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,

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
Judgment of Conviction

Superior Court of New Jersey, HUDSON County

State of New Jersey v. [Redacted]

Also Known As

Date of Birth: 08/26/1983
SBI Number: [Redacted]
Date(s) of Offense: 08/04/2017

Date of Arrest: 17-004638-001
PROMIS Number: [Redacted]
Date Ind/Acc/Compl Filed: 09/25/2017
Original Plea: Guilty

Adjudication By: Guilty Plea

Original Charges

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Final Charges

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<th>Count</th>
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<th>Degree</th>
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<tr>
<td>[Redacted]</td>
<td>1</td>
<td>POSSE CDS/ANALOG - SCHD I II III IV</td>
<td>2C:35-10A(1)</td>
<td>3</td>
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</tbody>
</table>

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 $12,000, served on 8/4/17.

Dismissals: Underlying co. W-2017-1995-0906, count 1, 3rd degree, MV tickets, 1506-9-332354; 332355 and 532356. Defendant has 45 days right to Appeal Sentence.
### Time Credits

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<th>R. 3:21-8</th>
<th>N.J.S.A. 2C:44-5b(2)</th>
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<td>Date: From - To -</td>
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**Total Number of Days**

2

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

#### AGGRAVATING FACTORS

1. 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

**Prosecutor at Sentencing**  
JOHN WOJTAL

**Judge at Sentencing**  
PAUL M. DEPASCALE, J.S.C.
Superior Court of New Jersey  
HUDSON COUNTY  
CRIMINAL DIVISION  

THE STATE OF NEW JERSEY  

VS.  

Accusation No.  
Complaint No.  
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.

THE STATE OF NEW JERSEY       ss:
COUNTY OF HUDSON

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

Lost 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
GUILTY

Date of Original Plea
11/12/2010

Adjudication By

Original Charges

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<td>TO OBTAIN OR ATTEMPT TO OBTAIN PRESC DRUGS BY DECEPTION</td>
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<td>10-3</td>
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<td>2C:35-13</td>
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<td>10-4</td>
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Final Charges

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<td>2C:35-5</td>
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Sentencing Statement

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

COUNT 1: 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 2: 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.

TRUE COPY

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.
**State of New Jersey v.**

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

A mandatory Drug Enforcement and Demand Reduction (DEDRA) penalty is imposed for each count. (While in numbers of counts for each degree.)

<table>
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<th>Standard</th>
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<td>3rd Degree</td>
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<td>4th Degree</td>
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<td>$</td>
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<tr>
<td>DP or Petty DP</td>
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Total DEDRA Penalty: $2,000.00

- 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. 55:1-20.20).
- The defendant is hereby sentenced to community supervision for life. (If offense occurred before 1/1/94) (N.J.S.A. 2C:43-6.4).
- The defendant is hereby sentenced to parole supervision for life. (If offense occurred on or after 1/1/94) (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)). Restraint Order expires ______.

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

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Total VCCA Assessment: $100.00


Offense: $\

**Other Fees and Penalties**

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**Probation Supervision Fee (N.J.S.A. 2C:45-14)**

$25.00

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

$\

**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)**

$\

**Details**

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**S.B.I. #**

**Ind / Acc / Complt #**

**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**

- CGS / 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)

**Number of Months**

12

- Non-resident driving privileges revoked

**Start Date**

02/14/2011

**End Date**

02/14/2012

**Jurisdiction**

**Defendant's Address**

76 MAPLE AVENUE, LST. FL.

**City**

Levittown

**State**

**Zip**

07111-0000

**Date of Birth**

08/26/1983

**Sex**

M

**Eye Color**

BROWN

**Details**

TRANS FEE $2 -
State of New Jersey v.

Time Credits

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Total Number of Days 24

Rosado Time
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.

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

Preparator Telephone Number
(973) 693-5991

Attorney for Defendant at Sentencing
SUSAN FREEMAN

Prosecutor at Sentencing
LYNNE BORASIO

Judge at Sentencing
RONALD D. WIGLER

Judge (Signature)
<table>
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<td>10-XXXX</td>
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STATE OF NEW JERSEY,

PLAINTIFF,

vs.

[Redacted]

DEFENDANT.

SUPÉRIOR COURT OF NEW JERSEY

LAW DIVISION – ESSEX COUNTY

P#: 10007275

CRIMINAL ACTION

ACC. # [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]
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.

