

Docket No. 22-1779

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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MARIANO BROWN,

*Petitioner,*

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA,

*Respondent.*

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On Petition for Review of a Final Decision  
of the Board of Immigration Appeals  
No. A [REDACTED]

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**APPENDIX (VOLUME 1 OF 1)  
TO BRIEF OF THE AMERICAN IMMIGRATION COUNCIL, CAPITAL  
AREA IMMIGRANTS' RIGHTS COALITION, HIAS PENNSYLVANIA,  
IMMIGRANT DEFENSE PROJECT, THE NATIONAL IMMIGRATION  
PROJECT OF THE NATIONAL LAWYERS GUILD, PENNSYLVANIA  
IMMIGRATION RESOURCE CENTER, AND PROFESSORS KATE  
EVANS AND JOANNE GOTTESMAN AS *AMICI CURIAE* IN SUPPORT  
OF PETITIONER**

---

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September 3, 2022

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## TABLE OF CONTENTS

Appendix A, Statements of Interest of <i>Amici Curiae</i> .....	A1-A4
Appendix B, <i>Shepard</i> Documents from New Jersey State Prosecutions.....	B1-B39
Appendix C, Declaration of Amelia Marritz.....	C1-C3

**22-1779**

**APPENDIX A**  
**STATEMENTS OF**  
**INTEREST OF *AMICI***  
***CURIAE***

Amicus **American Immigration Council** is a non-profit organization established to increase public understanding of immigration law and policy, advocate for the just and fair administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America's immigrants. The Council regularly litigates and advocates around issues involving the intersection of criminal and immigration law.

Amicus **Capital Area Immigrants' Rights Coalition** ("CAIR Coalition") is a non-profit legal services provider that represents noncitizen adults and children, including individuals with prior contact with the criminal justice system, who are facing detention and removal proceedings. CAIR Coalition has an ongoing mission to advance the rights and dignity of all immigrants and increase access to pro bono representation in an area of critical legal need at the intersection of criminal and immigration law. While CAIR Coalition's primary work rests in the Fourth Circuit, the organization is increasingly providing legal services to noncitizens detained in the Third Circuit. CAIR Coalition has a strong interest in the fair and consistent application of the categorical approach and divisibility analysis.

Amicus **HIAS Pennsylvania** ("HIAS PA") is a not-for-profit legal services and refugee resettlement agency that supports low-income immigrants of all backgrounds as they build new lives in Pennsylvania. HIAS PA's attorneys and

other legal staff regularly advocate for immigrants with criminal records applying for immigration benefits and relief before the Citizenship and Immigration Service (USCIS) and Immigration Courts. HIAS PA seeks to ensure that its clients are given full due process of law in how the federal courts and administrative agencies evaluate the impact of criminal convictions on non-citizens' eligibility to obtain and maintain legal status in the United States.

Amicus **Immigrant Defense Project** Immigrant Defense Project (IDP) is a not-for-profit legal resource and training center dedicated to promoting fundamental fairness for immigrants having contact with the criminal legal and immigration deportation systems. IDP provides defense attorneys, immigration attorneys, immigrants, and judges with expert legal advice, publications, and training on issues involving the interplay between criminal and immigration law. IDP seeks to improve the quality of justice for immigrants accused of crimes and therefore has a keen interest in ensuring that immigration law is correctly interpreted to give noncitizens the full benefit of their constitutional and statutory rights. IDP has submitted amicus curiae briefs in many key cases before the U.S. Supreme Court and Courts of Appeals involving the interplay between criminal and immigration law and the rights of immigrants in the criminal legal and immigration systems. *See, e.g., Pereida v. Wilkinson*, 141 S. Ct. 754 (2021); *Esquivel-Quintana v. Sessions*, 137 S. Ct. 1562 (2017); *Mathis v. United States*,

579 U.S. 500 (2016); *Padilla v. Kentucky*, 559 U.S. 356 (2010); *Leocal v. Ashcroft*, 543 U.S. 1 (2004); *I.N.S. v. St. Cyr*, 533 U.S. 289, 322–23 (2001) (citing IDP brief).

Amicus **National Immigration Project of the National Lawyers Guild (NIPNLG)** is a national membership organization of lawyers, law students, legal workers, advocates, and jailhouse lawyers working to defend and extend the rights of all noncitizens in the United States, regardless of immigration status. NIPNLG pursues all forms of legal advocacy on behalf of immigrants and provides technical assistance, training, and support to legal practitioners, community-based immigrant organizations, and advocates working to advance the rights of noncitizens.

NIPNLG is also the author of *Immigration Law and Crimes* (Summer 2022 ed.) and three other treatises published by Thomson-West. NIPNLG has participated as *amicus* in several significant immigration related cases before the U.S. Supreme Court, the courts of appeals, and the Board of Immigration Appeals. *See, e.g.*, *United States v. Palomar-Santiago*, 141 S. Ct. 1615 (2021); *United States v. Sineneng-Smith*, 140 S. Ct. 1575 (2020); *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018); *Mathis v. United States*, 579 U.S. 500 (2016); *Carachuri-Rosendo v. Holder*, 560 U.S. 563 (2010); *Nijhawan v. Holder*, 557 U.S. 29 (2009); *Lopez v. Gonzales*, 549 U.S. 47 (2006); *Leocal v. Ashcroft*, 543 U.S. 1 (2004); and *I.N.S. v. St. Cyr*, 533 U.S. 289 (2001).

Since its inception in 1996, amicus **The Pennsylvania Immigration Resource Center (PIRC)**, has been the primary provider of legal services to immigrants in ICE custody in Central Pennsylvania. PIRC zealously represents vulnerable persons, people unable to represent themselves due to mental incapacity by assignment through the National Qualified Representative Program (NQRP), and under merits-blind selection through PIRC's participation in the Pennsylvania Immigrant Family Unity Project, Pennsylvania's first publicly funded defense counsel project for detained immigrants. PIRC regularly litigates around issues involving the intersection of criminal and immigration law.

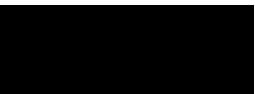
Amicus **Kate Evans** is a Clinical Professor of Law and the Director of the Immigrant Rights Clinic at the Duke University School of Law (for identification purposes only).

Amicus **Joanne Gottesman** directs the Immigrant Justice Clinic at Rutgers Law School (for identification purposes only).

## **Appendix B**

### ***Shepard* Documents from New Jersey State Prosecutions**

# Appendix B-1

No. 15--I



**Change of Judgment of Conviction & Order for Commitment  
AMENDED-REMOVE PAROLE SUPERVISOR  
Superior Court of New Jersey, UNION County**

State of New Jersey v. [Redacted]  
 Last Name [Redacted] Middle Name J

A [Redacted]  
 D [Redacted] Number [Redacted] Date(s) of Offense 11/14/2014  
 01/05/1989  
 Date of Arrest PROMIS Number 14 003383-003 Date Ind / Acc / Compl Filed 03/04/2015 Original Plea  Not Guilty  Guilty Date of Original Plea 04/21/2015  
 Adjudication By  Guilty Plea  Jury Trial Verdict  Non-Jury Trial Verdict  Dismissed / Acquitted Date: 07/17/2017

**Original Charges**

Ind	Count	Description	Statute	Degree
15- [Redacted]-I	2	RACKETEERING-CONSPIRE IN RACKETEERING-VIOL/1ST DEG/ETC	2C:41-2D	1
15- [Redacted]-I	3	RACKETEERING-EMPLOYEE PARTICIPATES-VIOLENCE/1ST DEG/ETC	2C:41-2C	1
15- [Redacted]-I	4	MAINTAINING/OPERATING CDS PRODUCTION FACILITY	2C:35-4	1
15- [Redacted]-I	6	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	1
15- [Redacted]-I	8	CDS - MANU/DIST/PWID - HEROIN/COCAINE - =/> 5OZ	2C:35-5B(1)	1
15- [Redacted]-I	8	CONSPIRACY - AGREE/ENGAGE IN CONDUCT CONSTITUTE A CRIME	2C:5-2A(1)	2
		CDS - MANU/DIST/PWID - HEROIN/COCAINE =/> 5OZ	2C:35-5B(1)	

(Cont...)

**Final Charges**

Ind	Count	Description	Statute	Degree
15- [Redacted]-I	3	RACKETEERING-EMPLOYEE PARTICIPATES-VIOLENCE/1ST DEG/ETC	2C:41-2C	1
15- [Redacted]-I	6	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	1
		CDS - MANU/DIST/PWID - HEROIN/COCAINE - =/> 5OZ	2C:35-5B(1)	

**Sentencing Statement**

It is, therefore, on 06/21/2019 ORDERED and ADJUDGED that the defendant is sentenced as follows:

On count 3:  
 Defendant is remanded to the custody of the Commissioner of the Department of Corrections for a period of 10 YEARS flat.  
 Sentence is to run concurrent to Count 6.  
 (Note: Count 3 is to be treated as 2nd degree for sentencing purposes.)

