

22-1811

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. 17-





Judgment of Conviction

Superior Court of New Jersey, HUDSON County

State of New Jersey v.

Last Name

First Name

Middle Name

Also Known As

Date of Birth

08/26/1983

SBI Number

Date(s) of Offense

08/04/2017

Date of Arrest

PROMIS Number

17 004038-001

Date Ind / Acc / Complt Filed

09/25/2017

Original Plea

☐ Not Guilty☐ Guilty

Date of Original Plea

Adjudication By



Guilty Plea



Jury Trial Verdict



Non-Jury Trial Verdict



Dismissed / Acquitted

Date: 09/25/2017

Original Charges

Ind / Acc / Compl	Count	Description	Statute	Degree
17-09-00867-A	1	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
W-2017-	1	POSS CDS - < 50G MARIJUANA, 5G-HASHISH	2C:35-10A(4)	DP
W-2017-	2	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
W-2017-	3	MANUF/DISTR CDS-HEROIN/METH/LSD <1/2OZ/ETC	2C:35-5A(1)	3
W-2017-	4	MANUF/DISTR CDS-HEROIN/METH/LSD <1/2OZ/ETC	2C:35-5A(1)	3
W-2017-	5	MANUF/DISTR CDS-HEROIN/METH/LSD <1/2OZ/ETC	2C:35-5A(1)	3
W-2017-	6	POSS/DIST WITHIN 500 FT CERTAIN PUBLIC PROPERTY	2C:35-7.1A	2

(Cont...)

Final Charges

Ind / Acc / Compl	Count	Description	Statute	Degree
17- [REDACTED]	1	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3

Sentencing Statement

It is, therefore, on 10/27/2017

ORDERED and ADJUDGED that the defendant is sentenced as follows:

Count 1 : The defendant is sentenced to Probation for a period of 2 years with the following special conditions: (1) obtain and maintain gainful employment; (2) Counseling as required by probation; (3) remain drug free; (4) forfeit \$712.00, seized on 8/4/17.

Dismissals: Underlying co. W-2017-3995-0906, count 1, 3rd degree. MV tickets 0906-9-532354; 532355 and 532356.

Defendant has 45 days Right to Appeal Sentence.

State of New Jersey v.

S.B.I. #

Ind / Acc / Compl #

Time Credits**Time Spent in Custody**

R. 3:21-8

Date: From

08/04/2017

- To

08/05/2017

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

2

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

3. The risk that the defendant will commit another offense.

9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS

10. The defendant is particularly likely to respond affirmatively to probationary treatment.

Mitigating factors outweigh the Aggravating factors.

Attorney for Defendant at Sentencing

MARSHALL J WOFSY

Public Defender

☐ Yes ☒ No

Prosecutor at Sentencing

JOHN WOJTAL

Deputy Attorney General

☐ Yes ☒ No

Judge at Sentencing

PAUL M. DEPASCALE, J.S.C.

B2

HUDSON COUNTY
CRIMINAL DIVISION

WAIVER OF INDICTMENT
AND TRIAL BY JURY

vs.

File No:

To the County Prosecutor:

the above named defendant who is charged with
POSSESSION OF CDS (SCHEDULE I, II, III, OR IV) (3RD Degree) in
violation of N.J.S.A. 2C:35-10A(1) being advised of the nature of the
charge against him and of his right to indictment and trial by jury
hereby waives indictment and requests that he be tried on accusation.

Dated in Jersey City, Hudson County, New Jersey, the 25th day of September, 2017.

Superior Court of New Jersey
HUDSON COUNTY
CRIMINAL DIVISION

THE STATE OF NEW JERSEY

) ACCUSATION
)
)
) for
) POSS CDS/ANALOG - SCHD I II III IV
) (3RD Degree)
)
)

VS.