[Signature]
(PROSECUTOR)
COUNT

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.
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 DISTIBUTE

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, 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**

### Original Charges

<table>
<thead>
<tr>
<th>Ind / Acc / Comp</th>
<th>Count</th>
<th>Description</th>
<th>Statute</th>
<th>Degree</th>
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<tbody>
<tr>
<td>16-06-00180-1</td>
<td>1</td>
<td>POSS CD/ANALOG - SCH I II III IV</td>
<td>2C:35-10A(1)</td>
<td>3</td>
</tr>
<tr>
<td>16-06-00180-1</td>
<td>2</td>
<td>POSS CD - 55G MARIJUANA, 5G HASHISH</td>
<td>2C:35-10A(1)</td>
<td>4</td>
</tr>
<tr>
<td>16-06-00180-1</td>
<td>3</td>
<td>CD/ MARIJUANA/DIST/P/WM - HEROIN/COCaine - &lt; .5OZ</td>
<td>2C:35-5A(3)</td>
<td>3</td>
</tr>
<tr>
<td>16-06-00180-1</td>
<td>4</td>
<td>MANF/DISTR CD/INTENT TO MANF/DISTR CD/</td>
<td>2C:35-5A(1)</td>
<td>3</td>
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<tr>
<td>W-2016-000238-2013</td>
<td>901</td>
<td>USE/POSS W/INTENT TO USE OD OR PARAPHERNALIA</td>
<td>2C:36-2</td>
<td>OF</td>
</tr>
</tbody>
</table>

### Final Charges

<table>
<thead>
<tr>
<th>Ind / Acc / Comp</th>
<th>Count</th>
<th>Description</th>
<th>Statute</th>
<th>Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-06-00180-1</td>
<td>1</td>
<td>POSS CD/ANALOG - SCH I II III IV</td>
<td>2C:35-10A(1)</td>
<td>3</td>
</tr>
<tr>
<td>16-06-00180-1</td>
<td>3</td>
<td>CD/ MARIJUANA/DIST/P/WM - HEROIN/COCaine - &lt; .5OZ</td>
<td>2C:35-5A(3)</td>
<td>3</td>
</tr>
</tbody>
</table>

### Sentencing Statement

It is, therefore, **ORDERED and ADJUDGED** that the defendant is sentenced as follows:

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

STATE OF NJ, COUNTY OF UNION, JAMES S. AGRO, DEPUTY CLERK, SUPERIOR COURT OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS IS TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE.

I HAVE HERETO SET MY HAND AND AFFIX THE SEAL OF SAID COURT THIS _DAY_ OF _._

[Signature]

JAMES S. AGRO

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

<table>
<thead>
<tr>
<th>Total Custodial Term</th>
<th>Institution Name</th>
<th>Total Probation Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>000 Years 00 Months 000 Days</td>
<td>CARE COMMISS/CORR</td>
<td>000 Years 00 Months 000 Days</td>
</tr>
</tbody>
</table>

New Jersey Judiciary, Revised Form Effective August 1, 2017, ON: 0070

Copies to: County Probation Division  Defendant  Defense Counsel  Prosecutor  State Parole Board  Dept of Corrections in County Penal Institution  Juvenile Justice Commission

B19
**State of New Jersey v. [Name]**

**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.)

<table>
<thead>
<tr>
<th>Degree</th>
<th>Standard</th>
<th>Doubled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>@ $</td>
<td>@ $</td>
</tr>
<tr>
<td>2nd</td>
<td>@ $</td>
<td>@ $</td>
</tr>
<tr>
<td>3rd</td>
<td>@ $ 1,000.00</td>
<td>@ $ 1,000.00</td>
</tr>
<tr>
<td>4th</td>
<td>@ $</td>
<td>@ $</td>
</tr>
</tbody>
</table>

**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) $50.00**

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

<table>
<thead>
<tr>
<th>Counts</th>
<th>Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1, 3</td>
<td>@</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

**Total VCCO Assessment $50.00**


**Offense**

- Mandatory Penalty $50.00

**Offense Based Penalties**

- Penalty $50.00

**Other Fees and Penalties**

- Probation Supervision Fee (N.J.S.A. 2C:45-1d) $50.00
- Transaction Fee (N.J.S.A. 2C:48-1.1) $50.00
- Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) $50.00

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

- Offenses @ $75.00
- **Total: $75.00**

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

- Offenses @ $50.00
- **Total: $50.00**

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

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

**Restitution**

- Joint & Several $2,205.00
- **Total Financial Obligation $2,205.00**

**New Jersey Judiciary, Revised Form Effective August 1, 2017, GN: 10070**

Copies to: County Probation Division, Defendant, Defense Counsel, Prosecutor, State Parole Board, Dept of Corrections or County Penal Institutions, Juvenile Justice Commission.
## Time Credits