On count 6:  
 Defendant is remanded to the custody of the Commissioner of the Department of Corrections for a period of 10 YEARS with 5 YEARS parole ineligibility.

Dismiss Counts 2, 4, 8, 10, 14 and 17 of indictment: 15-03-00180-I.

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term 010 Years 00 Months 000 Days	Institution Name CARE COMMISS/CORR	Total Probation Term 00 Years 00 Months
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ECR 10 05 2018

State of New Jersey v.  
GAYLE, RICARDO J

S.B.J. # 497951D Ind / Acc / Compl # 15-03-00180-1

<b>DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)</b>		<b>Additional Conditions</b>																			
A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.) <input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))		<input checked="" type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29). <input type="checkbox"/> The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4). <input type="checkbox"/> The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-8.4). <input type="checkbox"/> The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2). <input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____ <input type="checkbox"/> The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8). <input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1). <input type="checkbox"/> The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).																			
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;">Standard</td> <td style="width:50%; text-align: center;">Doubled</td> </tr> <tr> <td>1st Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>2nd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>3rd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>4th Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>DP or _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>Petty DP _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>Total DEDR Penalty \$ _____</b></td> </tr> </table> <input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)				Standard	Doubled	1st Degree _____ @ \$ _____	_____ @ \$ _____	2nd Degree _____ @ \$ _____	_____ @ \$ _____	3rd Degree _____ @ \$ _____	_____ @ \$ _____	4th Degree _____ @ \$ _____	_____ @ \$ _____	DP or _____ @ \$ _____	_____ @ \$ _____	Petty DP _____ @ \$ _____	_____ @ \$ _____	<b>Total DEDR Penalty \$ _____</b>			
Standard	Doubled																				
1st Degree _____ @ \$ _____	_____ @ \$ _____																				
2nd Degree _____ @ \$ _____	_____ @ \$ _____																				
3rd Degree _____ @ \$ _____	_____ @ \$ _____																				
4th Degree _____ @ \$ _____	_____ @ \$ _____																				
DP or _____ @ \$ _____	_____ @ \$ _____																				
Petty DP _____ @ \$ _____	_____ @ \$ _____																				
<b>Total DEDR Penalty \$ _____</b>																					
Forensic Laboratory Fee (N.J.S.A. 2C:35-20) _____ Offenses @ \$ _____		Total Lab Fee \$ _____																			
<b>VCCO Assessment (N.J.S.A. 2C:43-3.1)</b>																					
<table style="width:100%; border-collapse: collapse;"> <tr> <th style="width:30%;">Counts</th> <th style="width:20%;">Number</th> <th style="width:50%;">Amount</th> </tr> <tr> <td>_____</td> <td style="text-align: center;">@</td> <td>\$ 50.00</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">@</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">@</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">@</td> <td>\$ _____</td> </tr> <tr> <td colspan="3" style="text-align: center;"><b>Total VCCO Assessment \$ _____</b></td> </tr> </table>		Counts	Number	Amount	_____	@	\$ 50.00	_____	@	\$ _____	_____	@	\$ _____	_____	@	\$ _____	<b>Total VCCO Assessment \$ _____</b>			<b>Findings Per N.J.S.A. 2C:47-3</b>	
Counts	Number	Amount																			
_____	@	\$ 50.00																			
_____	@	\$ _____																			
_____	@	\$ _____																			
_____	@	\$ _____																			
<b>Total VCCO Assessment \$ _____</b>																					
<b>Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)</b>		<input type="checkbox"/> The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior. <input type="checkbox"/> The court finds that the defendant is amenable to sex offender treatment. <input type="checkbox"/> The court finds that the defendant is willing to participate in sex offender treatment.																			
				<b>License Suspension</b>																	
Offense _____ Mandatory Penalty \$ _____		<input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35-16) <input type="checkbox"/> Waived <input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1) <input type="checkbox"/> Eluding (N.J.S.A. 2C:29-2) <input type="checkbox"/> Other _____																			
<b>Offense Based Penalties</b>		Number of Months _____ <input type="checkbox"/> Non-resident driving privileges revoked																			
Penalty _____ Amount \$ _____		Start Date _____ End Date _____																			
<b>Other Fees and Penalties</b>		Details _____																			
Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) <input type="checkbox"/> \$ _____		Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2) <input type="checkbox"/> _____ Offenses @ \$ _____ Total: \$ _____																			
Probation Supervision Fee (N.J.S.A. 2C:45-1d) <input type="checkbox"/> \$ _____		Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) <input type="checkbox"/> _____ Offenses @ \$ _____ Total \$ _____																			
Transaction Fee (N.J.S.A. 2C:46-1.1) <input type="checkbox"/> \$ _____		Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) <input type="checkbox"/> \$ _____																			
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) <input type="checkbox"/> \$ _____		Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) <input type="checkbox"/> \$ _____																			
Fine \$ _____		If the court is unable to collect the license, complete the following: Defendant's Address _____																			
Restitution Joint & Several <input type="checkbox"/> \$ _____		City _____ State _____ Zip _____																			
Total Financial Obligation \$ _____		Date of Birth _____ Sex <input type="checkbox"/> M <input type="checkbox"/> F Eye Color _____																			
Details _____																					

BOIR - 19 of 38



State of New Jersey v.

S.B.I. # Ind / Acc / Compl # 15-

Continuation

ORIGINAL CHARGES (Cont.)

Ind / Acc / Compl	Count	Description	Statute	Degree
15- -I	10	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
15- -I	14	CDS/ANALOG - DISTRIBUTE ON/NEAR SCHOOL PROPERTY/BUS	2C:35-7	3
15- I	17	POSS/DIST WITHIN 500 FT CERTAIN PUBLIC PROPERTY	2C:35-7.1A	2

EOIR 21 SE 39



Administrative Office of the Courts

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Chief of Staff

Michelle M. Smith, Esq.  
Clerk of the Superior Court

Kathryn Gilbertson Shabel, Esq.  
Deputy Clerk

Richard J. Hughes Justice Complex • P.O. Box 971 • Trenton, NJ 08625-0037

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### Superior Court Certification

I, Michelle Smith, Clerk of the Superior Court for the State of New Jersey, certify that this record is a true copy of the Judgment of Conviction, dated August 9, 2019 on file in my office. This document is electronically signed on this 1<sup>ST</sup> Day of October 2020 in accordance with the New Jersey Supreme Court Orders dated April 24, 2020 and May 15, 2020.

/s/ Michelle M. Smith, Clerk of Court  
CLERK OF THE SUPERIOR COURT

SIGNED IN THE SUPERIOR COURT OF NEW JERSEY

/s/ Michelle M. Smith, Clerk of Court  
CLERK OF THE SUPERIOR COURT

EOIR - 22 of 38



PROSECUTOR'S DOCKET NO. [REDACTED]  
C.D.R. NOS. [REDACTED]

GRACE H. PARK  
Acting Prosecutor of Union County  
32 Rahway Avenue  
Elizabeth, New Jersey 07202  
(908) 527-4500  
Attorney for the State of New Jersey

THE STATE OF NEW JERSEY

v.

[REDACTED]

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - UNION COUNTY  
CRIMINAL

INDICTMENT NO.

15-03-001801

*N.J.S.A. 2C:35-3*  
LEADER OF A NARCOTICS NETWORK  
(FIRST DEGREE) (ONE COUNT)

*N.J.S.A. 2C:41-2d*  
RACKETEERING CONSPIRACY  
(FIRST DEGREE) (ONE COUNT)

*N.J.S.A. 2C:41-2c*  
RACKETEERING  
(FIRST DEGREE) (ONE COUNT)

*N.J.S.A. 2C:35-4*  
MAINTAINING A CONTROLLED DANGEROUS  
SUBSTANCE PRODUCTION FACILITY  
(FIRST DEGREE) (TWO COUNTS)