[REDACTED]

Accusation No. [REDACTED]
Complaint No. [REDACTED]
File No. [REDACTED]

THE STATE OF NEW JERSEY)

) ss:

COUNTY OF HUDSON)

[REDACTED] having been charged upon oath, before a Judge in the said County of Hudson, with POSSESSION OF CDS (SCHEDULE I, II, III, OR IV) (3RD Degree) and having in writing, addressed to the County Prosecutor of said County, waived indictment and trial by jury, and requested to be tried upon said charge, and request having been duly reported and granted:

Appendix B-2

No. 10-





Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, ESSEX County

State of New Jersey

v.

Last Name

First Name

Middle Name

Also Known As

Date of Birth

08/26/1983

SBI Number

Date(s) of Offense

10/05/2010

Date of Arrest

10/05/2010

PROMIS Number

10 007275-001

Date Ind / Acc / Compl Filed

11/12/2010

Original Plea

☐ Not Guilty☒ Guilty

Date of Original Plea

11/12/2010

Adjudication By

☒ Guilty Plea☐ Jury Trial Verdict☐ Non-Jury Trial Verdict☐ Dismissed / Acquitted

Date: 11/12/2010

Original Charges

Ind / Acc / Compl	Count	Description	Statute	Degree
10-	1	PRESCRIPTION LEGEND DRUGS NOT IN ORIG CONTAINER	2C:35-10.5	3
10-	2	TO OBTAIN OR ATTEMPT TO OBTAIN PRESC DRUGS BY DECEPTION	2C:35-10.5D	4
10-	3	OBTAIN CDS. BY FRAUD	2C:35-13	3
10-	4	THEFT BY DECEP-FALSE IMPR	2C:20-4A	3
10-	5	RECEIVING STOLEN PROPERTY	2C:20-7	3
10-	6	FORGERY-ELEMENTS	2C:21-1A	3
10-	7	POSSESSION CDS	2C:35-10	3

(Cont...)

Final Charges

Ind / Acc / Compl	Count	Description	Statute	Degree
10-	3	OBTAIN CDS BY FRAUD (Percocet)	2C:35-13	3
10-	8	POSSESSION CDS WITH INTENT TO DISTRIBUTE	2C:35-5	3

Sentencing Statement

It is, therefore, on 02/14/2011 ORDERED and ADJUDGED that the defendant is sentenced as follows:

COUNT 3: DEFENDANT IS HEREBY SENTENCED TO TIME SERVED, WHICH IS TWENTY-SIX (26) DAYS AT THE ESSEX COUNTY JAIL. DEFENDANT IS PLACED ON PROBATION FOR A TERM OF 3 YEARS. FURTHER CONDITION DEFENDANT SHALL OBTAIN/MAINTAIN EMPLOYMENT; ENROLL IN DRUG/ALCOHOL TREATMENT PROGRAM; DRUG/ALCOHOL TESTING; AND SERVE 150 HOURS COMMUNITY SERVICE.

COUNT 8: DEFENDANT IS HEREBY SENTENCED TO TIME SERVED, WHICH IS TWENTY-SIX (26) DAYS AT THE ESSEX COUNTY JAIL. DEFENDANT IS PLACED ON PROBATION FOR A TERM OF 3 YEARS. FURTHER CONDITION DEFENDANT SHALL OBTAIN/MAINTAIN EMPLOYMENT; ENROLL IN DRUG/ALCOHOL TREATMENT PROGRAM; DRUG/ALCOHOL TESTING; AND SERVE 150 HOURS COMMUNITY SERVICE. THIS SENTENCE TO RUN CONCURRENT TO COUNT 3.

JAIL _____ P.D. ☒ _____
 PROB. _____ A.D.C. _____ D.C. _____
 PAROLE _____ P.S.L. _____ OTHER ☒ MIV

TRUE COPY

B5

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

State of New Jersey v.