<table>
<thead>
<tr>
<th>Time Spent in Custody</th>
<th>Gap Time Spent in Custody</th>
<th>Prior Service Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>R. 3'21-8</td>
<td></td>
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<tr>
<td>Date: From</td>
<td>Date: From</td>
<td>Date: From</td>
</tr>
<tr>
<td>01/20/2016</td>
<td>09/27/2016</td>
<td>To</td>
</tr>
<tr>
<td>08/28/2017</td>
<td>01/11/2018</td>
<td>To</td>
</tr>
<tr>
<td>Total Number of Days</td>
<td>Total Number of Days</td>
<td>Total Number of Days</td>
</tr>
</tbody>
</table>

### Statement of Reasons
- Include all applicable aggravating and mitigating factors
- The Court is clearly convinced that aggravating factors 3, 9 and 5 outweigh the nonexistent mitigating factors.

### Attorney for Defendant at Sentencing

### 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)
/\ Robert Kirsch, J.S.C.

### Date
01/19/2018
PROSECUTOR'S DOCKET NO. 16000250
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

THE STATE OF NEW JERSEY

v.

A

and

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 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

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. B. C. and D. E. 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 Pencyclone, 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. B. C. and D. E. 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. B. C. and D. E. 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 Pencyclone, 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
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 NEW JERSEY,
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 HEREBY SET MY HAND AND AFFIRMED THE
SEAL OF SAID COURT THIS 24TH DAY
OF 2022.

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.

First Name

Middle Name

Also Known As

Date of Birth

SBI Number

Date(s) of Offense

03/05/2013

Date of Arrest

PROMIS Number

Date Ind / Acc / Complt Filed

Original Plea

Not Guilty

09/13/2013

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

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. VCCE $20.00, SNCP $72.00, LASP $30.00, LAB $50.00, DEDR $1000.00, D/A $15.00/MTH - TO BE PAID @ $60.00/MTH

COUNT 5: DISMISSED.

JAIL CREDIT - 1 DAY

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

Total Custodial Term

060 Years 00 Months 000 Days

Total Probation Term

03 Years 00 Months

New Jersey Judiciary, Revised Form Promulgated by Directive 01-12 (05/01/2012), CN: 10378

Defendant:  

Defense Counsel:  

Prosecutor:  

State Parole Board:  

Dept of Corrections or County Penal Institution:  

Page 1 of 3

B26
**State of New Jersey v.**


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

- DEDAR penalty reduction granted (N.J.S.A. 2C:35-15e(2))
  - 1st Degree @ $ @ $
  - 2nd Degree @ $ @ $
  - 3rd Degree @ $ 1,000.00 @ $
  - 4th Degree @ $ @ $
  - DP or Petty DP @ $ @ $

Total DEDAR Penalty $1,000.00

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

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

<table>
<thead>
<tr>
<th>Counts</th>
<th>Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>1</td>
<td>$50.00</td>
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</tbody>
</table>

Total VCCA Assessment $50.00


Offense

Mandatory Penalty

$ |

**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:20-2) ☐
- 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

New Jersey Judiciary, Revised Form Promulgated by Directive 904-15 06/04/2015 CIR: 18570

Copies to: County Probation Division 
Defendant 
Defense Counsel 
Prosecutor 
State Parole Board 
Dept of Corrections or County Penal Institution

Page 3 of 1

B27
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  
Date Ind / Acc / Compl Filed  
10/16/2018  

Original Plea  
GUILTY  
Date of Original Plea  
10/23/2018  

Adjudication By  
Guilty Plea  
Jury Trial Verdict  
Non-Jury Trial Verdict  
Dismissed / Acquitted  
Date: 08/02/2019  