*N.J.S.A. 2C:35-5a(1) and*  
*N.J.S.A. 2C:35-5b(1)*  
POSSESSION OF A CONTROLLED DANGEROUS

B6

BJR - 23 OF 38

- : SUBSTANCE WITH THE INTENT TO  
DISTRIBUTE
- : (FIRST DEGREE) (ONE COUNT)
- : *N.J.S.A. 2C:35-5a(1) and*  
*N.J.S.A. 2C:35-5b(2)*
- : POSSESSION OF A CONTROLLED DANGEROUS  
SUBSTANCE WITH THE INTENT TO
- : DISTRIBUTE
- : (SECOND DEGREE) (ONE COUNT)
- : *N.J.S.A. 2C:5-2a(1) and 2C:5-2a(2) and*  
*N.J.S.A. 2C:35-5a(1) and 2C:35-5b(1)*
- : CONSPIRACY TO DISTRIBUTE A CONTROLLED  
DANGEROUS SUBSTANCE
- : (SECOND DEGREE) (TWO COUNT)
- : *N.J.S.A. 2C:5-2a(1) and 2C:5-2a(2) and*  
*N.J.S.A. 2C:35-5a(1) and 2C:35-5b(2)*
- : CONSPIRACY TO DISTRIBUTE A CONTROLLED  
DANGEROUS SUBSTANCE
- : (SECOND DEGREE) (TWO COUNTS)
- : *N.J.S.A. 2C:35-5a(1) and*  
*N.J.S.A. 2C:35-5b(2)*
- : DISTRIBUTION OF A CONTROLLED  
DANGEROUS SUBSTANCE
- : (FIRST DEGREE) (ONE COUNT)
- : *N.J.S.A. 2C:35-10a(1)*
- : POSSESSION OF A CONTROLLED DANGEROUS  
SUBSTANCE
- : (THIRD DEGREE) (TWO COUNTS)
- : *N.J.S.A. 2C:35-7*
- : POSSESSION OF A CONTROLLED DANGEROUS  
SUBSTANCE WITH THE INTENT TO
- : DISTRIBUTE WITHIN 1000' OF SCHOOL  
PROPERTY
- : (THIRD DEGREE) (THREE COUNTS)
- : *N.J.S.A. 2C:35-7.1a*
- : POSSESSION OF A CONTROLLED DANGEROUS  
SUBSTANCE WITH THE INTENT TO
- : DISTRIBUTE WITHIN 500' OF A PUBLIC PARK  
(SECOND DEGREE) (TWO COUNTS)

- : *N.J.S.A. 2C:39-4.1a*
- : POSSESSION OF A FIREARM IN THE COURSE
- : OF COMMITTING A CONTROLLED
- : DANGEROUS SUBSTANCE OFFENSE
- : (SECOND DEGREE) (TWO COUNTS)
- : *N.J.S.A. 2C:39-4.1c*
- : POSSESSION OF A WEAPON IN THE COURSE OF
- : COMMITTING A CONTROLLED DANGEROUS
- : SUBSTANCE OFFENSE
- : (SECOND DEGREE) (ONE COUNT)
- : *N.J.S.A. 2C:39-3c*
- : UNLAWFUL POSSESSION OF A FIREARM
- : SILENCER
- : (FOURTH DEGREE) (ONE COUNT)
- : *N.J.S.A. 2C:39-9c*
- : UNLAWFUL TRANSPORTATION OF A FIREARM
- : SILENCER
- : (FOURTH DEGREE) (ONE COUNT)
- : *N.J.S.A. 2C:39-3j*
- : UNLAWFUL POSSESSION OF A LARGE
- : CAPACITY AMMUNITION MAGAZINE
- : (FOURTH DEGREE) (ONE COUNT)
- : *N.J.S.A. 2C:12-3b*
- : TERRORISTIC THREATS
- : (THIRD DEGREE) (ONE COUNT)
- : *N.J.S.A. 2C:39-4a(1)*
- : POSSESSION OF A WEAPON FOR AN
- : UNLAWFUL PURPOSE
- : (SECOND DEGREE) (ONE COUNT)

COUNT ONE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED], between October 20, 2014 and November 14, 2014, in the Cities of Linden, Elizabeth, and/or Union, County of Union, aforesaid, and within the jurisdiction of this Court, did conspire with others as an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to unlawfully manufacture, distribute, dispense, bring into or transport in this State a Controlled Dangerous Substance, namely Heroin, Schedule I; contrary to the provisions of *N.J.S.A. 2C:35-3*, and against the peace of this State, the Government and dignity of the same.

COUNT TWO

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that between October 20, 2014 and November 14, 2014, in the Cities of Linden, Elizabeth, and/or Union, County of Union, and other locations, aforesaid, and within the jurisdiction of this Court, [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED], who are named defendants herein and other

persons whose identities are known and unknown to the Grand Jurors, who are named as co-conspirators but not as defendants herein, at the times and places herein after specified, with the purpose of promoting or facilitating the commission of the crime of Racketeering, did agree with such other person or persons that they or one or more of them will engage in conduct which constitutes Racketeering; or did agree to aid such

other person or persons in the planning or commission of Racketeering, that is, the defendants and other co-conspirators, being persons employed by or associated with an enterprise engaged in or participated in activities of which affect trade or commerce, would conduct or participate, directly or indirectly, in the conduct of the enterprises' affairs through a pattern of racketeering activity, involving a crime of the first degree; contrary to the provisions of *N.J.S.A. 2C:41-2d* and against the peace of this State, the Government and dignity of the same.

The Enterprise

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] and other persons whose

identities are known and unknown to the Grand Jurors, would constitute an enterprise within the meaning of *N.J.S.A. 2C:41-1c*, that is, a group of individuals associated in fact, organized to distribute controlled dangerous substances.

The Pattern of Racketeering Activity

The pattern of racketeering activity, as defined in *N.J.S.A. 2C:41-1d*, consists of at least two incidents of racketeering conduct, including Maintaining a Controlled Dangerous Substance Facility, in violation of *N.J.S.A. 2C:35-4*, and Distribution and/or Possession of a Controlled Dangerous Substance with the Intent to Distribute, in violation of *N.J.S.A. 2C:35-5*. The pattern of racketeering activity involved a crime of the first degree, as set forth in counts four, five and/or six below.

COUNT THREE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that between October 20, 2014 and November 14, 2014, in the Cities of Linden, Elizabeth, and/or Union, County of Union, and other locations, aforesaid, and within the jurisdiction of this Court, [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] who are named

defendants herein and other persons whose identities are known and unknown to the Grand Jurors, who are named as co-conspirators but not as defendants herein, while employed by or associated with any enterprise engaged in or activities of which affect trade or commerce, did conduct or participate, directly or indirectly, in the conduct of the enterprises affairs through a pattern of racketeering activity; contrary to the provisions of *N.J.S.A. 2C:41-2c* and against the peace of this State, the Government and dignity of the same.

The Enterprise

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED], and other persons whose

identities are known and unknown to the Grand Jurors, would constitute an enterprise within the meaning of

*N.J.S.A. 2C:41-1c*, that is, a group of individuals associated in fact, organized to distribute controlled dangerous substances.

The Pattern of Racketeering Activity

The pattern of racketeering activity, as defined in *N.J.S.A. 2C:41-1d*, consists of at least two incidents of racketeering conduct, including Maintaining a Controlled Dangerous Substance Facility, in violation of *N.J.S.A. 2C:35-4*, and Distribution and/or Possession of a Controlled Dangerous Substance with the Intent to Distribute, in violation of *N.J.S.A. 2C:35-5*. The pattern of racketeering activity involved a crime of the first degree, as set forth in counts four, five and/or six below.

COUNT FOUR

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED]  
[REDACTED]  
[REDACTED],

between October 20, 2014 and November 14, 2014, in the City of Linden, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly maintain or operate a premises, place or facility used for the manufacturing of a Schedule I narcotic: to wit, Heroin, namely 303 Richford Terrace, Linden, New Jersey; contrary to the provisions of *N.J.S.A. 2C:35-4*, and against the peace of this State, the Government and dignity of the same.

COUNT FIVE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED],  
between October 20, 2014 and November 14, 2014, in the Township of Union, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly maintain or operate a

premises, place or facility used for the manufacturing of a Schedule I narcotic: to wit, Heroin, namely 2165 Morris Avenue, Suite 20C, Union, New Jersey; contrary to the provisions of *N.J.S.A. 2C:35-4*, and against the peace of this State, the Government and dignity of the same.

COUNT SIX

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED], on or about

November 14, 2014, in the Cities of Linden and/or Elizabeth, and/or Township of Union, County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess with the intent to distribute a Controlled Dangerous Substance, namely Heroin, a Schedule I narcotic, in a quantity of five ounces or more; contrary to the provisions of *N.J.S.A. 2C:35-5a(1)* and *2C:35-5b(1)*, and against the peace of this State, the Government and dignity of the same.

COUNT SEVEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED], on or about November 6, 2014, in the City of Elizabeth, County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess with the intent to distribute a Controlled Dangerous Substance, namely Heroin, a Schedule I narcotic; in excess of half an ounce but less than five ounces; contrary to the provisions of *N.J.S.A. 2C:35-5a(1)* and *2C:35-5b(2)*, and against the peace of this State, the Government and dignity of the same.

COUNT EIGHT

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] between October 20, 2014

to November 14, 2014, in the Cities of Linden and/or Elizabeth, and/or Township of Union, County of Union, aforesaid, and within the jurisdiction of this Court, conspire with each other and/or another to commit the crime of Distribution of a Controlled Dangerous Substance, namely Heroin, a Schedule I narcotic, in excess of five ounces; contrary to the provisions of *N.J.S.A. 2C:5-2a(1)* and *2C:5-2a(2)* and *N.J.S.A. 2C:35-5a(1)* and *2C:35-5b(1)*, and against the peace of this State, the Government and dignity of the same.