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

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

2 Offenses @ \$ 50.00

\$ 100.00

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

Counts	Number	Amount
3, 8	2 @	\$ 50.00
	@	\$
	@	\$
	@	\$

Total VCCA Assessment \$ 100.00

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

Offense	Mandatory Penalty
	\$

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)

☒ 2 Offenses @ \$ 75.00

Total: \$ 150.00

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

☒ \$ 25.00

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

\$ 2,380.00

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

12

☐ Non-resident driving privileges revoked

Start Date

02/14/2011

End Date

02/14/2012

Details

Driver's License Number

Jurisdiction

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

Defendant's Address

76 MAPLE AVENUE, 1ST FL.

City

IRVINGTON

State

NJ

Zip

07111-0000

Date of Birth

08/26/1983

Sex

☒ M ☐ F

Eye Color

BROWN

Details
TRANS FEE \$2

State of New Jersey v.

S.B.I. #

Ind / Acc / Complt # 10-

Time Credits

Time Spent in Custody	Gap Time Spent in Custody	Prior Service Credit
R: 3-21-8	N.J.S.A. 2C:44-5b(2)	
Date: From - To	Date: From - To	Date: From - To
10/05/2010 - 10/17/2010	-	-
11/01/2010 - 11/13/2010	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
Total Number of Days 26	Total Number of Days	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.
9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS: NONE

THE COURT FINDS THAT THE AGGRAVATING FACTORS OUTWEIGHS THE NON-EXISTENT MITIGATING FACTOR.

Form Prepared By SHEILA VAZQUEZ	Preparer Telephone Number (973) 693-5991
Attorney for Defendant at Sentencing SUSAN FREEDMAN	Public Defender <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Prosecutor at Sentencing LYNNE BORASIO	Deputy Attorney General <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Judge at Sentencing RONALD D. WIGLER	
Judge (Signature)	Date

State of New Jersey v. [REDACTED]

S.B.J. # [REDACTED] Ind / Acc / Compl # [REDACTED]

Continuation

ORIGINAL CHARGES (Cont.)

Ind / Acc / Compl	Count	Description	Statute	Degree
10- [REDACTED]	8	POSSESSION CDS WITH INTENT TO DISTRIBUTE	2C:35-5	3
10- [REDACTED]	9	POSS/DIST WITHIN 500 FT PUB HOUSING FACILITY	2C:35-7.1	2

ROBERT D. LAURINO
ACTING ESSEX COUNTY PROSECUTOR
ESSEX COUNTY VETERANS COURTHOUSE
NEWARK, NEW JERSEY 07102
(973) 621-4700

STATE OF NEW JERSEY,

PLAINTIFF,

vs.

[REDACTED]
DEFENDANT.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
P#: 10007275

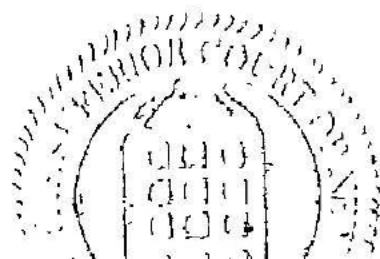
CRIMINAL ACTION

ACC.# 10-[REDACTED]

[REDACTED] having been charged upon oath, before a Municipal
Court Judge in the said County of Essex with

PWI Prescription Legend Drugs, Obtain Prescription Legend Drugs by
Fraud, Obtain CDS by Fraud, Poss CDS, PWI, 500', Theft by
Deception, RSP, Forgery

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

N.J.S. 2C: 35-10.5(4)
PRESCRIPTION LEGEND DRUGS
(3RD degree)

The County Prosecutor, aforesaid, alleges that the defendant [REDACTED], on 10/5/2010, in the CITY OF NEWARK in the County of Essex, aforesaid and within the jurisdiction of this Court, possess or have under his control with intent to distribute a prescription legend drug in an amount of at least five but less than 100 dosage units unless lawfully prescribed or administered by a licensed physician, veterinarian, dentist or other practitioner authorized by law to prescribe medication contrary to N.J.S. 2C: 35-10.5(3); and against the peace of this State, the Government and dignity of same.


