

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

MARIANO BROWN,

Petitioner,

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA,

Respondent.

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

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

AMELIA MARRITZ, ESQ.
ANDREW WACHTENHEIM, ESQ.
IMMIGRANT DEFENSE PROJECT
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September 3, 2022

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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.

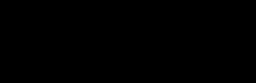
Amicus **Kate Evans** is a Clinical Professor of Law and the Director of the Immigrant Rights Clinic at the Duke University School of Law (for identification purposes only).

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**

UNN-14-00336 8/09/2019 4:22:10 PM Pg 1 of 4 Tra : CRM2019699476

 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]		First Name [REDACTED]		Middle Name J	
A [REDACTED]					
D [REDACTED]		Number [REDACTED]		Date(s) of Offense 11/14/2014	
Date of Arrest 01/05/1989		PROMIS Number 14 003383-003		Date Ind / Acc / Compl Filed 03/04/2015	
				Original Plea <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty	
				Date of Original Plea 04/21/2015	
Adjudication By <input checked="" type="checkbox"/> Guilty Plea <input type="checkbox"/> Jury Trial Verdict <input type="checkbox"/> Non-Jury Trial Verdict <input type="checkbox"/> 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 - MANUF/DIST/PWID - HEROIN/COCAINE - =/> 50Z	2C:35-5B(1)	1	
15- [REDACTED] -I	8	CONSPIRACY - AGREE/ENGAGE IN CONDUCT CONSTITUTE A CRIME	2C:5-2A(1)	2	
15- [REDACTED] -I	8	CDS - MANUF/DIST/PWID - HEROIN/COCAINE - =/> 50Z	2C:35-5B(1)	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 - MANUF/DIST/PWID - HEROIN/COCAINE - =/> 50Z	2C:35-5B(1)	1	
Sentencing Statement					
It is, therefore, on <u>06/21/2019</u> 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.					
<input checked="" type="checkbox"/> 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	
New Jersey Judiciary, Revised Form Effective August 1, 2017, CN: 10070 Copies to: County Probation Division Defendant Defense Counsel Prosecutor State Parole Board Dept of Corrections or County Penal Institution Juvenile Justice Commission					

B1

State of New Jersey v.
GAYLE, RICARDO J

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

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																			
<p>A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)</p> <p><input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))</p> <table style="width:100%;"> <tr> <th></th> <th style="text-align: center;">Standard</th> <th style="text-align: center;">Doubled</th> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>DP or Petty DP</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> </table> <p style="text-align: center;">Total DEDR Penalty \$</p> <p><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)</p>			Standard	Doubled	1st Degree	@ \$	@ \$	2nd Degree	@ \$	@ \$	3rd Degree	@ \$	@ \$	4th Degree	@ \$	@ \$	DP or Petty DP	@ \$	@ \$	<p><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).</p> <p><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).</p> <p><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).</p> <p><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).</p> <p><input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____</p> <p><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).</p> <p><input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).</p> <p><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)).</p>	
	Standard	Doubled																			
1st Degree	@ \$	@ \$																			
2nd Degree	@ \$	@ \$																			
3rd Degree	@ \$	@ \$																			
4th Degree	@ \$	@ \$																			
DP or Petty DP	@ \$	@ \$																			
<p>Forensic Laboratory Fee (N.J.S.A. 2C:35-20) _____ Total Lab Fee \$ _____</p> <p>Offenses @ \$ _____</p>																					
VCCO Assessment (N.J.S.A. 2C:43-3.1)																					
Counts	Number	Amount																			
	@	\$ 50.00																			
	@	\$																			
	@	\$																			
	@	\$																			
Total VCCO Assessment \$																					
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																					
<p>Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2)</p> <p><input type="checkbox"/> _____ Offenses @ \$ _____</p> <p style="text-align: center;">Total: \$ _____</p>																			
<p>Probation Supervision Fee (N.J.S.A. 2C:45-1d)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)</p> <p><input type="checkbox"/> _____ Offenses @ \$ _____</p> <p style="text-align: center;">Total \$ _____</p>																			
<p>Transaction Fee (N.J.S.A. 2C:46-1.1)</p> <p><input type="checkbox"/> \$ _____</p>																					
<p>Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)</p> <p><input type="checkbox"/> \$ _____</p>		<p>Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)</p> <p><input type="checkbox"/> \$ _____</p>																			
<p>Fine</p> <p>\$ _____</p>		<p>Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)</p> <p><input type="checkbox"/> \$ _____</p>																			
<p>Restitution Joint & Several</p> <p>\$ _____ <input type="checkbox"/></p>		<p>Total Financial Obligation</p> <p>\$ _____</p>																			
Details																					
<p>License Suspension</p> <p><input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35-18) <input type="checkbox"/> Waived</p> <p><input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)</p> <p><input type="checkbox"/> Eluding (N.J.S.A. 2C:29-2)</p> <p><input type="checkbox"/> Other _____</p>																					
Number of Months		<input type="checkbox"/> 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 <input type="checkbox"/> M <input type="checkbox"/> F	Eye Color																		