COUNT NINE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED]  
[REDACTED]  
[REDACTED], between October 20, 2014 to

November 14, 2014, in the Cities of Linden and/or Elizabeth, and/or Township Union, County of Union, and within the jurisdiction of this Court, conspire with each other and/or another to commit the crime of Distribution of a Controlled Dangerous Substance, namely Heroin, a Schedule I narcotic; in excess of half an ounce but less than five ounces; contrary to the provisions of *N.J.S.A. 2C:5-2a(1)* and *2C:5-2a(2)* and

EOIR - 31 of 38

*N.J.S.A.* 2C:35-5a(1) and 2C:35-5b(2), and against the peace of this State, the Government and dignity of the same.

COUNT TEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED]  
[REDACTED]  
[REDACTED], on or about

November 14, 2014, in the Cities of Linden, Elizabeth and/or Union, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a controlled dangerous substance, namely, Heroin, Schedule I; contrary to the provisions of *N.J.S.A.* 2C:35-10a(1), and against the peace of this State, the Government and dignity of the same.

COUNT ELEVEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED], on or about November 7, 2014, in the Cities of Linden and/or Elizabeth, County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely distribute a Controlled Dangerous Substance, namely Heroin, a Schedule I narcotic, in a quantity of five ounces or more; contrary to the provisions of *N.J.S.A.* 2C:35-5a(1) and 2C:35-5b(1), and against the peace of this State, the Government and dignity of the same.

COUNT TWELVE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED], on or about November 7, 2014, in the Cities of Linden and/or Elizabeth, County of Union, aforesaid, and

within the jurisdiction of this Court, conspire with each other and/or another to commit the crime of Distribution of a Controlled Dangerous Substance, namely Heroin, a Schedule I narcotic, in excess of five ounces; contrary to the provisions of *N.J.S.A. 2C:5-2a(1)* and *2C:5-2a(2)* and *N.J.S.A. 2C:35-5a(1)* and *2C:35-5b(1)*, and against the peace of this State, the Government and dignity of the same.

COUNT THIRTEEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED], on or about November 6, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a controlled dangerous substance, namely, Heroin, Schedule I; contrary to the provisions of *N.J.S.A. 2C:35-10a(1)*, and against the peace of this State, the Government and dignity of the same.

COUNT FOURTEEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED]  
[REDACTED]  
[REDACTED], on or about November 14, 2014, in the City of Linden, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a Controlled Dangerous Substance, namely, Heroin, Schedule I, with the Intent to Distribute on or within 1,000 feet of property owned by, or leased to, an elementary or secondary school or school board and which is used for school purposes, namely Elizabeth Public School #50; contrary to the provisions of *N.J.S.A. 2C:35-7*, and against the peace of this State, the Government and dignity of the same.

COUNT FIFTEEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED]

on or about November 14, 2014, in the Township of Union, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a Controlled Dangerous Substance, namely, Heroin, Schedule I, with the Intent to Distribute on or within 1,000 feet of property owned by, or leased to, an elementary or secondary school or school board and which is used for school purposes, namely Burnet Middle School; contrary to the provisions of *N.J.S.A. 2C:35-7*, and against the peace of this State, the Government and dignity of the same.

COUNT SIXTEEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED], on or about November 6, 2014, in the City of Elizabeth, in

the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a Controlled Dangerous Substance, namely, Heroin, Schedule I, with the Intent to Distribute on or within 1,000 feet of property owned by, or leased to, an elementary or secondary school or school board and which is used for school purposes, namely Guadalupe School; contrary to the provisions of *N.J.S.A. 2C:35-7*, and against the peace of this State, the Government and dignity of the same.

COUNT SEVENTEEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED]

[REDACTED]

[REDACTED], on or

about November 14, 2014, in the City of Linden, in the County of Union, aforesaid, and within the

jurisdiction of this Court, did unlawfully and knowingly or purposely possess a Controlled Dangerous Substance, namely, Heroin, Schedule I, with the Intent to Distribute, in or within 500 feet of a public park, namely Hagel Park; contrary to the provisions of *N.J.S.A. 2C:35-7.1*, and against the peace of this State, the Government and dignity of the same.

**COUNT EIGHTEEN**

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED], on or about November 6, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a Controlled Dangerous Substance, namely, Heroin, Schedule I, with the Intent to Distribute on or within 500 feet of a public park, namely O'Brien Park and/or the Pruden Section of the Elizabeth River Parkway; contrary to the provisions of *N.J.S.A. 2C:35-7.1*, and against the peace of this State, the Government and dignity of the same.

**COUNT NINETEEN**

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED], on or about November 14, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, knowingly and unlawfully did possess a firearm while in the course of committing, attempting to commit or conspiring to commit the crime of Possession of a Controlled Dangerous Substance with the Intent to Distribute, in violation of *N.J.S.A. 2C:35-5*; contrary to the provisions of *N.J.S.A. 2C:35-4.1a*, and against the peace of this State, the Government and dignity of the same.

**COUNT TWENTY**

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED], on or about November 14, 2014, in the City of Elizabeth,

COUNT TWENTY-THREE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED]

on or about November 14, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, knowingly and unlawfully did possess a certain device, to wit: a firearm silencer; contrary to the provisions of *N.J.S.A. 2C:39-3c*, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-FOUR

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED], on or about November 14, 2014, in the City of

Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, knowingly and unlawfully did transport and/or sell a certain device, to wit: a firearm silencer; contrary to the provisions of *N.J.S.A. 2C:39-9c*, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-FIVE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED], on or about November 14, 2014, in the City of

Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, knowingly and unlawfully did possess a certain weapon, to wit: brass knuckles, under circumstances not manifestly appropriate for such lawful uses as it may have; contrary to the provisions of *N.J.S.A. 2C:39-5d*, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-SIX

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that

[REDACTED], on or about November 5, 2014, in the City of Elizabeth, in

in the County of Union, aforesaid, and within the jurisdiction of this Court, did knowingly and unlawfully possess a large capacity magazine without first having registered an assault firearm as provided in *N.J.S.A. 2C:58-12*; contrary to the provisions of *N.J.S.A. 2C:39-3j*, and against the peace of this State, the Government and dignity of the same.

**COUNT TWENTY-ONE**

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED] on or about November 6, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, knowingly and unlawfully did possess a firearm while in the course of committing, attempting to commit or conspiring to commit the crime of Possession of a Controlled Dangerous Substance with the Intent to Distribute, in violation of *N.J.S.A. 2C:35-5*; contrary to the provisions of *N.J.S.A. 2C:35-4.1a*, and against the peace of this State, the Government and dignity of the same.

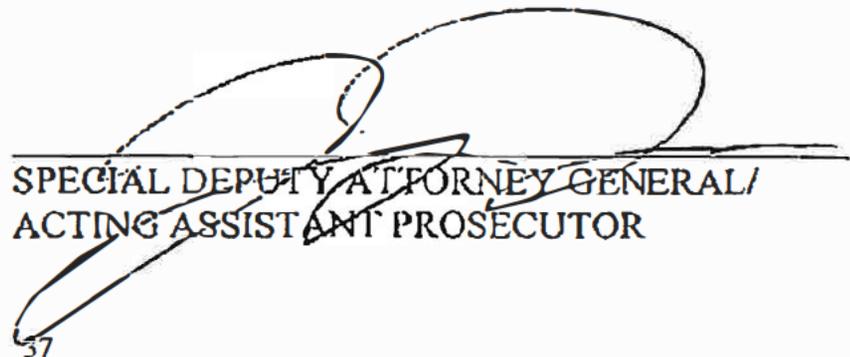
**COUNT TWENTY-TWO**

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED], on or about November 14, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, knowingly and unlawfully did possess a weapon, to wit: a Gamo bb gun, under circumstances not manifestly appropriate for such lawful uses as the weapon may have, while in the course of committing, attempting to commit or conspiring to commit the crime of Possession of a Controlled Dangerous Substance with the Intent to Distribute, in violation of *N.J.S.A. 2C:35-5*; contrary to the provisions of *N.J.S.A. 2C:35-4.1c*, and against the peace of this State, the Government and dignity of the same.

the County of Union, aforesaid, and within the jurisdiction of this Court, did threaten to kill [REDACTED] with the purpose to place her in imminent fear of death under circumstances reasonably causing her to believe the immediacy of the threat and the likelihood that it would be carried out; contrary to the provisions of *N.J.S.A. 2C:12-3b*, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-SEVEN

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that [REDACTED] on or about November 5, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, did knowingly and unlawfully possess a certain weapon, to wit: a handgun with the purpose to use it unlawfully against the person of [REDACTED]; contrary to the provisions of *N.J.S.A. 2C:39-4a(1)*, and against the peace of this State, the Government and dignity of the same.

  
SPECIAL DEPUTY ATTORNEY GENERAL/  
ACTING ASSISTANT PROSECUTOR

37

B21

Case: 22-1811 Document: 8-2 Page: 531 Date Filed: 05/16/2022

## **Appendix B-2**

**No. 16-06-00388-I**



# Judgment of Conviction & Order for Commitment

## Superior Court of New Jersey, UNION County

State of New Jersey

v.

Last Name

A [REDACTED]

First Name

A [REDACTED]

Middle Name

Also Known As

[REDACTED]

(Cont...)