Original Charges

<table>
<thead>
<tr>
<th>Ind / Acc / Compl:</th>
<th>Count</th>
<th>Description</th>
<th>Statute</th>
<th>Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-10-00609-1</td>
<td>1</td>
<td>UNLAWFUL POSS WEAPON - PRIOR CONV IN NUBA</td>
<td>2C:39-5J</td>
<td>1</td>
</tr>
<tr>
<td>18-10-00609-1</td>
<td>2</td>
<td>PROHIBITED WEAPONS AND DEVICES - LARGE CAPACITY AMMO</td>
<td>2C:39-3J</td>
<td>4</td>
</tr>
<tr>
<td>18-10-00609-1</td>
<td>3</td>
<td>PROHIBITED WEAPONS AND DEVICES - HOLLOW NOSE/SPC-SPC</td>
<td>2C:39-3F(1)</td>
<td>4</td>
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<tr>
<td>18-10-00609-1</td>
<td>4</td>
<td>POSSESSES/ANALOG - SCHD I II III IV</td>
<td>2C:35-10A(1)</td>
<td>3</td>
</tr>
<tr>
<td>18-10-00609-1</td>
<td>5</td>
<td>CSS - MANUF/DISTR/P'Neill - HEROIN/COCAINE - &lt; .5OZ</td>
<td>2C:35-5B(3)</td>
<td>3</td>
</tr>
<tr>
<td>18-10-00609-1</td>
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<td>CSS/ANALOG - DISTRIBUTE ON/NEAR SCHOOL PROPERTY/BUS</td>
<td>2C:35-7A</td>
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(Cont...)  

Final Charges

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<tr>
<th>Ind / Acc / Compl:</th>
<th>Count</th>
<th>Description</th>
<th>Statute</th>
<th>Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-10-00609-1</td>
<td>1</td>
<td>UNLAWFUL POSS WEAPON - PRIOR CONV IN NUBA</td>
<td>2C:39-5J</td>
<td>1</td>
</tr>
<tr>
<td>18-10-00609-1</td>
<td>6</td>
<td>CSS/ANALOG - DISTRIBUTE ON/NEAR SCHOOL PROPERTY/BUS</td>
<td>2C:35-7A</td>
<td>3</td>
</tr>
</tbody>
</table>

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 HIST.
- 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/COPI

Total Probation Term  
00 Years 00 Months  

New Jersey Judiciary, Revised Form Effective August 1, 2017. CN 10970  
Copies to County Probation Division  
Defendant  
Defense Cousel  
Prosecutor  
State Parole Board  
Dept of Corrections or County Penal Institution  
Juvenile Justice Commission  

B28
**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.)

<table>
<thead>
<tr>
<th>Degree</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>@ $</td>
<td>@ $</td>
</tr>
<tr>
<td>3rd Degree</td>
<td>1 @ $ 1,000.00</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>

**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)**

<table>
<thead>
<tr>
<th>Offenses @ $</th>
<th>$50.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Lab Fee</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

**VCCO Assessment (N.J.S.A. 2C:43-3,1)**

<table>
<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>6</td>
<td>1</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

**Total VCCO Assessment** $100.00

**Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2,1)**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Mandatory Penalty $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other Fees and Penalties**

- **Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3,3)**
  - $30.00
- **Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3,6)**
  - $90.00
- **Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29,4)**
  - $100.00
- **Fine**
  - $1,330.00

**Total Financial Obligation** $1,330.00

**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 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 one (1) 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 (Nicola’s Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-4).
- 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

<table>
<thead>
<tr>
<th>End Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/21/2020</td>
<td>Driver’s License Number</td>
</tr>
<tr>
<td></td>
<td>If the court is unable to collect the license, complete the following:</td>
</tr>
<tr>
<td></td>
<td>Defendant's Address</td>
</tr>
<tr>
<td></td>
<td>129 CHANCELLOR AVE APT D3</td>
</tr>
<tr>
<td></td>
<td>City</td>
</tr>
<tr>
<td></td>
<td>NEWARK</td>
</tr>
<tr>
<td></td>
<td>Zip</td>
</tr>
<tr>
<td></td>
<td>Date of Birth</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**New Jersey Judiciary, Revised Form Effective August 1, 2017, CN 10070**

Copies to County Probation Division, Defendant, Defense Counseled, Prosecutor, State Parole Board, Dept of Corrections or County Penal Institution, Juvenile Justice Commission.
State of New Jersey v.

Time Credits

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: From 07/18/2019 - 07/19/2019</td>
<td>Date: From - To</td>
<td>Date: From - To</td>
</tr>
<tr>
<td>03/20/2020 - 05/20/2020</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Number of Days</td>
<td></td>
</tr>
<tr>
<td>Rosado Time</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date: From - To</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Number of Days</td>
<td></td>
</tr>
</tbody>
</table>

Total Number of Days 64

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.


Attorney for Defendant at Sentencing
MICHAIL B CAMPAGNA

Public Defender
☐ Yes ☑ No

Prosecutor at Sentencing
ESTRELLA LOPEZ

Deputy Attorney General
☐ Yes ☑ No

Judge at Sentencing
Lisa Walsh, J.S.C.

