

Docket No. 20-2017 & No. 23-1795

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

J. W.,

Petitioner,

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA,

Respondent.

On Petition for Review of a Final Decision
of the Board of Immigration Appeals
No.

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

AMELIA MARRITZ, ESQ.
ANDREW WACHTENHEIM, ESQ.
IMMIGRANT DEFENSE PROJECT
P.O. Box 1765
NEW YORK, NY 10027
PHONE: (212) 725-6422
COUNSEL FOR AMICI CURIAE

March 7, 2024

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**20-2017 &
23-1795**

APPENDIX A

**STATEMENTS OF
INTEREST OF *AMICI
CURIAE***

Amicus **Capital Area Immigrants' Rights (CAIR) Coalition** ("CAIR Coalition") is a nonprofit 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. The outcome in this case is central to CAIR Coalition's 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. CAIR Coalition provides legal services to noncitizens detained across the Third, Fourth, and Eleventh Circuits. Therefore, CAIR Coalition has a strong interest in this Court's 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).

Amicus Nationalities Service Center (NSC) has been serving refugees and immigrants in the greater Philadelphia area for over 100 years. As part of this work, NSC has provided legal representation to non-citizens since the 1950s and

NSC has maintained a decade long relationship with the Defender Association of Philadelphia in providing legal advice to non-citizens charged with criminal convictions. NSC attorneys often represent residents of New Jersey. As such, NSC is both interested in greater clarity on this issue under the New Jersey statute, as well as how these issues touch similar provisions of Pennsylvania 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).

No. 20-2017 & No. 23-1795

Appendix B

Shepard Documents from New Jersey State Prosecutions

Appendix B-1

No. 08-10-01732-I



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, BERGEN County

State of New Jersey

v.

Last Name

J [REDACTED]

First Name

P [REDACTED]

Middle Name

A

Also Known As

[REDACTED]

Date of Birth

[REDACTED]

SBI Number

[REDACTED]

Date(s) of Offense

06/19/2008

Date of Arrest

06/19/2008

PROMIS Number

08 001579-001

Date Ind / Acc / Complt Filed

10/23/2008

Original Plea

☐ Not Guilty ☐ Guilty

Date of Original Plea

Adjudication By



Guilty Plea



Jury Trial Verdict



Non-Jury Trial Verdict



Dismissed / Acquitted

Date: 04/08/2021

☐ Sealed (N.J.S.A. 2C:52-5.2)

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
08-10-01732-I	1	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	2
		CDS - MANU/DIST/PWID - HEROIN/COCAINE - .50Z TO <50Z	2C:35-5B(2)	
08-10-01732-I	2	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	2
		CDS - MANU/DIST/PWID - HEROIN/COCAINE - .50Z TO <50Z	2C:35-5B(2)	
08-10-01732-I	3	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	1
		CDS - MANU/DIST/PWID - HEROIN/COCAINE - =/> 50Z	2C:35-5B(1)	

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
08-10-01732-I	3	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	1
		CDS - MANU/DIST/PWID - HEROIN/COCAINE - =/> 50Z	2C:35-5B(1)	

Sentencing Statement

It is, therefore, on 06/11/2021 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:

Count 3: New Jersey State Prison 8 Years Flat.

Defendant is sentenced in the 2nd Degree range as recommended by the State.

Jail Time Credit as agreed to by the parties.

Dismissed: Counts 1 and 2

☒ 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

State of New Jersey v.