New Jersey Judiciary, Revised Form Effective August 1, 2017, CN: 10070
Copies to: County Probation Division Defendant Defense Counsel Prosecutor State Parole Board Dept of Corrections or County Penal Institution Juvenile Justice Commission

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S.B.I. # Ind / Acc / Complt # 15

Time Credits**Time Spent in Custody**

R. 3:21-8

Date: From - To
11/14/2014 - 10/06/2017**Gap Time Spent in Custody**

N.J.S.A. 2C:44-5b(2)

Date: From - To

Total Number of Days

Rosado Time

Date: From - To

Total Number of Days

Prior Service Credit

Date: From - To

Total Number of Days

Total Number of Days 1058

Statement of Reasons - Include all applicable aggravating and mitigating factors**Attorney for Defendant at Sentencing**

WANDA MOLINA

Public Defender☒ Yes ☐ No**Prosecutor at Sentencing**

PETER BENZA

Deputy Attorney General☐ Yes ☒ No**Judge at Sentencing**

Robert Kirsch, J.S.C.

Judge (Signature)

/s Robert Kirsch, J.S.C.

Date

08/09/2019

UNN-14-00336 8/09/2019 4:22:10 PM Pg 4 of 4 Tra : CRM2019699476

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



Administrative Office of the Courts

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

njcourts.gov • Tel: 609-815-2900 ext. 54200 •

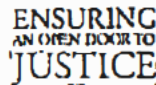
Superior Court Certification

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 1ST 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



C.D.R. NOS.

Attorney for the State of New Jersey

v.

CRIMINAL

15-03-001801

(FIRST DEGREE) (ONE COUNT)

(FIRST DEGREE) (ONE COUNT)

(FIRST DEGREE) (ONE COUNT)

(FIRST DEGREE) (TWO COUNTS)

POSSESSION OF A CONTROLLED DANGEROUS

000516

: 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)

-2-

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

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]
[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

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 / Compl 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 / Compl	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/DIST/PWID - HEROIN/COCAINE - < .50Z 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/DIST/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 / Compl	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/DIST/PWID - HEROIN/COCAINE - < .50Z 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 20th DAY
OF MARCH 2019

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)

1 Offenses @ \$ 50.00

Total Lab Fee

\$ 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)

☒ \$ 30.00

Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2)

☒ 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)

☐ Offenses @ \$

Total \$

Transaction Fee (N.J.S.A. 2C:46-1.1)

☒

Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)

☐ \$

Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)

☐ \$

Fine

\$

Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)

☐ \$

Restitution

Joint & Several

\$

☐

Total Financial Obligation

\$ 2,205.00

Details

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

Time Credits

Time Spent in Custody R. 3:21-8

Date: From - To
01/20/2016 - 05/27/2016
08/08/2017 - 01/11/2018

Total Number of Days 286

Gap Time Spent in Custody N.J.S.A. 2C:44-5b(2)

Date: From - To

Total Number of Days

Rosado Time

Date: From - To

Total Number of Days

Prior Service Credit

Date: From - To

Total Number of Days

Statement of Reasons - Include all applicable aggravating and mitigating factors

- The Court is clearly convinced that aggravating factors 3, 9 and 6 outweigh the nonexistent mitigating factors.

