suspect police were searching for, and took defendant to an interview room. Once in the room, defendant was uncuffed so he could empty the contents of his pockets to ensure officer safety, and then handcuffed and interviewed. Among the items defendant removed from his pocket and placed on the table, was a benefit card bearing the victim's name. Defendant was subsequently interviewed and gave a statement.

Defendant filed a motion to suppress, arguing police lacked probable cause to arrest him, and the search incident to his arrest and his statement to police were unlawful. He also separately challenged the voluntariness of his statement to police, but this is not raised on the appeal.

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<sup>1</sup> Detective Fuda testified he was approximately the same height the victim ascribed to the suspect and "referenced" defendant's height to his own while observing defendant on the platform.

Following the hearing, Judge Mitzy Galis-Menendez issued a detailed written opinion. She credited Detective Fuda's testimony determining defendant was under arrest when he was handcuffed on the train platform and was not free to leave, even though the detective never told defendant he was under arrest. According to the judge, the fact "[t]he [d]etective was conducting a robbery investigation and spotted a suspect whom he believed to be the suspect wanted in the robbery" supported this conclusion.

The judge found the totality of the circumstances established probable cause for the arrest. The facts showed Detective Fuda began investigating the robbery "approximately [thirty] minutes after the incident[,] " which continued until defendant's arrest "approximately three and one-half hours" later. The judge concluded the detective

had a well-grounded belief . . . [d]efendant had committed the robbery. . . . [D]efendant matched the description of the robbery suspect and was seen on a nearby train station platform . . . after the robbery occurred. Importantly, . . . [d]efendant was wearing clothing[,] which was strikingly similar to the clothing the robbery suspect was wearing at the time of the robbery.

. . . This [c]ourt does not find the fact that . . . [d]efendant was not wearing a neon yellow construction jacket at the time of his arrest negates the sufficiency of probable cause. The[] facts established

more than a mere suspicion in Det[ective] Fuda's mind that . . . [d]efendant committed the robbery.

The judge concluded because there was probable cause for the arrest, the subsequent search was valid as a search incident to the arrest.

Defendant raises the following point on appeal:

THE VERY GENERAL DESCRIPTION OF THE ROBBERY SUSPECT DID NOT PROVIDE PROBABLE CAUSE TO ARREST DEFENDANT, THREE HOURS AFTER THE ROBBERY AT A DIFFERENT TRAIN STATION.

Our review of the denial of a suppression motion is limited. State v. Handy, 206 N.J. 39, 44-45 (2011). We "must uphold the factual findings underlying the trial court's decision so long as those findings are 'supported by sufficient credible evidence in the record.'" State v. Elders, 192 N.J. 224, 243 (2007) (quoting State v. Elders, 386 N.J. Super. 208, 228 (App. Div. 2006)). An appellate court "should not disturb the trial court's findings merely because 'it might have reached a different conclusion were it the trial tribunal' or because 'the trial court decided all evidence or inference conflicts in favor of one side' in a close case." Id. at 244 (quoting State v. Johnson, 42 N.J. 146, 162 (1964)). Issues of law, however, are reviewed de novo. State v. Gandhi, 201 N.J. 161, 176 (2010).

"The standards for determining probable cause to arrest and probable cause to search are identical." State v. Moore, 181 N.J. 40, 45 (2004). "Probable cause exists where the facts and circumstances within . . . [the officers'] knowledge and . . . reasonably trustworthy information [are] sufficient . . . to warrant a [person] of reasonable caution in the belief that an offense has been or is being committed." Schneider v. Simonini, 163 N.J. 336, 361 (2000) (second and fourth alterations in original) (internal quotation marks omitted). In determining whether probable cause exists, the court must view the totality of the circumstances from the standpoint of an objectively reasonable officer. State v. Gibson, 218 N.J. 277, 293 (2014). The personal observations of law enforcement officers are generally regarded as highly reliable and sufficient to establish probable cause. See State v. O'Neal, 190 N.J. 601, 612-14 (2007); Moore, 181 N.J. at 46-47.

Pursuant to these principles, we affirm substantially for the reasons expressed in Judge Galis-Menendez's thorough and well-written opinion. The victim's description of the suspect was not vague, and the subsequent details gathered by Detective Fuda, including the suspect's movements and clothing, convince us the probable cause finding was not erroneous. Our review of the

record confirms the totality of the circumstances established probable cause to arrest defendant, and the motion to suppress was properly denied.

Affirmed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.



CLERK OF THE APPELLATE DIVISION