S.B.I. # Ind / Acc / Compl # 08-10-01732-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	1 @ \$ 3,000.00	@ \$
2nd Degree	@ \$	@ \$
3rd Degree	@ \$	@ \$
4th Degree	@ \$	@ \$
DP or Petty DP	@ \$	@ \$

Total DEDR Penalty \$ 3,000.00

☐ 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
3	1 @	\$ 50.00
	@	\$
	@	\$
	@	\$

Total VCCO Assessment \$ 50.00

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

Offense	Mandatory Penalty
	\$

Offense Based Penalties

Penalty	Amount
	\$

Other Fees and Penalties

Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) <input checked="" type="checkbox"/> \$ 30.00	Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2) <input checked="" type="checkbox"/> 1 Offenses @ \$ 75.00 Total: \$ 75.00
Probation Supervision Fee (N.J.S.A. 2C:45-1d) <input type="checkbox"/> \$	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) <input type="checkbox"/> Offenses @ \$ Total \$
Transaction Fee (N.J.S.A. 2C:46-1.1) <input type="checkbox"/>	Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) <input type="checkbox"/> \$
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) <input type="checkbox"/> \$	Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) <input type="checkbox"/> \$
Fine \$	Total Financial Obligation \$ 3,205.00
Restitution Joint & Several \$ <input type="checkbox"/>	
<input type="checkbox"/> Entry of Civil Judgment for court-ordered financial assessment (N.J.S.A. 2C:52-5.2)	

Details
All fines and penalties are to be collected by the DOC.

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

EOIR - 7 of 12

S.B.I. # [REDACTED] **Ind / Acc / Compl #** 08-10-01732-I

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
06/19/2008 - 06/28/2008	-	-
08/08/2020 - 06/10/2021	-	-
-	-	-
-	Total Number of Days _____	-
-	Rosado Time	-
-	Date: From - To	-
-	-	-
-	-	-
-	-	-
-	Total Number of Days _____	-
Total Number of Days 317		Total Number of Days

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.

MITIGATING FACTORS

11. The imprisonment of the defendant would entail excessive hardship to himself/herself or his/her dependents.

The Court finds that the Aggravating Factors outweigh the Mitigating Factors.

Attorney for Defendant at Sentencing KEVIN G ROE	Public Defender <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Prosecutor at Sentencing PIA N SHEPARD	Deputy Attorney General <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Judge at Sentencing Christopher Kazlau	
Judge (Signature) /s Christopher Kazlau	Date 06/15/2021

P.O. 1579-08
/kkc
10/23/08
SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY - LAW DIVISION
JULY TERM A.D. 2008
FIRST STATED SESSION

THE STATE OF NEW JERSEY :

-VS- :

[REDACTED] :

DEFENDANTS :

Indictment No.

08-10-01732-T

The Grand Jurors of the State of New Jersey, for the County of Bergen, upon their oaths present as a

FIRST COUNT
(Second Degree)

that [REDACTED] on or about June 13, 2008, in the Borough of Paramus, in the County of Bergen, and within the jurisdiction of this Court, did knowingly or purposely distribute a controlled dangerous substance, or its analog, namely, 3,4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA) "ECSTASY," in a quantity of one-half ounce or more, but less than five ounces, including any adulterants or dilutants, to an undercover agent of the Bergen County Narcotic Task Force; contrary to the provisions of N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(2), and against the peace of this State, the Government and dignity of the same.

SECOND COUNT
(Second Degree)

AND the Grand Jurors aforesaid, upon their oaths aforesaid, do further PRESENT that [REDACTED], on or about June 17, 2008, in the Borough of Paramus, in the County of Bergen, and within the jurisdiction of this Court, did knowingly or purposely distribute a controlled dangerous substance, or its analog, namely, 3,4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA) "ECSTASY," in a quantity of one-half ounce or more, but less than five ounces, including any adulterants or dilutants, to

an undercover agent of the Bergen County Narcotic Task Force; contrary to the provisions of N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(2), and against the peace of this State, the Government and dignity of the same.

THIRD COUNT
(First Degree)

AND the Grand Jurors aforesaid, upon their oaths aforesaid, do further PRESENT that [REDACTED] on or about June 19, 2008, in the Borough of Paramus, in the County of Bergen, and within the jurisdiction of this Court, did knowingly or purposely distribute a controlled dangerous substance, or its analog, namely, 3,4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA) "ECSTASY, in a quantity of five ounces or more, including any adulterants or dilutants, to an undercover agent of the Bergen County Narcotic Task Force; contrary to the provisions of N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(1), and against the peace of this State, the Government and dignity of the same.