LYNNE BORASIO
ASSISTANT PROSECUTOR

COUNT TWO

N.J.S. 2C: 35-10.5(d)
PRESCRIPTION LEGEND DRUGS BY FRAUD
(4TH degree)


The County Prosecutor, aforesaid, alleges that the defendant [REDACTED] on 10/5/2010, in the CITY OF NEWARK in the County of Essex, aforesaid and within the jurisdiction of this Court, obtain possession of a prescription legend drug by forgery or deception contrary to N.J.S. 2C: 35-10.5(d), and against the peace of this State, the Government and dignity of same.


LYNNE BORASIO
ASSISTANT PROSECUTOR

COUNT THREE

N.J.S. 2C: 35-13
CONTROLLED DANGEROUS SUBSTANCE BY FRAUD
(3RD degree)

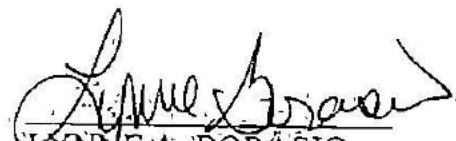
The County Prosecutor, aforesaid, alleges that the defendant [REDACTED], on 10/5/2010, in the CITY OF NEWARK in the County of Essex, aforesaid and within the jurisdiction of this Court, obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge contrary to N.J.S. 2C: 35-13 and against the peace of this State, the Government and dignity of same.


LYNNE BORASIO
ASSISTANT PROSECUTOR

COUNT 4

N.J.S. 2C: 20-4
THEFT BY DECEPTION
(3RD degree)

The County Prosecutor, aforesaid, alleges that the defendant [REDACTED], on 10/5/2010, in the city of NEWARK in the County of Essex, aforesaid and within the jurisdiction of this Court, purposely obtained property of another, a controlled dangerous substance, by deception, contrary to N.J.S. 2C: 20-4, and against the peace of this State, the Government and dignity of same.

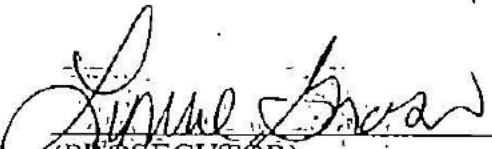

LYNNE A. BORASIO
ASSISTANT PROSECUTOR

COUNT

5

N.J.S. 2C: 20-7
RECEIVING STOLEN PROPERTY
(3RD Degree)

The County Prosecutor, aforesaid, alleges that the defendant, [REDACTED] on 10/5/2010 in the City of NEWARK in the County of Essex, aforesaid and within the jurisdiction of this Court, did commit an act of theft by knowingly receiving moveable property, to wit: NEW JERSEY PRESCRIPTION BLANKS knowing same to be stolen or believing it had probably been stolen contrary to N.J.S. 2C: 20-7, and against the peace of this State, the Government and dignity of same.


(PROSECUTOR)

COUNT 6

**FORGERY
2C:21-1a
(THIRD DEGREE)**

The County Prosecutor, aforesaid, alleges that the defendant,

[REDACTED]

on or about 10/5/2010 in the City of Newark County of Essex, and within the jurisdiction of this Court, did with the purpose to defraud or injure anyone, or with the knowledge that he/she is facilitating a fraud or injury to perpetrate by anyone, utters any writing which he knows to be forged contrary to NJS 2C:21-1a



LYNNE A. BORASIO
ASSISTANT PROSECUTOR

COUNT 7

N.J.S. 2C: 35-10
**POSSESSION OF A CONTROLLED
DANGEROUS SUBSTANCE**
(3RD degree)

The County Prosecutor, aforesaid, alleges that the defendant [REDACTED] on 10/5/2010, in the CITY OF NEWARK, in the County of Essex, aforesaid and within the jurisdiction of this Court, unlawfully did possess a controlled dangerous substance, namely, PERCOCET contrary to N.J.S. 2C: 35-10, and against the peace of this State, the Government and dignity of same.