Attorney for Defendant at Sentencing

[REDACTED]

Public Defender

☐ Yes ☒ No

Prosecutor at Sentencing

KATHLEEN A DILLON

Deputy Attorney General

☐ Yes ☒ No

Judge at Sentencing

Robert Kirsch, J.S.C.

Judge (Signature)

/s Robert Kirsch, J.S.C.

Date

01/19/2018

State of New Jersey v.

A [REDACTED], A [REDACTED]

S.B.I. # [REDACTED] Ind / Acc / Complt # 16-06-00388-I

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.

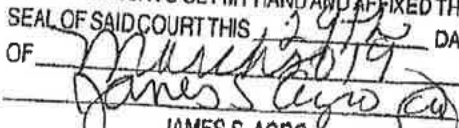
COUNT FOUR

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

C ██████████

Middle Name

G

Also Known As

Date of Birth

██████████

SBI Number

██████████

Date(s) of Offense

05/05/2013

Date of Arrest

PROMIS Number

13 003218-002

Date Ind / Acc / Complt Filed

09/13/2013

Original Plea

☒ Not Guilty

☐ Guilty

Date of Original Plea

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 SCHD 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 SCHD 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

000 Years 00 Months 000 Days

Institution Name

Total Probation Term

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	@ \$	@ \$
Petty 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)

☒ \$ 30.00

Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2)

☒ 1 Offenses @ \$ 75.00

Total: \$ 75.00

Probation Supervision Fee (N.J.S.A. 2C:45-1d)

☒ \$ 15.00

Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)

☐ Offenses @ \$

Total \$

Transaction Fee (N.J.S.A. 2C:46-1.1)

☐

Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)

☐ \$

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)

☐ \$

Fine

\$

Restitution

\$

Total Financial Obligation

\$ 1,205.00

Details

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

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

07/18/2018

Date of Arrest

PROMIS Number

18 002635-001

Date Ind / Acc / Complt Filed

10/16/2018

Original Plea

☒ Not Guilty

☐ Guilty

Date of Original Plea

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 - < .50Z	2C:35-5B(3)	3
		MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	
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. # Ind / Acc / Compl # 18-10-00609-I