JOHN L. MOLINELLI
BERGEN COUNTY PROSECUTOR

Nicholas Ostuni

By: Nicholas Ostuni
Assistant Prosecutor

A True Bill

[REDACTED]
[REDACTED]
Foreperson

STATE OF NEW JERSEY

v.

DEFENDANT:
 (Specify Complete Name)

DATE OF BIRTH

SSN NUMBER 929901B

DATE OF ARREST 5/9/00

DATE INDICTMENT/
 ACCUSATION FILED 7/26/00

DATE OF
 ORIGINAL PLEA 7/26/00

ORIGINAL PLEA
☐ NOT GUILTY ☒ GUILTY



New Jersey Superior Court
 Law Division - Criminal
 MORRIS

☒ JUDGMENT OF CONVICTION

☐ CHANGE OF JUDGMENT

ORDER FOR COMMITMENT

☐ INDICTMENT / ACCUSATION DISMISSED

☐ JUDGMENT OF ACQUITTAL

ADJUDICATION BY

☒ GUILTY PLEA

DATE: 7/26/00

☐ NON-JURY TRIAL

DATE:

☐ JURY TRIAL

DATE:

☐ DISMISSED/ACQUITTED

DATE:

ORIGINAL CHARGES

IND/ACC NO. COUNT DESCRIPTION
 00-07-956-A 1 POSS. CDS (COCAINE)

DEGREE STATUTE
 3 2C:35-10a(1)

FINAL CHARGES

COUNT DESCRIPTION DEGREE
 1 CONSPIRACY (POSS. COCAINE) AMENDED 3

STATUTE
 2C:35-10a(1)

It is, therefore, on OCTOBER 6, 2000 ORDERED and ADJUDGED that the defendant is sentenced as follows:
 COUNT ONE AS AMENDED: TWO (2) YEARS PROBATION, USUAL AND SPECIAL CONDITIONS: MAINTAIN FULL-TIME
 EMPLOYMENT. 60 HOURS COMMUNITY SERVICE. TRANSFER PROBATION SUPERVISION TO ESSEX COUNTY, \$50 VCCB, \$75
 SNSF, \$30 LAW ENF. \$2 MONTHLY SUPERVISION FEE, \$2 TRANSACTION FEE. EXONERATE BAIL.

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

Defendant is to receive credit for time spent in custody (B.3:21-5).

TOTAL NUMBER OF
 DAYS

DATE (From/To)

DATE (From/To)

☐ Defendant is to receive gap time credit for time spent in custody
 (N.J.S.A. 2C:44-5b(2)).

TOTAL NUMBER OF
 DAYS

DATE (From/To)

Total Custodial Term

Institution

Total Probation Term

TWO (2) YEARS

Administrative Office of the Courts
 State Bureau of Identification

CP0106 (6/94)

COPIES TO: CHIEF PROBATION OFFICER

STATE POLICE

AOC CRIMINAL PRACTICE DIVISION

DEPT OF CORRECTIONS

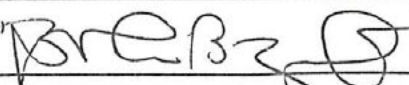
OR COUNTY PENAL INSTITUTION

EOIR - 11 of 12

Exh. 2 - Adm.