LYNNE BORASIO, SDAG/AAP

COUNT

8

N.J.S. 2C: 35-5.
**POSSESSION OF A CONTROLLED
DANGEROUS SUBSTANCE
WITH INTENT TO DISTRIBUTE**

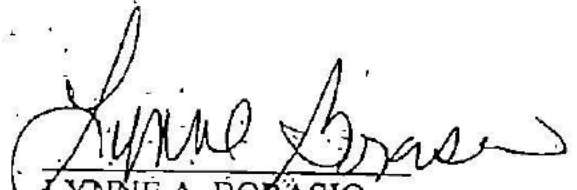
The County Prosecutor, aforesaid, alleges that the defendant, [REDACTED] on 10/5/2010, in the city of Newark in the County of Essex, aforesaid and within the jurisdiction of this Court, unlawfully did possess a controlled dangerous substance, namely, PERCOCET with intent to distribute the same contrary to N.J.S. 2C: 35-5, and against the peace of this State, the Government and dignity of same.


LYNNE A. BORASIO, SDAG/AAP

COUNT 9

N.J.S. 2C: 35-7.1
**POSSESSION OF A CONTROLLED
DANGEROUS SUBSTANCE WITH INTENT TO DISTRIBUTE
WITHIN 500 FEET OF PUBLIC HOUSING,
PUBLIC PARK OR A PUBLIC LIBRARY
(2ND degree)**

The County Prosecutor, aforesaid, alleges that the defendant, [REDACTED] on 10/5/2010, in the city of NEWARK in the County of Essex, aforesaid and within the jurisdiction of this Court, unlawfully possess with intent to distribute a controlled dangerous substance, namely, PERCOCET within 500 feet of public housing, public park or a public library contrary to N.J.S. 2C: 35-7.1, and against the peace of this State, the Government and dignity of same.


LYNNE A. BORASIO
ASSISTANT PROSECUTOR

Appendix B-3

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

[REDACTED]

First Name

[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 - SCHED 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 - < .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/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 / Compl	Count	Description	Statute	Degree
16-06-00388-I	1	POSS CDS/ANALOG - SCHED I II III IV	2C:35-10A(1)	3
16-06-00388-I	3	CDS - MANU/DISTR/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 / Compl # 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]

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

: 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)

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.

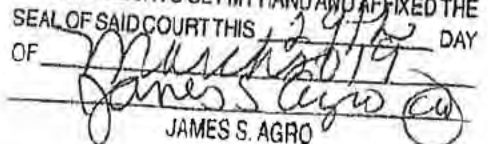
COUNT FOUR

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 N.J. 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-4

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 / Compl 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 / Compl	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 / Compl	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-5

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
18-10-00609-I	6	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	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. # Ind / Acc / Compl # 18-10-00609-I

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

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

Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)

☒ \$ 30.00

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

☒ 2 Offenses @ \$ 75.00

Total: \$ 150.00

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

\$ 1,330.00

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

6

☐ 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

Sex

☐ M ☐ F

Eye Color

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-6

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.)

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

	Standard		Doubled	
1st Degree	@ \$		@ \$	
2nd Degree	1 @ \$ 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

1 Offenses @ \$ 50.00

\$ 50.00

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

Counts	Number	Amount
1	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)	Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2)
<input checked="" type="checkbox"/> \$ 30.00	<input checked="" type="checkbox"/> 1 Offenses @ \$ 5.00
	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)	
<input type="checkbox"/> \$	
Fine	Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)
\$	<input type="checkbox"/> \$
Restitution Joint & Several	Total Financial Obligation
\$ <input type="checkbox"/>	\$ 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

6

☐ 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

☐ M ☐ F

Eye Color

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

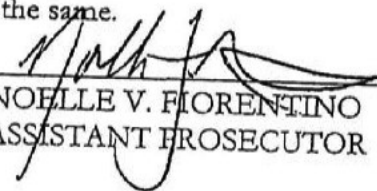
ACCUSATION NO. 19-04-60313-A

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.