Date of Birth

[REDACTED]

SBI Number

[REDACTED]

Date(s) of Offense

01/20/2016

Date of Arrest

PROMIS Number

16 000250-001

Date Ind / Acc / Complt Filed

06/14/2016

Original Plea

Not Guilty  Guilty

Date of Original Plea

06/27/2016

Adjudication By

Guilty Plea

Jury Trial Verdict

Non-Jury Trial Verdict

Dismissed / Acquitted

Date: 08/08/2017

### Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
16-06-00388-I	1	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
16-06-00388-I	2	POSS CDS - > 50G MARIJUANA, 5G HASHISH	2C:35-10A(3)	4
16-06-00388-I	3	CDS - MANU/DISTR/PWID - HEROIN/COCAINE - < .5OZ MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5B(3) 2C:35-5A(1)	3
16-06-00388-I	4	CDS - MANU/DISTR/PWID - MARIJ=/>10Z<5LB, HASH=/>5G<1LB MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5B(11) 2C:35-5A(1)	3
W-2016-000238-2004	901	USE/POSS W/INTENT TO USE DRUG PARAPHERNALIA	2C:36-2	DP

### Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
16-06-00388-I	1	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
16-06-00388-I	3	CDS - MANU/DISTR/PWID - HEROIN/COCAINE - < .5OZ MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5B(3) 2C:35-5A(1)	3

### Sentencing Statement

It is, therefore, on 01/12/2018 ORDERED and ADJUDGED that the defendant is sentenced as follows:

On Count 1:

- The Defendant is sentenced to 8 YEARS in the NJSP, with a 4 year parole disqualifier.
- Sentence is to run concurrent to Count 3.

On Count 3:

- The Defendant is sentenced to 8 YEARS in the NJSP, with a 4 year parole disqualifier.
- Sentence is to run concurrent to Count 1.

STATE OF NJ, COUNTY OF UNION, I, JAMES S. AGRO, DEPUTY CLERK, SUPERIOR COURT OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE. I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID COURT THIS 2017 DAY OF March 2017

JAMES S. AGRO

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term

008 Years 00 Months 000 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

**DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)**

A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)

DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))

	Standard	Doubled
1st Degree	_____ @ \$ _____	_____ @ \$ _____
2nd Degree	_____ @ \$ _____	_____ @ \$ _____
3rd Degree	2 @ \$ 1,000.00	_____ @ \$ _____
4th Degree	_____ @ \$ _____	_____ @ \$ _____
DP or Petty DP	_____ @ \$ _____	_____ @ \$ _____

Total DEDR Penalty \$ 2,000.00

The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)

Forensic Laboratory Fee (N.J.S.A. 2C:35-20)	Total Lab Fee
1 Offenses @ \$ 50.00	\$ 50.00

**VCCO Assessment (N.J.S.A. 2C:43-3.1)**

Counts	Number	Amount
1, 3	1 @	\$ 50.00
	@	\$ _____
	@	\$ _____
	@	\$ _____

Total VCCO Assessment \$ 50.00

**Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)**

Offense	Mandatory Penalty
	\$ _____

**Offense Based Penalties**

Penalty	Amount
	\$ _____

**Other Fees and Penalties**

Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) <input checked="" type="checkbox"/> \$ 30.00	Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2) <input checked="" type="checkbox"/> 1 Offenses @ \$ 75.00 Total: \$ 75.00
Probation Supervision Fee (N.J.S.A. 2C:45-1d) <input type="checkbox"/> \$ _____	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) <input type="checkbox"/> Offenses @ \$ _____ Total \$ _____
Transaction Fee (N.J.S.A. 2C:46-1.1) <input checked="" type="checkbox"/>	Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) <input type="checkbox"/> \$ _____
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) <input type="checkbox"/> \$ _____	Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) <input type="checkbox"/> \$ _____
Fine \$ _____	Total Financial Obligation \$ 2,205.00
Restitution Joint & Several \$ _____ <input type="checkbox"/>	

**Additional Conditions**

The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).

The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).

The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).

The defendant is hereby ordered to serve a \_\_\_\_\_ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).

The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires \_\_\_\_\_

The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).

The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).

The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).

**Findings Per N.J.S.A. 2C:47-3**

The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.

The court finds that the defendant is amenable to sex offender treatment.

The court finds that the defendant is willing to participate in sex offender treatment.

**License Suspension**

CDS / Paraphernalia (N.J.S.A. 2C:35-16)  Waived

Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)

Eluding (N.J.S.A. 2C:29-2)

Other

Number of Months \_\_\_\_\_  Non-resident driving privileges revoked

Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Details

Driver's License Number \_\_\_\_\_ Jurisdiction \_\_\_\_\_

If the court is unable to collect the license, complete the following:  
Defendant's Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Date of Birth \_\_\_\_\_ Sex  M  F Eye Color \_\_\_\_\_



**Continuation**

ALSO KNOWN AS (Cont.)

[REDACTED]

PROSECUTOR'S DOCKET NO. 16000250  
C.D.R. NO. W-2016-000233-2004, W-2016-000234-2004, W-2016-000239-2004,  
W-2016-000240-2004

GRACE H. PARK  
Acting Prosecutor of Union County  
32 Rahway Avenue  
Elizabeth, New Jersey 07202  
(908) 527-4500  
Attorney for the State of New Jersey

RECEIVED AND FILED  
SUPERIOR COURT, UNION COUNTY  
CRIMINAL DIVISION

JUN 14 2016

ROBERT EPPENSTEIN  
Criminal Division Manager

THE STATE OF NEW JERSEY

v.

A [REDACTED] A [REDACTED] and  
[REDACTED]

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - UNION COUNTY  
CRIMINAL

INDICTMENT NO.

16-06-00388

N.J.S.A. 2C:35-10a(1)

POSSESSION OF A CONTROLLED  
DANGEROUS SUBSTANCE  
(THIRD DEGREE)

N.J.S.A. 2C:35-10a(3)

POSSESSION OF A CONTROLLED  
DANGEROUS SUBSTANCE  
(FOURTH DEGREE)

N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(3)

POSSESSION OF A CONTROLLED  
DANGEROUS SUBSTANCE WITH INTENT  
TO DISTRIBUTE  
(THIRD DEGREE)

N.J.S.A. 2C:35-5a(1) and 2C:35-5b(11)

POSSESSION OF A CONTROLLED  
DANGEROUS SUBSTANCE WITH INTENT  
TO DISTRIBUTE  
(THIRD DEGREE)

STATE OF NJ, COUNTY OF UNION, I, JAMES S. AGRO,  
DEPUTY CLERK, SUPERIOR COURT OF NEW  
JERSEY, DO HEREBY CERTIFY THAT THIS IS A TRUE  
AND CORRECT COPY OF THE ORIGINAL ON FILE.  
I HAVE HEREUNTO SET MY HAND AND AFFIXED THE  
SEAL OF SAID COURT THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_

JAMES S. AGRO

COUNT ONE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that A [REDACTED] A [REDACTED] and [REDACTED], on January 20, 2016, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a controlled dangerous substance, namely, Heroin, Schedule I, and/or Pentylone, Schedule I, and/or Cocaine, Schedule II; contrary to the provisions of *N.J.S.A. 2C:35-10a(1)*, and against the peace of this State, the Government and dignity of the same.

COUNT TWO

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that A [REDACTED] A [REDACTED] and [REDACTED], on January 20, 2016, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a controlled dangerous substance, namely, marijuana in a quantity of over 50 grams; contrary to the provisions of *N.J.S.A. 2C:35-10a(3)*, and against the peace of this State, the Government and dignity of the same.

COUNT THREE

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that A [REDACTED] A [REDACTED] and [REDACTED], on January 20, 2016, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess with intent to distribute Heroin, Schedule I, and/or Pentylone, Schedule I, and/or Cocaine, Schedule II; contrary to the provisions of *N.J.S.A. 2C:35-5a(1)* and *N.J.S.A. 2C:35-5b(3)*, and against the peace of this State, the Government and dignity of the same.

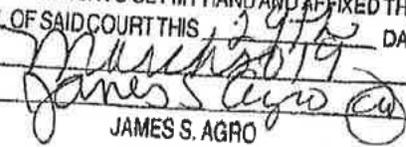
COUNT FOUR

The Grand Jurors of the State of New Jersey, for the County of Union, upon their oaths present that A [REDACTED] A [REDACTED] and [REDACTED] on January 20, 2016, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess with intent to distribute marijuana in a quantity of one ounce or more; contrary to the provisions of *N.J.S.A. 2C:35-5a(1)* and *N.J.S.A. 2C:35-5b(11)*, and against the peace of this State, the Government and dignity of the same.