B6

000101

<p>Total RESTITUTION \$</p> <p>If the offense occurred on or after December 23, 1991, an assessment of \$50 is imposed on each count on which the defendant was convicted unless the box below indicates a higher assessment pursuant to <u>N.J.S.A. 2C:43-3.1</u>. (Assessment is \$30 if offense is on or after January 9, 1986 but before December 23, 1991, unless a higher penalty is noted. Assessment is \$25 if offense is before January 9, 1986.)</p> <p>Assessment imposed on Count(s) <u>1</u> is \$ <u>50.00</u> each.</p> <p>Total VCCB Assessment \$ <u>\$50.00</u></p> <p><input type="checkbox"/> Installment payments are due at the rate of \$ _____ per _____ beginning _____ (Date)</p>	<p>1) A mandatory Drug Enforcement and Demand Reduction (D.E.D.R.) penalty is imposed for each count. (Write in # times for each.)</p> <p>___ 1st Degree @ \$3000 ___ 4th Degree @ \$750 ___ 2nd Degree @ \$2000 ___ Disorderly Persons or Petty ___ 3rd Degree @ \$1000 ___ Disorderly Persons @ \$500</p> <p>Total D.E.D.R. Penalty \$ _____</p> <p><input type="checkbox"/> Court further ORDERS that collection of the D.E.D.R. penalty be suspended upon defendant's entry into a residential drug program for the term of the program.</p> <p>2) A forensic laboratory fee of \$50 per offense is ORDERED. _____ Offenses @ \$50.</p> <p>Total Lab Fee \$ _____</p> <p>3) Name of Drugs involved _____</p> <p>4) A mandatory driver's license suspension of _____ months is ORDERED.</p> <p>The suspension shall begin today, _____ and end _____</p> <p>Driver's License Number _____</p> <p>(IF THE COURT IS UNABLE TO COLLECT THE LICENSE, PLEASE ALSO COMPLETE THE FOLLOWING.)</p> <p>Defendant's Address _____</p> <p>Eye Color _____ Sex _____ Date of Birth _____</p> <p><input type="checkbox"/> The defendant is the holder of an out of state driver's license from the following jurisdiction _____. Driver's License Number _____</p> <p><input type="checkbox"/> Defendant's non-resident driving privileges are hereby revoked for _____ Months.</p>
<p>If the offense occurred on or after February 1, 1993 and the sentence is to probation or to a State Correctional facility, a transaction fee of up to \$1.00 is ordered for each occasion when a payment or installment payment is made. (P.L. 1992, c. 169.</p>	
<p>If the offense occurred on or after August 2, 1993, a \$75 Safe Neighborhood Services Fund assessment is ordered for each conviction. (P.L. 1993, c. 220</p>	
<p>If the offense occurred on or after January 5, 1994 and the sentence is to probation, a fee of up to \$25 per month for the probationary term is ordered. (P.L. 1993, c. 275) Amount per month _____</p>	
<p>Name (Court Clerk or Person Preparing this form) MICHELLE CULLEN WILLIAMSON</p>	<p>TELEPHONE NUMBER 973-285-6431</p>
<p>NAME (Attorney for Defendant at Sentencing) PATRICIA KAY P.D.</p>	
<p>STATEMENT OF REASONS</p> <p>THIS 26 YEAR OLD DEFENDANT HAS PLED GUILTY TO CONSPIRACY TO POSSESS COCAINE, AS AMENDED, 3RD DEGREE. HE HAS A PRIOR BUT NOT SUBSTANTIAL CRIMINAL HISTORY ON A CONDITIONAL DISCHARGE AND AN ATTEMPTED THEFT BY DECEPTION CONVICTION AND PENDING CHARGES FROM THE IRVINGTON MUN. COURT OF TRESPASS/ASSAULT. THE OFFENSES ARE GROUNDED IN A CONTINUING ALCOHOL PROBLEM, DRUG HABIT. IN LIEU OF INCARCERATION, COMMUNITY SERVICE IS NECESSARY TO DETER FURTHER CRIMINAL ACTIVITY. HE NEEDS TO MAINTAIN EMPLOYMENT AT SPECTRUM STAFFING. HE HAS FOUR CHILDREN, THREE OF WHICH RESIDE WITH HIM. IN THIS REGARD, AGGRAVATING FACTORS 3, 6 AND 9 APPLY AND OUTWEIGH MITIGATING FACTORS 1, 2 AND 10.</p>	
<p>JUDGE (Name) B. THEODORE BOZONELIS, P.J.S.C.</p>	<p>JUDGE (Signature) </p>
<p>DATE 10/11/00</p>	