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																									
<p>A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)</p> <p><input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35 15a(2))</p> <table style="width:100%;"> <tr> <th></th> <th style="text-align: center;">Standard</th> <th></th> <th style="text-align: center;">Doubled</th> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">@ \$</td> <td></td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">@ \$</td> <td></td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">1 @ \$ 1,000.00</td> <td></td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">@ \$</td> <td></td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>DP or Petty DP</td> <td style="text-align: center;">@ \$</td> <td></td> <td style="text-align: center;">@ \$</td> </tr> </table> <p style="text-align: right;">Total DEDR Penalty \$ 1,000.00</p> <p><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)</p>			Standard		Doubled	1st Degree	@ \$		@ \$	2nd Degree	@ \$		@ \$	3rd Degree	1 @ \$ 1,000.00		@ \$	4th Degree	@ \$		@ \$	DP or Petty DP	@ \$		@ \$	<p><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).</p> <p><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).</p> <p><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).</p> <p><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).</p> <p><input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35 5.7h). DORO expires _____</p> <p><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).</p> <p><input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12 10.1).</p> <p><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)).</p>	
	Standard		Doubled																								
1st Degree	@ \$		@ \$																								
2nd Degree	@ \$		@ \$																								
3rd Degree	1 @ \$ 1,000.00		@ \$																								
4th Degree	@ \$		@ \$																								
DP or Petty DP	@ \$		@ \$																								
<p>Forensic Laboratory Fee (N.J.S.A. 2C:35 20)</p> <p>1 Offenses @ \$ 50.00</p>		<p>Total Lab Fee</p> <p>\$ 50.00</p>																									
VCCO Assessment (N.J.S.A. 2C:43-3.1)																											
Counts	Number	Amount																									
1	1 @	\$ 50.00																									
6	1 @	\$ 50.00																									
	@	\$																									
	@	\$																									
Total VCCO Assessment \$ 100.00																											
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																											
<p>Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43 3.3)</p> <p><input checked="" type="checkbox"/> \$ 30.00</p>		<p>Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43 3.2)</p> <p><input checked="" type="checkbox"/> 2 Offenses @ \$ 75.00</p> <p style="text-align: right;">Total: \$ 150.00</p>																									
<p>Probation Supervision Fee (N.J.S.A. 2C:45 1d)</p> <p><input type="checkbox"/> \$</p>		<p>Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43 3.6)</p> <p><input type="checkbox"/> Offenses @ \$</p> <p style="text-align: right;">Total \$</p>																									
<p>Transaction Fee (N.J.S.A. 2C:46 1.1)</p> <p><input type="checkbox"/></p>																											
<p>Domestic Violence Offender Surcharge (N.J.S.A. 2C:25 29.4)</p> <p><input type="checkbox"/> \$</p>		<p>Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43 3.7)</p> <p><input type="checkbox"/> \$</p>																									
<p>Fine</p> <p>\$</p>		<p>Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14 10)</p> <p><input type="checkbox"/> \$</p>																									
<p>Restitution Joint & Several</p> <p>\$ <input type="checkbox"/></p>		<p>Total Financial Obligation</p> <p>\$ 1,330.00</p>																									
Details																											
License Suspension																											
<p><input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35 16)</p> <p><input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20 2.1)</p> <p><input type="checkbox"/> Eluding (N.J.S.A. 2C:29 2)</p> <p><input type="checkbox"/> Other</p>		<p><input type="checkbox"/> Waived</p>																									
Number of Months		<input type="checkbox"/> Non resident driving privileges revoked																									
6																											
Start Date		End Date																									
05/21/2020		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		State	Zip																								
NEWARK		NJ	07112-1940																								
Date of Birth		Sex	Eye Color																								
		<input type="checkbox"/> M <input type="checkbox"/> F																									

State of New Jersey v.