SPECIAL DEPUTY ATTORNEY GENERAL/  
ACTING ASSISTANT PROSECUTOR

AS/dms

STATE OF NJ, COUNTY OF UNION, I, JAMES S. AGRO,  
DEPUTY CLERK, SUPERIOR COURT OF NEW  
JERSEY, DO HEREBY CERTIFY THAT THIS IS A TRUE  
AND CORRECT COPY OF THE ORIGINAL ON FILE.  
I HAVE HEREUNTO SET MY HAND AND AFFIXED THE  
SEAL OF SAID COURT THIS 29th DAY  
OF March 2019  
  
JAMES S. AGRO

## **Appendix B-3**

**No. 13-09-02295-I**



# Judgment of Conviction

## Superior Court of New Jersey, ESSEX County

State of New Jersey

v.

Last Name

First Name

Middle Name

██████████

C ██████████

G

Also Known As

Date of Birth

SBI Number

Date(s) of Offense

██████████

██████████

05/05/2013

Date of Arrest

PROMIS Number

Date Ind / Acc / Complt Filed

Original Plea

Date of Original Plea

13 003218-002

09/13/2013

Not Guilty  Guilty

10/21/2013

Adjudication By

Guilty Plea

Jury Trial Verdict

Non-Jury Trial Verdict

Dismissed / Acquitted

Date: 11/18/2013

### Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
13-09-02295-I	4	POSS SCHED I II III IV	2C:35-10A(1)	3
13-09-02295-I	5	POSS/DIST/MANUFACTURING/DISPENSING OF CDS	2C:35-5A(1)	3

### Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
13-09-02295-I	4	POSS SCHED I II III IV	2C:35-10A(1)	3

### Sentencing Statement

It is, therefore, on 03/07/2014 ORDERED and ADJUDGED that the defendant is sentenced as follows:

COUNT 4: PROBATION THREE (3) YEARS. MAINTAIN EMPLOYMENT; SUPPORT DEPENDANTS; NO WEAPONS; ENROLL/COMPLETE IN/OUT PATIENT PROG; 100 HRS COMMUNITY SERVICE. VCCB \$50.00, SNSF \$75.00, LEOP \$30.00, LAB \$50.00, DEDR \$1000.00, P/A \$15.00/MTH - TO BE PAID @ \$60.00/MTH

COUNT 5: DISMISSED.

JAIL CREDIT - 1 DAY

TRUE COPY

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term

Institution Name

Total Probation Term

000 Years 00 Months 000 Days

03 Years 00 Months

**DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)**

A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)

DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))

	Standard	Doubled
1st Degree	@ \$ _____	@ \$ _____
2nd Degree	@ \$ _____	@ \$ _____
3rd Degree	1 @ \$ 1,000.00	@ \$ _____
4th Degree	@ \$ _____	@ \$ _____
DP or Peltly DP	@ \$ _____	@ \$ _____

Total DEDR Penalty \$ 1,000.00

The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)

Forensic Laboratory Fee (N.J.S.A. 2C:35-20)	Total Lab Fee
1 Offenses @ \$ 50.00	\$ 50.00

**VCCA Assessment (N.J.S.A. 2C:43-3.1)**

Counts	Number	Amount
4	1 @	\$ 50.00
	@	\$ _____
	@	\$ _____
	@	\$ _____

Total VCCA Assessment \$ 50.00

**Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)**

Offense	Mandatory Penalty
	\$ _____

**Offense Based Penalties**

Penalty	Amount
	\$ _____

**Other Fees and Penalties**

Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)	Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2)	
<input checked="" type="checkbox"/> \$ 30.00	<input checked="" type="checkbox"/> 1 Offenses @ \$ 75.00	
	Total: \$ 75.00	
Probation Supervision Fee (N.J.S.A. 2C:45-1d)	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)	
<input checked="" type="checkbox"/> \$ 15.00	<input type="checkbox"/> Offenses @ \$ _____	
	Total \$ _____	
Transaction Fee (N.J.S.A. 2C:46-1.1)	Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)	
<input type="checkbox"/>	<input type="checkbox"/> \$ _____	
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)	Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)	
<input type="checkbox"/> \$ _____	<input type="checkbox"/> \$ _____	
Fine	Restitution	Total Financial Obligation
\$ _____	\$ _____	\$ 1,205.00

**Additional Conditions**

- The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20).
- The defendant is hereby sentenced to community supervision for life. (If offense occurred before 1/14/04) (N.J.S.A. 2C:43-6.4)
- The defendant is hereby sentenced to parole supervision for life. (If offense occurred on or after 1/14/04) (N.J.S.A. 2C:43-6.4).
- The defendant is hereby ordered to serve a \_\_\_\_\_ year term of parole supervision, which term shall begin as soon as defendant completes the sentence of incarceration. (N.J.S.A. 2C:43-7.2).
- The court imposes a restraining order pursuant to DORA. (N.J.S.A. 2C:35-5.7(h)). Restraining Order expires \_\_\_\_\_

**Findings Per N.J.S.A. 2C:47-3**

- The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.
- The court finds that the defendant is amenable to sex offender treatment.
- The court finds that the defendant is willing to participate in sex offender treatment.

**License Suspension**

- CDS / Paraphernalia (N.J.S.A. 2C:35-16)  Waived
- Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)
- Eluding (N.J.S.A. 2C:29-2)
- Other \_\_\_\_\_

Number of Months \_\_\_\_\_  Non-resident driving privileges revoked

Start Date \_\_\_\_\_ End Date \_\_\_\_\_

Details \_\_\_\_\_

Driver's License Number \_\_\_\_\_ Jurisdiction \_\_\_\_\_

If the court is unable to collect the license, complete the following:  
Defendant's Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Date of Birth \_\_\_\_\_ Sex  M  F Eye Color \_\_\_\_\_

Details \_\_\_\_\_

## **Appendix B-4**

**No. 18-10-00609-I**



## Judgment of Conviction & Order for Commitment

### Superior Court of New Jersey, UNION County

**State of New Jersey**
**v.**

Last Name

First Name

Middle Name

Also Known As

Date of Birth

SBI Number

Date(s) of Offense

Date of Arrest

PROMIS Number

Date Ind / Acc / Complt Filed

Original Plea

Date of Original Plea

18 002635-001

10/16/2018

 Not Guilty  Guilty

10/29/2018

Adjudication By



Guilty Plea



Jury Trial Verdict



Non Jury Trial Verdict



Dismissed / Acquitted

Date: 08/02/2019

#### Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
18-10-00609-I	1	UNLAWFUL POSS WEAPON- PRIOR CONV IN NERA	2C:39-5J	1
18-10-00609-I	2	PROHIBITED WEAPONS AND DEVICES - LARGE CAPACITY AMMO	2C:39-3J	4
18-10-00609-I	3	PROHIBITED WEAPONS AND DEVICES - HOLLOW NOSE/DUM-DUM	2C:39-3F(1)	4
18-10-00609-I	4	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
18-10-00609-I	5	CDS - MANU/DIST/PWID - HEROIN/COCAINE - < .5OZ MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5B(3) 2C:35-5A(1)	3
18-10-00609-I	6	CDS/ANALOG - DISTRIBUTE ON/NEAR SCHOOL PROPERTY/BUS	2C:35-7A	3

(Cont...)

#### Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
18-10-00609-I	1	UNLAWFUL POSS WEAPON- PRIOR CONV IN NERA	2C:39-5J	1
18-10-00609-I	6	CDS/ANALOG - DISTRIBUTE ON/NEAR SCHOOL PROPERTY/BUS	2C:35-7A	3

#### Sentencing Statement

It is, therefore, on 05/21/2020**ORDERED and ADJUDGED** that the defendant is sentenced as follows:

- AS TO COUNT 1: THE DEFENDANT IS COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS FOR A TERM OF 10 YEARS WITH 5 YEARS OF PAROLE INELIGIBILITY PURSUANT TO THE GRAVES ACT.
- AS TO COUNT 6: THE DEFENDANT IS COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS FOR A TERM OF 4 YEARS FLAT. THE DEFENDANT'S DRIVING PRIVILEGES ARE HEREBY SUSPENDED IN THE STATE OF NEW JERSEY FOR A PERIOD OF 6 MONTHS.
- COUNTS 1 AND 6 ARE TO RUN CONCURRENT TO EACH OTHER.
- THIS SENTENCE IS TO RUN CONSECUTIVE TO THE DEFENDANT'S PAROLE HIT.
- COUNTS 2, 3, 4, 5 AND 7 OF 18-10-00609-I ARE HEREBY DISMISSED.
- MOTOR VEHICLE CITATIONS E18-021412 AND E18-021413 ARE HEREBY DISMISSED.

 It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term

010 Years 00 Months 000 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

State of New Jersey v.