Administrative Office of the Courts
 State Bureau of Identification
 COPIES TO: CHIEF PROBATION OFFICER STATE POLICE AOC CRIMINAL PRACTICE DIVISION DEPT OF CORRECTIONS OR COUNTY PENAL INSTITUTION

CPO 106 (5/94)

I, Michael J. Arnold, deputy clerk of the Superior Court of New Jersey, the same being a Court of Record, do hereby certify that the foregoing is a true copy of the Judgment of Conviction now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Trenton, this 9th day of Feb 2010.


 DEPUTY CLERK

Appendix B-2

No. 17-09-0087-A



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

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 / Complt	Count	Description	Statute	Degree
17-09-00887-A	1	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
W-2017-003995-0906	1	POSS CDS - < 50G MARIJUANA, 5G-HASHISH	2C:35-10A(4)	DP
W-2017-003995-0906	2	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
W-2017-003995-0906	3	MANUF/DISTR CDS-HEROIN/METH/LSD <1/2OZ/ETC	2C:35-5A(1)	3
W-2017-003995-0906	4	MANUF/DISTR CDS-HEROIN/METH/LSD <1/2OZ/ETC	2C:35-5A(1)	3
W-2017-003995-0906	5	MANUF/DISTR CDS-HEROIN/METH/LSD <1/2OZ/ETC	2C:35-5A(1)	3
W-2017-003995-0906	6	POSS/DIST WITHIN 500 FT CERTAIN PUBLIC PROPERTY	2C:35-7.1A	2

(Cont...)

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
17-09-00887-A	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.

B [REDACTED] MA [REDACTED]

Ind / Acc / Compl# 17-09-00887-A

Total Number of Days

☐ Yes ☒ No

Superior Court of New Jersey
HUDSON COUNTY
CRIMINAL DIVISION

THE STATE OF NEW JERSEY)

WAIVER OF INDICTMENT
AND TRIAL BY JURY

VS.)

M [REDACTED] B [REDACTED]

Accusation No. 887-17
Complaint No. W-2017-003995-0906
File No. 17004038

To the County Prosecutor:

M [REDACTED] B [REDACTED], 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.

M [REDACTED] B [REDACTED]

Accusation No. 887-17
Complaint No. W-2017-003995-0906
File No. 17004038

THE STATE OF NEW JERSEY)

) ss:
)

COUNTY OF HUDSON)

M [REDACTED] B [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-3

No. 10-11-101074-A



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, ESSEX County

State of New Jersey

v.

Last Name

B [REDACTED]

First Name

M [REDACTED]

Middle Name

Also Known As

Date of Birth

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
10-11-01074-A	1	PRESCRIPTION LEGEND DRUGS NOT IN ORIG CONTAINER	2C:35-10.5	3
10-11-01074-A	2	TO OBTAIN OR ATTEMPT TO OBTAIN PRESC DRUGS BY DECEPTION	2C:35-10.5D	4
10-11-01074-A	3	OBTAIN CDS BY FRAUD	2C:35-13	3
10-11-01074-A	4	THEFT BY DECEP-FALSE IMPR	2C:20-4A	3
10-11-01074-A	5	RECEIVING STOLEN PROPERTY	2C:20-7	3
10-11-01074-A	6	FORGERY-ELEMENTS	2C:21-1A	3
10-11-01074-A	7	POSSESSION CDS	2C:35-10	3

(Cont...)

Final Charges

Ind / Acc / Compl	Count	Description	Statute	Degree
10-11-01074-A	3	OBTAIN CDS BY FRAUD (percodet)	2C:35-13	3
10-11-01074-A	6	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 6: 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 ☒ **MV**

TRUE COPY B12

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

State of New Jersey v.
B [REDACTED] M [REDACTED]

S.B.I. # [REDACTED] Ind / Acc / Compl # 10-11-01074-A

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)

2 Offenses @ \$ 50.00

Total Lab Fee

\$ 100.00

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

Counts	Number	Amount
3, 6	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

78 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.