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

Appendix B-7

No. 04 [redacted]

UNION COUNTY PROSECUTOR'S OFFICE
Andrew K. Ruotolo Justice Center
32 Rahway Avenue
Elizabeth, New Jersey 07202-2115
(908) 527-4500
Attorney for the State of New Jersey

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION UNION COUNTY
CRIMINAL
ACCUSATION

The State of New Jersey :

v. :

(NAME) :

Defendant :

04-

N.J.S.A 2C:35-5 (a) (1)
POSSESSION OF A CONTROLLED
DANGEROUS SUBSTANCE WITH INTENT
TO DISTRIBUTE (3rd DEGREE)

The defendant, having been charged upon oath, before a Magistrate in the said County of Union with the above charge and having in writing, addressed to the County Prosecutor, waived indictment and trial by jury, and requested be tried upon said charge by the Court, and said request having been duly reported and granted:

The County Prosecutor, aforesaid, alleges that the defendant on

9/9/04

(date)

, in the

City of Elizabeth

(place of incident)

, in the County of

Union, aforesaid, and within the jurisdiction of this Court, did unlawfully and knowingly or purposely possess with intent to distribute a controlled dangerous substance, namely, heroin and/or cocaine;
(drug Possessed)

contrary to the provisions of N.J.S.A. 2C:35-5 (a) (1) and against the peace of this State, the government and dignity of the same.

STATE OF NJ, COUNTY OF UNION, I, ELIZABETH DOMINGO, 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 12th DAY OF May 2011

Marylouise DeRose
ELIZABETH DOMINGO

designee

Anthony J. Simon
(PROSECUTOR)

UNION COUNTY PROSECUTOR'S OFFICE
32 Rahway Avenue
Elizabeth, New Jersey 07202-2115
(908) 527-4500
Attorney for the State of New Jersey

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION UNION COUNTY
CRIMINAL

The State of New Jersey

v.

WAIVER
of
INDICTMENT AND TRIAL BY JURY

[REDACTED]
(Name)

Defendant

04-[REDACTED]

To the County Prosecutor of Union County:

The defendant, who is charged with Poss. CDS w/ Intent
(offense)
in violation of N.J.S.A. 2C:35-5
(statutory number)

being advised of the nature of the charge against him and of his right to indictment and trial by jury,
hereby waives prosecution and trial by jury and requests to be tried before this Court.

Dated in Elizabeth, New Jersey, the 13th day of October, 2004.

STATE OF NJ, COUNTY OF UNION, I, ELIZABETH DOMINGO,
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 13th DAY
OF October, 2004.

[Signature] Defendant
[Signature] ELIZABETH DOMINGO *deputiee*

Signed and delivered in the presence of

[Signature]
(Defendant's attorney)

Reported by:

[Signature]
County Prosecutor

[Signature]
Judge

22-1811

APPENDIX C

**DECLARATION OF
AMELIA MARRITZ**

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

RICARDO GAYLE,

Petitioner,

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA,

Respondent.

Case No. 22-1811

**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-3: I received these documents directly from an attorney who represents the individual defendant in that case in immigration proceedings.
 - b. Appendix B-4: I received these documents directly from an attorney who represents the individual defendant in that case in immigration proceedings.
 - c. Appendix B-5: I received these documents directly from an attorney who obtained them from New Jersey's attorney-access portal.
 - d. Appendix B-6: 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, B-2 and B-7 are part of the administrative record in the related case *Brown v. Att'y Gen.*, No. 22-1779.
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 2, 2022

/s/ Amelia Marritz

Amelia Marritz