Judge (Signature)
/s Lisa Walsh, J.S.C.

Date
06/05/2020
### ORIGINAL CHARGES (Cont.)

<table>
<thead>
<tr>
<th>Ind / Acc / Complt</th>
<th>Count</th>
<th>Description</th>
<th>Statute</th>
<th>Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-10-00609-I</td>
<td>7</td>
<td>POSSESSION OF FIREARM WHILE COMMITTING CDS/BIAS CRIME</td>
<td>2C:39-4.1A</td>
<td>2</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
</tbody>
</table>

Also Known As

<table>
<thead>
<tr>
<th>Date of Birth</th>
<th>SBI Number</th>
<th>Date(s) of Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>10/16/2018</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Arrest</th>
<th>PROMIS Number</th>
<th>Date Ind / Acc / Complt Filed</th>
<th>Original Plea</th>
<th>Date of Original Plea</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/15/2019</td>
<td>002143-001</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjudication By</th>
<th>Guilty Plea</th>
<th>Jury Trial Verdict</th>
<th>Non-Jury Trial Verdict</th>
<th>Dismissed / Acquitted</th>
<th>Date: 04/15/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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Original Charges

<table>
<thead>
<tr>
<th>Ind / Acc / Complt</th>
<th>Count</th>
<th>Description</th>
<th>Statute</th>
<th>Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-04-00313-A</td>
<td>1</td>
<td>CDS - MANU/DIST/PWID - HEROIN/COCAIN .50Z TO &lt;50Z</td>
<td>2C:35-5B(2)</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS</td>
<td>2C:35-5A(1)</td>
<td></td>
</tr>
<tr>
<td>W-2018-000310-1436</td>
<td>4</td>
<td>USE/POS W/INTENT TO USE DRUG PARAPHERNALIA</td>
<td>2C:36-2</td>
<td>DP</td>
</tr>
<tr>
<td>W-2018-000310-1436</td>
<td>2</td>
<td>POSS CDS/ANALOG - SCH I II III IV</td>
<td>2C:35-10A(1)</td>
<td>3</td>
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Final Charges

<table>
<thead>
<tr>
<th>Ind / Acc / Complt</th>
<th>Count</th>
<th>Description</th>
<th>Statute</th>
<th>Degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-04-00313-A</td>
<td>1</td>
<td>CDS - MANU/DIST/PWID - HEROIN/COCAIN .50Z TO &lt;50Z</td>
<td>2C:35-5B(2)</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS</td>
<td>2C:35-5A(1)</td>
<td></td>
</tr>
</tbody>
</table>

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 VCWA; $75 SSRF; $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

<table>
<thead>
<tr>
<th>Years</th>
<th>Months</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>000</td>
<td>00</td>
<td>000</td>
</tr>
</tbody>
</table>

Institution Name

<table>
<thead>
<tr>
<th>CARES COMMISS/CORR</th>
</tr>
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</table>

Total Probation Term

<table>
<thead>
<tr>
<th>Years</th>
<th>Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>00</td>
<td>00</td>
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</tbody>
</table>

New Jersey Judiciary, Revised Form Effective August 1, 2017, CH: 10070

Page 1 of 3

Copies to: County Probation Division; Defendant; Defense Counsel; Prosecutor; State Parole Board; Dept of Corrections or County Penal Institution; Juvenile Justice Commission;
State of New Jersey v.

**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.)

<table>
<thead>
<tr>
<th>Standard</th>
<th>Doubled</th>
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<tbody>
<tr>
<td>1st Degree @</td>
<td>$</td>
</tr>
<tr>
<td>2nd Degree @</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>3rd Degree @</td>
<td>$</td>
</tr>
<tr>
<td>4th Degree @</td>
<td>$</td>
</tr>
<tr>
<td>DP or Petty DP @</td>
<td>$</td>
</tr>
</tbody>
</table>

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:35-15a)

**Forensic Laboratory Fee (N.J.S.A. 2C:35-20)**

<table>
<thead>
<tr>
<th>Offenses</th>
<th>@</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>50.00</td>
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</tbody>
</table>

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

<table>
<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>
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</tbody>
</table>

Total VCCO Assessment: $50.00


<table>
<thead>
<tr>
<th>Offense</th>
<th>Mandatory Penalty</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
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</tbody>
</table>

**Offense Based Penalties**

<table>
<thead>
<tr>
<th>Penalty</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
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</tbody>
</table>