B. [REDACTED] M. [REDACTED]

S.B.I. # [REDACTED] Ind / Acc / Compl # 10-11-01074-A

Time Credits**Time Spent in Custody**

R. 3:21-8

Date: From - To
 10/05/2010 - 10/17/2010
 11/01/2010 - 11/13/2010

Total Number of Days 26

Gap Time Spent in Custody

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

Date: From - To

Total Number of Days

Rosado Time

Date: From - To

Total Number of Days

Prior Service Credit

Date: From - To

Total Number of Days

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

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

☒ Yes ☐ No

Prosecutor at Sentencing

LYNNE BORASIO

Deputy Attorney General

☐ Yes ☒ No

Judge at Sentencing

RONALD D. WIGLER

Judge (Signature)

B14

Date

State of New Jersey v.

E. M.

S.B.J. # Ind / Acc / Compl # 10-11-01074-A

Continuation

ORIGINAL CHARGES (Cont:)

Ind / Acc / Compl	Count	Description	Statute	Degree
10-11-01074-A	8	POSSESSION CDS WITH INTENT TO DISTRIBUTE	2C:35-5	3
10-11-01074-A	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.

M. [REDACTED] B. [REDACTED]

DEFENDANT.

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

CRIMINAL ACTION

ACC. # 10-11-1074

M. [REDACTED] B. [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)

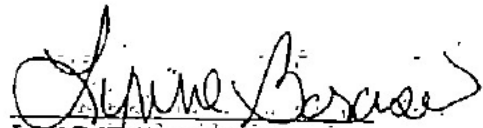
The County Prosecutor, aforesaid, alleges that the defendant M [REDACTED] B [REDACTED], on 10/5/2010, in the CITY OF NEWARK in the County of Essex, aforesaid and within the jurisdiction of this Court, possess or have under his control with intent to distribute a prescription legend drug in an amount 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 M [REDACTED] B [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)

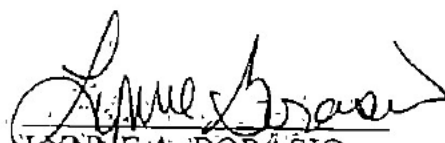
The County Prosecutor, aforesaid, alleges that the defendant M [REDACTED] B [REDACTED], on 10/5/2010, in the CITY OF NEWARK in the County of Essex, aforesaid and within the jurisdiction of this Court, obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception 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 M. [REDACTED] B. [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, M [REDACTED] B [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,

M [REDACTED] B [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)

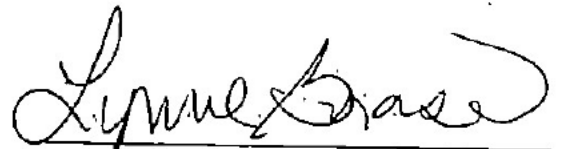
The County Prosecutor, aforesaid, alleges that the defendant M [REDACTED] B [REDACTED] on 10/5/2010, in the CITY OF NEWARK, in the County of Essex, aforesaid and within the jurisdiction of this Court, unlawfully did possess a controlled dangerous substance, namely, PERCOCET contrary to N.J.S. 2C: 35-10,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

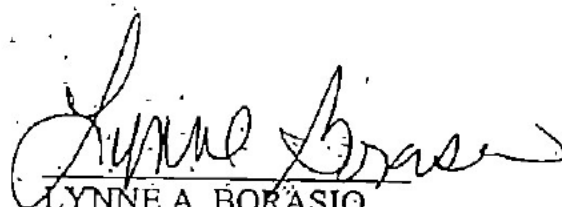
The County Prosecutor, aforesaid, alleges that the defendant, M [REDACTED] B [REDACTED], on 10/5/2010, in the city of Newark in the County of Essex, aforesaid and within the jurisdiction of this Court, unlawfully did possess a controlled dangerous substance, namely, PERCOCET with intent to distribute 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, Ma [REDACTED] B [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-4

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

OF

Elizabeth Domingo
ELIZABETH DOMINGO

designee
B26

Andrew K. Ruotolo
(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 designee

Signed and delivered in the presence of

[Signature]
(Defendant's attorney)

Reported by:

[Signature]
County Prosecutor

[Signature]
Judge

Appendix B-5

No. 15-03-00180-I

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



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

State of New Jersey

v.