S.B.I. # [REDACTED] Ind / Acc / Compl # 18-10-00609-I

<b>DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)</b>		<b>Additional Conditions</b>																									
A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.) <input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35 15a(2))		<input checked="" type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1 20.20 and N.J.S.A. 53:1 20.29). <input type="checkbox"/> The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43 6.4). <input type="checkbox"/> The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43 6.4). <input type="checkbox"/> The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43 7.2). <input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35 5.7h). DORO expires _____ <input type="checkbox"/> The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14 12 or N.J.S.A. 2C:44 8). <input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12 10.1). <input type="checkbox"/> The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25 27c(1)).																									
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;"><b>Standard</b></td> <td style="width:50%; text-align: center;"><b>Doubled</b></td> </tr> <tr> <td>1st Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>2nd Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>3rd Degree _____ 1 @ \$ 1,000.00</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>4th Degree _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>DP or _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td>Petty DP _____ @ \$ _____</td> <td>_____ @ \$ _____</td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>Total DEDR Penalty \$ 1,000.00</b></td> </tr> </table> <input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35 15e)		<b>Standard</b>	<b>Doubled</b>	1st Degree _____ @ \$ _____	_____ @ \$ _____	2nd Degree _____ @ \$ _____	_____ @ \$ _____	3rd Degree _____ 1 @ \$ 1,000.00	_____ @ \$ _____	4th Degree _____ @ \$ _____	_____ @ \$ _____	DP or _____ @ \$ _____	_____ @ \$ _____	Petty DP _____ @ \$ _____	_____ @ \$ _____	<b>Total DEDR Penalty \$ 1,000.00</b>											
<b>Standard</b>	<b>Doubled</b>																										
1st Degree _____ @ \$ _____	_____ @ \$ _____																										
2nd Degree _____ @ \$ _____	_____ @ \$ _____																										
3rd Degree _____ 1 @ \$ 1,000.00	_____ @ \$ _____																										
4th Degree _____ @ \$ _____	_____ @ \$ _____																										
DP or _____ @ \$ _____	_____ @ \$ _____																										
Petty DP _____ @ \$ _____	_____ @ \$ _____																										
<b>Total DEDR Penalty \$ 1,000.00</b>																											
Forensic Laboratory Fee (N.J.S.A. 2C:35 20) Total Lab Fee 1 Offenses @ \$ 50.00 \$ 50.00																											
<b>VCCO Assessment (N.J.S.A. 2C:43-3.1)</b>																											
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:15%;">Counts</th> <th style="width:15%;">Number</th> <th style="width:15%;">Amount</th> <th style="width:55%;"></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1 @</td> <td>\$ 50.00</td> <td></td> </tr> <tr> <td>6</td> <td>1 @</td> <td>\$ 50.00</td> <td></td> </tr> <tr> <td></td> <td>@</td> <td>\$</td> <td></td> </tr> <tr> <td></td> <td>@</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>Total VCCO Assessment \$ 100.00</b></td> </tr> </tbody> </table>				Counts	Number	Amount		1	1 @	\$ 50.00		6	1 @	\$ 50.00			@	\$			@	\$		<b>Total VCCO Assessment \$ 100.00</b>			
Counts	Number	Amount																									
1	1 @	\$ 50.00																									
6	1 @	\$ 50.00																									
	@	\$																									
	@	\$																									
<b>Total VCCO Assessment \$ 100.00</b>																											
<b>Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)</b>																											
Offense		Mandatory Penalty \$ _____																									
<b>Offense Based Penalties</b>																											
Penalty		Amount \$ _____																									
<b>Other Fees and Penalties</b>																											
Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43 3.3) <input checked="" type="checkbox"/> \$ 30.00		Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43 3.2) <input checked="" type="checkbox"/> 2 Offenses @ \$ 75.00 Total: \$ 150.00																									
Probation Supervision Fee (N.J.S.A. 2C:45 1d) <input type="checkbox"/> \$ _____		Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43 3.6) <input type="checkbox"/> Offenses @ \$ _____ Total \$ _____																									
Transaction Fee (N.J.S.A. 2C:46 1.1) <input type="checkbox"/>																											
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25 29.4) <input type="checkbox"/> \$ _____		Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43 3.7) <input type="checkbox"/> \$ _____																									
Fine \$ _____		Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14 10) <input type="checkbox"/> \$ _____																									
Restitution Joint & Several \$ _____ <input type="checkbox"/>		Total Financial Obligation \$ 1,330.00																									
Details																											
Number of Months 6 <input type="checkbox"/> Non resident driving privileges revoked																											
Start Date 05/21/2020		End Date 11/21/2020																									
Details																											
Driver's License Number		Jurisdiction																									
If the court is unable to collect the license, complete the following: Defendant's Address 129 CHANCELLOR AVE APT D3																											
City NEWARK		State NJ	Zip 07112-1940																								
Date of Birth [REDACTED]		Sex <input type="checkbox"/> M <input type="checkbox"/> F	Eye Color																								

State of New Jersey v.

S.B.I. # [REDACTED] Ind / Acc / Compl # 18-10-00609-I

**Time Credits**

<b>Time Spent in Custody</b> <i>R. 3:21-8</i> Date: From                      To 07/18/2019                07/19/2019 03/20/2020                05/20/2020  Total Number of Days        64	<b>Gap Time Spent in Custody</b> <i>N.J.S.A. 2C:44-5b(2)</i> Date: From                      To  Total Number of Days _____  <b>Rosado Time</b> Date: From                      To  Total Number of Days _____	<b>Prior Service Credit</b>  Date: From                      To  Total Number of Days _____
--	---	---

**Statement of Reasons - Include all applicable aggravating and mitigating factors**

## AGGRAVATING FACTORS

3. The risk that the defendant will commit another offense.
6. The extent of the defendant's prior criminal record and the seriousness of the offenses of which he/she has been convicted.
9. The need for deterring the defendant and others from violating the law.
- THIS COURT FINDS THAT AGGRAVATING FACTORS 3, 6 AND 9 OUTWEIGHS THE NON-EXISTENT MITIGATING FACTORS. THIS IS THE RESULT OF THE NEGOTIATION BETWEEN DEFENSE AND THE STATE AND, ALTHOUGH A GREATER SENTENCE CAN BE IMPOSED, THE DEFENDANT IS RECEIVING THE BENEFIT OF THE PLEA AGREEMENT.
- THE JAIL CREDITS AWARDED FROM MARCH 20, 2020 THROUGH MAY 20, 2020 ARE HEREBY AWARDED TO THE DEFENDANT WITH THE AGREEMENT OF THE STATE, DEFENSE AND THIS COURT IN THE INTERSET OF JUSTICE DUE TO THE COVID-19 PANDEMIC.

Attorney for Defendant at Sentencing MICHAEL B CAMPAGNA	Public Defender <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Prosecutor at Sentencing ESTRELLA LOPEZ	Deputy Attorney General <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Judge at Sentencing Lisa Walsh, J.S.C.	
Judge (Signature) /s Lisa Walsh, J.S.C.	Date 06/05/2020

State of New Jersey v.

S.B.I. # [REDACTED] Ind / Acc / Compl # 18-10-00609-I

**Continuation**

ORIGINAL CHARGES (Cont.)

Ind / Acc / Compl	Count	Description	Statute	Degree
18-10-00609-I	7	POSSESSION OF FIREARM WHILE COMMITTING CDS/BIAS CRIME	2C:39-4.1A	2

**Appendix B-5**  
**No. 19-04-00313**



## Judgment of Conviction & Order for Commitment

### Superior Court of New Jersey, MORRIS County

**State of New Jersey** v.

Last Name: C. [REDACTED] First Name: M. [REDACTED] Middle Name: A

Also Known As: \_\_\_\_\_

Date of Birth: [REDACTED] SBI Number: [REDACTED] Date(s) of Offense: 10/16/2018

Date of Arrest: \_\_\_\_\_ PROMIS Number: 18 001743-001 Date Ind / Acc / Complt Filed: 04/15/2019 Original Plea:  Not Guilty  Guilty Date of Original Plea: \_\_\_\_\_

Adjudication By:  Guilty Plea  Jury Trial Verdict  Non-Jury Trial Verdict  Dismissed / Acquitted Date: 04/15/2019

**Original Charges**

Ind / Acc / Complt	Count	Description	Statute	Degree
19-04-00313-A	1	CDS - MANU/DIST/PWID - HEROIN/COCAINE - .50Z TO <50Z	2C:35-5B(2)	2
		MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	
W-2018-000310-1436	4	USE/POSS W/INTENT TO USE DRUG PARAPHERNALIA	2C:36-2	DP
W-2018-000310-1436	2	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
W-2018-000310-1436	3	MONEY LAUNDERING-TRANSP/POSSESS CRIM PROP: UNDER \$75K	2C:21-25A	3

**Final Charges**

Ind / Acc / Complt	Count	Description	Statute	Degree
19-04-00313-A	1	CDS - MANU/DIST/PWID - HEROIN/COCAINE - .50Z TO <50Z	2C:35-5B(2)	2
		MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	

**Sentencing Statement**

It is, therefore, on 10/18/2019 **ORDERED and ADJUDGED** that the defendant is sentenced as follows:  
 On Count 1, the Defendant is sentenced as a third degree offender and is committed to the custody of the Commissioner of the Department of Corrections for a period of 3 years flat, with credit for time served of 2 days, which credit has been agreed to by the State and Defendant. Defendant must provide a DNA sample, if not already done, and pay all costs associated with that testing.

Loss of NJ Driving Privileges for a period of 6 months.