**Other Fees and Penalties**

- Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)
  - $30.00

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

- Transaction Fee (N.J.S.A. 2C:48-1.1)
  - $ |

- Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-28.4)
  - $ |

- Fine
  - $ |

- Restitution
  - Joint & Several
  - $2,205.00 |

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

<table>
<thead>
<tr>
<th>Offenses</th>
<th>@</th>
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<tbody>
<tr>
<td>1</td>
<td>$5.00</td>
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</table>

Total: $75.00

**License Suspension**

<table>
<thead>
<tr>
<th>CDS / Paraphernalia (N.J.S.A. 2C:35-16)</th>
<th>Waived</th>
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<tbody>
<tr>
<td>Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)</td>
<td></td>
</tr>
<tr>
<td>Eluding (N.J.S.A. 2C:29-2)</td>
<td></td>
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</tbody>
</table>

Number of Months: 6

- Non-resident driving privileges revoked

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

**Details**

Driver's License Number: XXXXXXXXXXX

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

Sex: M

Eye Color: F

Date of Birth: 11/17/1962

New Jersey Judiciary, Revised Form Effective August 1, 2017, CN: 10070

Copies for: County Probation Division

Defendant

Defense Counsel

Prosecutor

State Parole Board

Dept of Corrections or County Penal Institution

Juvenile Justice Commission

B33
## Time Credits

<table>
<thead>
<tr>
<th>Time Spent in Custody</th>
<th>Gap Time Spent in Custody</th>
<th>Prior Service Credit</th>
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<tbody>
<tr>
<td><strong>R. 3:21-B</strong></td>
<td><strong>N.J.S.A. 2C:44-5b(2)</strong></td>
<td></td>
</tr>
<tr>
<td>Date: From - To</td>
<td>Date: From - To</td>
<td>Date: From - To</td>
</tr>
<tr>
<td>10/16/2019 - 10/17/2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Number of Days</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 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**

7. The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense.

9. The character and attitude of the defendant indicate that he/she is unlikely to commit another offense.

12. The willingness of the defendant to cooperate with law enforcement authorities.

This 36 year old defendant has pled guilty to one count of CDS - MANU/DIST/PWID - HEROIN/COCAINE - .5OZ TO <5OZ and MANU/DIST CDS OR INTENT TO MANU/DIST CDS. Defendant has a small prior criminal history. In this regard, the Court finds that the aggravating factors and the mitigating factors are in equipoise. Because of the type of crime and the manner in which it was carried out, the Court feels that a custodial sentence is required. The Court is satisfied that the sentence contemplated in the plea agreement is appropriate. All other reasons have been placed on the record.

---

**Attorney for Defendant at Sentencing**

**PAUL M SELITTO**

**Public Defender**

☐ Yes  ☑ No

**Prosecutor at Sentencing**

**NOELLE FIORENTINO**

**Deputy Attorney General**

☐ Yes  ☑ No

**Judge at Sentencing**

Robert Hanna

**Judge (Signature)**

/s Robert Hanna
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION—CRIMINAL
MORRIS COUNTY

THE STATE OF NEW JERSEY,
   Plaintiff,

vs.

M. [Redacted] A. [Redacted],
   Defendant.

ACCUSATION NO. 19-04-00313-A

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

COUNT ONE

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

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

NOELLE V. FIORENTINO
ASSISTANT PROSECUTOR
CASE NO. 18-1743
ACCUSATION NO. 19-04-00313-A

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

THE STATE OF NEW JERSEY,
Plaintiff,

vs.

M. [BLACKED OUT] A. C. [BLACKED OUT]
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
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

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 to 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 9/4/04, 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 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, 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 HEREBY SET MY HAND
AND AFFixed THE SEAL OF SAID COURT THIS DAY
OF MARCH 2004

ELIZABETH DOMINGO
DEPUTY CLERK

(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

WAIVER
of
INDICTMENT AND TRIAL BY JURY

(Name)
Defendant

To the County Prosecutor of Union County:

The defendant, who is charged with Poss. CDS w/ intent
in violation of N.J.S.A. 2C:35-5
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.

(Defendant's attorney)

Reported by:

County Prosecutor

Judge

ORIGINAL - Court/County Clerk; GREEN - Prosecutor; PINK - Defendant;
WHITE - Release; FUSCHIA - EXPD & Dismissal; GOLD - Retention;
APPENDIX C
DECLARATION OF AMELIA MARRITZ
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