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

Time Credits

Time Spent in Custody R. 3:21-8 Date: From To 07/18/2019 07/19/2019 03/20/2020 05/20/2020 Total Number of Days <u>64</u>	Gap Time Spent in Custody N.J.S.A. 2C:44-5b(2) Date: From To Total Number of Days _____ Rosado Time Date: From To Total Number of Days _____	Prior Service Credit 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 / Compl 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 / Compl	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 / Compl	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.) <input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2)) <table style="width:100%;"><thead><tr><th></th><th>Standard</th><th>Doubled</th></tr></thead><tbody><tr><td>1st Degree</td><td>@ \$</td><td>@ \$</td></tr><tr><td>2nd Degree</td><td>1 @ \$ 2,000.00</td><td>@ \$</td></tr><tr><td>3rd Degree</td><td>@ \$</td><td>@ \$</td></tr><tr><td>4th Degree</td><td>@ \$</td><td>@ \$</td></tr><tr><td>DP or Petty DP</td><td>@ \$</td><td>@ \$</td></tr></tbody></table> <p style="text-align: right;">Total DEDR Penalty \$ 2,000.00</p> <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	1 @ \$ 2,000.00	@ \$	3rd Degree	@ \$	@ \$	4th Degree	@ \$	@ \$	DP or Petty DP	@ \$	@ \$	Additional Conditions <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)).	
	Standard	Doubled																			
1st Degree	@ \$	@ \$																			
2nd Degree	1 @ \$ 2,000.00	@ \$																			
3rd Degree	@ \$	@ \$																			
4th Degree	@ \$	@ \$																			
DP or Petty DP	@ \$	@ \$																			
Forensic Laboratory Fee (N.J.S.A. 2C:35-20) 1 Offenses @ \$ 50.00		Total Lab Fee \$ 50.00																			
VCCO Assessment (N.J.S.A. 2C:43-3.1) <table style="width:100%;"><thead><tr><th>Counts</th><th>Number</th><th>Amount</th></tr></thead><tbody><tr><td>1</td><td>1 @</td><td>\$ 50.00</td></tr><tr><td></td><td>@</td><td>\$</td></tr><tr><td></td><td>@</td><td>\$</td></tr><tr><td></td><td>@</td><td>\$</td></tr></tbody></table> <p style="text-align: right;">Total VCCO Assessment \$ 50.00</p>				Counts	Number	Amount	1	1 @	\$ 50.00		@	\$		@	\$		@	\$			
Counts	Number	Amount																			
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Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1) <table style="width:100%;"><thead><tr><th>Offense</th><th>Mandatory Penalty</th></tr></thead><tbody><tr><td></td><td>\$</td></tr></tbody></table>				Offense	Mandatory Penalty		\$														
Offense	Mandatory Penalty																				
	\$																				
Offense Based Penalties <table style="width:100%;"><thead><tr><th>Penalty</th><th>Amount</th></tr></thead><tbody><tr><td></td><td>\$</td></tr></tbody></table>				Penalty	Amount		\$														
Penalty	Amount																				
	\$																				
Other Fees and Penalties <table style="width:100%;"><tbody><tr><td>Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) <input checked="" type="checkbox"/> \$ 30.00</td><td>Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2) <input checked="" type="checkbox"/> 1 Offenses @ \$ 5.00 Total: \$ 75.00</td></tr><tr><td>Probation Supervision Fee (N.J.S.A. 2C:45-1d) <input type="checkbox"/> \$</td><td>Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) <input type="checkbox"/> Offenses @ \$ Total \$</td></tr><tr><td>Transaction Fee (N.J.S.A. 2C:46-1.1) <input checked="" type="checkbox"/></td><td>Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) <input type="checkbox"/> \$</td></tr><tr><td>Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) <input type="checkbox"/> \$</td><td>Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) <input type="checkbox"/> \$</td></tr><tr><td>Fine \$</td><td></td></tr><tr><td>Restitution Joint & Several \$</td><td>Total Financial Obligation \$ 2,205.00</td></tr></tbody></table>				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"/> 1 Offenses @ \$ 5.00 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 \$		Restitution Joint & Several \$	Total Financial Obligation \$ 2,205.00						
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License Suspension <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																					
Number of Months 6 <input type="checkbox"/> Non-resident driving privileges revoked																					
Start Date 10/18/2019		End Date 04/18/2020																			
Details																					
Driver's License Number XXXXXXXXXX		Jurisdiction XX																			
If the court is unable to collect the license, complete the following: Defendant's Address 117 KENDALL COURT																					
City DOVER		State NJ	Zip 07801-0000																		
Date of Birth 11/17/1982		Sex <input type="checkbox"/> M <input type="checkbox"/> F	Eye Color																		
Details																					

New Jersey Judiciary, Revised Form Effective August 1, 2017, CN: 10070 page 3 of 3
Copies to: County Probation Division Defendant Defense Counsel Prosecutor State Parole Board Dept of Corrections or County Penal Institution Juvenile Justice Commission

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

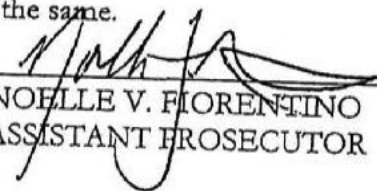
ACCUSATION NO. 19-04-60313-A

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. 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**

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 [REDACTED]
[REDACTED].
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.
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
Tel.: 202-305-1212
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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*