Pay \$50 VCCA; \$75 SNSF; \$30 LEOTEF; 2000 DEDR; \$50 Lab Fee; \$2 Transaction Fee. All fines are to be collected through the DOC.

Dismiss: Count 2, Count 3 and Count 4 of W-2018-000310-1436;

Dismiss: MV #1436-R-75613 and MV #1436-R-75614.

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term 003 Years 00 Months 000 Days	Institution Name CARE COMMISS/CORR	Total Probation Term 00 Years 00 Months
--	---------------------------------------	--

**DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)**

A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)

DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))

	Standard	Doubled
1st Degree	_____ @ \$ _____	_____ @ \$ _____
2nd Degree	<u>1</u> @ \$ 2,000.00	_____ @ \$ _____
3rd Degree	_____ @ \$ _____	_____ @ \$ _____
4th Degree	_____ @ \$ _____	_____ @ \$ _____
DP or Petty DP	_____ @ \$ _____	_____ @ \$ _____

Total DEDR Penalty \$ 2,000.00

The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)

Forensic Laboratory Fee (N.J.S.A. 2C:35-20)	Total Lab Fee
<u>1</u> Offenses @ \$ 50.00	\$ 50.00

**VCCO Assessment (N.J.S.A. 2C:43-3.1)**

Counts	Number	Amount
<u>1</u>	<u>1</u> @	\$ 50.00
_____	_____ @	\$ _____
_____	_____ @	\$ _____
_____	_____ @	\$ _____

Total VCCO Assessment \$ 50.00

**Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)**

Offense	Mandatory Penalty
_____	\$ _____

**Offense Based Penalties**

Penalty	Amount
_____	\$ _____

**Other Fees and Penalties**

Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)	Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2)
<input checked="" type="checkbox"/> \$ 30.00	<input checked="" type="checkbox"/> <u>1</u> Offenses @ \$ 75.00 Total: \$ 75.00
Probation Supervision Fee (N.J.S.A. 2C:45-1d)	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)
<input type="checkbox"/> \$ _____	<input type="checkbox"/> _____ Offenses @ \$ _____ Total \$ _____
Transaction Fee (N.J.S.A. 2C:46-1.1)	Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)
<input checked="" type="checkbox"/>	<input type="checkbox"/> \$ _____
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)	Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)
<input type="checkbox"/> \$ _____	<input type="checkbox"/> \$ _____
Fine	Total Financial Obligation
\$ _____	\$ 2,205.00
Restitution Joint & Several <input type="checkbox"/>	
\$ _____	

**Additional Conditions**

The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).

The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).

The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).

The defendant is hereby ordered to serve a \_\_\_\_\_ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).

The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires \_\_\_\_\_

The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).

The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).

The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).

**Findings Per N.J.S.A. 2C:47-3**

The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.

The court finds that the defendant is amenable to sex offender treatment.

The court finds that the defendant is willing to participate in sex offender treatment.

**License Suspension**

CDS / Paraphernalia (N.J.S.A. 2C:35-16)  Waived

Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)

Eluding (N.J.S.A. 2C:29-2)

Other

Number of Months 6  Non-resident driving privileges revoked

Start Date	End Date
10/18/2019	04/18/2020

Details

Driver's License Number	Jurisdiction
XXXXXXXXXXXX	XX

If the court is unable to collect the license, complete the following:

Defendant's Address  
117 KENDALL COURT

City	State	Zip
DOVER	NJ	07801-0000

Date of Birth	Sex	Eye Color
11/17/1982	<input type="checkbox"/> M <input type="checkbox"/> F	

Details



A

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION—CRIMINAL  
MORRIS COUNTY

THE STATE OF NEW JERSEY,  
Plaintiff,  
vs.  
M. [REDACTED] A. [REDACTED]  
Defendant.

Case no. 18001743

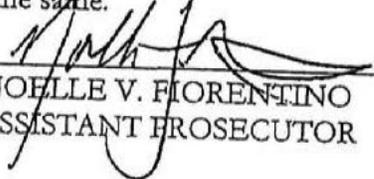
ACCUSATION NO. 19-04-00313-A

M. [REDACTED] A. [REDACTED] having been charged upon oath before a Judge in the said County of Morris with Possession one-half ounce or more, but less than five ounces of CDS with Intent to Distribute, and having in writing, addressed to the County Prosecutor, waived indictment and trial by jury and requested to be tried upon said charge(s) by the Court, and said request having been duly reported and granted:

COUNT ONE

(Possession of CDS with Intent to Distribute – Second Degree)

The County Prosecutor of said County of Morris alleges that the said M. [REDACTED] A. [REDACTED] on or about October 16, 2018, in the Township of Roxbury, in the County of Morris, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess a controlled dangerous substance, namely, Cocaine, Schedule II, in a quantity of one-half ounce or more but less than five ounces, with the intent to distribute same, a crime of the Second Degree, contrary to the provisions of N.J.S. 2C:35-5a(1) and N.J.S. 2C:35-5b(2), and against the peace of this State, the Government and dignity of the same.

  
NOELLE V. FIORENTINO  
ASSISTANT PROSECUTOR

CASE NO. 18-1743

ACCUSATION NO. 19-04-00313-A

SUPERIOR COURT OF NEW JERSEY  
(LAW DIVISION - CRIMINAL)  
MORRIS COUNTY

---

THE STATE OF NEW JERSEY,  
Plaintiff,

vs.

M. [REDACTED] A. C. [REDACTED]

Defendant

---

ACCUSATION FOR

Possession of one-half ounce or more but less  
than five ounces of CDS with Intent to  
Distribute

---

FREDRIC M. KNAPP, ESQ.  
Attorney ID No.: 013641978  
COUNTY PROSECUTOR

---

BY: NOELLE V. FIORENTINO  
ASSISTANT PROSECUTOR  
Attorney ID No.: 028142008

**22-1779**

**APPENDIX C**

**DECLARATION OF  
AMELIA MARRITZ**

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

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MARIANO BROWN,

Petitioner,

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA,

Respondent.

---

Case No. 22-1779

**DECLARATION OF AMELIA MARRITZ  
IN SUPPORT OF BRIEF AS *AMICI CURIAE* IN SUPPORT OF  
PETITIONER**

I, Amelia Marritz, declare, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am a licensed attorney admitted to practice in the State of New York and before the United States Court of Appeals for the Third Circuit. I am a Senior Attorney at the Immigrant Defense Project and counsel for *amici* in the above-captioned matter. My address is P.O. Box 1765, New York, NY 10027.
2. In support of our brief, *amici* sought and obtained record of conviction documents from New Jersey criminal cases under New Jersey controlled dangerous substance statutes.

3. I received the following documents directly from attorneys who have access to such records either through their own clients or through an online system available to attorneys licensed in New Jersey.
  - a. Appendix B-2: I received these documents directly from an attorney who represents the individual defendant in that case in immigration proceedings.
  - b. Appendix B-3: I received these documents directly from an attorney who represents the individual defendant in that case in immigration proceedings.
  - c. Appendix B-4: I received these documents directly from an attorney who obtained them from New Jersey's attorney-access portal.
  - d. Appendix B-5: I received these documents directly from an attorney who represents the individual defendant in that case in immigration proceedings.
4. The documents at Appendix B-1 are part of the administrative record in   
.
5. As a measure of protection to the individual defendants identified in these documents, their attorneys and I redacted identifying information, including name other than initials, date of birth, and identification number. We made no other modifications to these documents.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: September 3, 2022

/s/ Amelia Marritz

Amelia Marritz

**CERTIFICATE OF SERVICE**

I, Andrew Wachtenheim, Attorney for *Amici Curiae*, certify that I served the  
forgoing

APPENDIX TO BRIEF OF THE AMERICAN IMMIGRATION COUNCIL,  
CAPITAL AREA IMMIGRANTS' RIGHTS COALITION, HIAS  
PENNSYLVANIA, IMMIGRANT DEFENSE PROJECT, THE NATIONAL  
IMMIGRATION PROJECT OF THE NATIONAL LAWYERS GUILD,  
PENNSYLVANIA IMMIGRATION RESOURCE CENTER, AND  
PROFESSORS KATE EVANS AND JOANNE GOTTESMAN AS *AMICI  
CURIAE* IN SUPPORT OF PETITIONER, and attachments, electronically via  
ECF, pursuant to L.A.R. 25.1 and L.A.R. Misc. 113.4, on:

Kristen A. Giuffreda Chapman, Esq.  
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Civil Division  
U.S. Department of Justice  
P.O. Box 878, Ben Franklin Station  
Washington, D.C. 20044  
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Brittany Castle  
American Friends Service Committee  
Immigrant Rights Program  
570 Broad Street, Suite 1001  
Newark, NJ 07102  
(973) 643-3079

September 8, 2022

/s/Andrew Wachtenheim  
Andrew Wachtenheim, Esq. (NY ID  
4916813)

Immigrant Defense Project  
P.O. Box 1765  
New York, NY 10027  
Phone: (212) 725-6422

Attorney for *Amici Curiae*