Last Name

C

First Name

R

Middle Name

J

A

C

D

PROM

14 00 3

Date Ind / Acc / Compl Filed

03/04/2015

Original Plea

☒ Not Guilty ☐ Guilty

Date of Original Plea

04/21/2015

Adjudication By

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

Date: 07/17/2017

Original Charges

Ind / Acc / Compl	Count	Description	Statute	Degree
15-03-00180-I	2	RACKETEERING-CONSPIRE IN RACKETEERING-VIOL/1ST DEG/ETC	2C:41-2D	1
15-03-00180-I	3	RACKETEERING-EMPLOYEE PARTICIPATES-VIOLENCE/1ST DEG/ETC	2C:41-2C	1
15-03-00180-I	4	MAINTAINING/OPERATING CDS PRODUCTION FACILITY	2C:35-4	1
15-03-00180-I	6	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	1
		CDS - MANUF/DIST/PWID - HEROIN/COCAINE - > 50Z	2C:35-5B(1)	
15-03-00180-I	8	CONSPIRACY - AGREE/ENGAGE IN CONDUCT CONSTITUTE A CRIME	2C:5-2A(1)	2
		CDS - MANUF/DIST/PWID - HEROIN/COCAINE - > 50Z	2C:35-5B(1)	

(Cont...)

Final Charges

Ind / Acc / Compl	Count	Description	Statute	Degree
15-03-00180-I	3	RACKETEERING-EMPLOYEE PARTICIPATES-VIOLENCE/1ST DEG/ETC	2C:41-2C	1
15-03-00180-I	6	MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	1
		CDS - MANUF/DIST/PWID - HEROIN/COCAINE - > 50Z	2C:35-5B(1)	

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

On count 3:

Defendant is remanded to the custody of the Commissioner of the Department of Corrections for a period of 10 YEARS flat.

Sentence is to run concurrent to Count 6.

(Note: Count 3 is to be treated as 2nd degree for sentencing purposes.)

On count 6:

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

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

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

Total Custodial Term

010 Years 00 Months 000 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

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

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

page 1 of 4

B28

S. B. J. # [REDACTED] Ind / Acc / Compl # 15-03-00180-1

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																			
<p>A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)</p> <p><input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))</p> <table style="width: 100%;"> <tr> <th></th> <th style="text-align: center;">Standard</th> <th style="text-align: center;">Doubled</th> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> <tr> <td>DP or Petty DP</td> <td style="text-align: center;">@ \$</td> <td style="text-align: center;">@ \$</td> </tr> </table> <p style="text-align: center;">Total DEDR Penalty \$</p> <p><input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)</p>			Standard	Doubled	1st Degree	@ \$	@ \$	2nd Degree	@ \$	@ \$	3rd Degree	@ \$	@ \$	4th Degree	@ \$	@ \$	DP or Petty DP	@ \$	@ \$	<p><input checked="" type="checkbox"/> The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).</p> <p><input type="checkbox"/> The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-8.4).</p> <p><input type="checkbox"/> The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).</p> <p><input type="checkbox"/> The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____</p> <p><input type="checkbox"/> The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).</p> <p><input type="checkbox"/> The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).</p> <p><input type="checkbox"/> The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).</p>	
	Standard	Doubled																			
1st Degree	@ \$	@ \$																			
2nd Degree	@ \$	@ \$																			
3rd Degree	@ \$	@ \$																			
4th Degree	@ \$	@ \$																			
DP or Petty DP	@ \$	@ \$																			
<p>Forensic Laboratory Fee (N.J.S.A. 2C:35-20) _____ Total Lab Fee \$ _____</p> <p>Offenses @ \$ _____</p>																					
VCCO Assessment (N.J.S.A. 2C:43-3.1)																					
Counts	Number	Amount																			
	@	\$ 50.00																			
	@	\$																			
	@	\$																			
	@	\$																			
Total VCCO Assessment \$																					
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)																					
Offense		Mandatory Penalty \$																			
Offense Based Penalties																					
Penalty		Amount \$																			
Other Fees and Penalties																					
<p>Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3)</p> <p><input type="checkbox"/> \$</p>		<p>Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2)</p> <p><input type="checkbox"/> Offenses @ \$</p> <p style="text-align: center;">Total: \$</p>																			
<p>Probation Supervision Fee (N.J.S.A. 2C:45-1d)</p> <p><input type="checkbox"/> \$</p>		<p>Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)</p> <p><input type="checkbox"/> Offenses @ \$</p> <p style="text-align: center;">Total \$</p>																			
<p>Transaction Fee (N.J.S.A. 2C:46-1.1)</p> <p><input type="checkbox"/> \$</p>																					
<p>Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)</p> <p><input type="checkbox"/> \$</p>		<p>Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)</p> <p><input type="checkbox"/> \$</p>																			
<p>Fine</p> <p>\$</p>		<p>Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10)</p> <p><input type="checkbox"/> \$</p>																			
<p>Restitution Joint & Several</p> <p>\$ <input type="checkbox"/></p>		<p>Total Financial Obligation</p> <p>\$</p>																			
Details																					
License Suspension																					
<p><input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35-18) <input type="checkbox"/> Waived</p> <p><input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)</p> <p><input type="checkbox"/> Eluding (N.J.S.A. 2C:29-2)</p> <p><input type="checkbox"/> Other</p>																					
Number of Months		<input type="checkbox"/> Non-resident driving privileges revoked																			
Start Date		End Date																			
Details																					
Driver's License Number		Jurisdiction																			
If the court is unable to collect the license, complete the following:																					
Defendant's Address																					
City		State	Zip																		
Date of Birth		Sex	Eye Color																		
		<input type="checkbox"/> M <input type="checkbox"/> F																			

000513

EOIR - 20 of 38

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

State of New Jersey v.

J

S.B.I. # Ind / Acc / Compl # 15-03-00180-I

Continuation**ORIGINAL CHARGES (Cont.)**

Ind / Acc / Compl	Count	Description	Statute	Degree
15-03-00180-I	10	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
15-03-00180-I	14	CDS/ANALOG - DISTRIBUTE ON/NEAR SCHOOL PROPERTY/BUS	2C:35-7	3
15-03-00180-I	17	POSS/DIST WITHIN 500 FT CERTAIN PUBLIC PROPERTY	2C:35-7.1A	2

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

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

page 4 of 4



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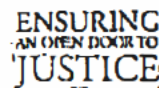
Superior Court Certification

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

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

SIGNED IN THE SUPERIOR COURT OF NEW JERSEY

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



PROSECUTOR'S DOCKET NO. 14003383 & 14003291

C.D.R. NOS. W-2014-001145-2009, W-2014-001152-2009, W-2014-001152-2009,
W-2014-001155-2009, W-2014-001147-2009, W-2014-001150-2009,
W-2014-001149-2009, W-2014-001146-2009, W-2014-001144-2009,
W-2014-001156-2009, W-2014-001157-2009, W-2014-001173-2009,
W-2014-001148-2009, W-2014-001151-2009, W-2014-001153-2009,
W-2014-001154-2009, W-2014-001597-2019, W-2014-004068-2004,
W-2014-003728-2004, W-2014-003724-2004, W-2014-003720-2004,
W-2014-003723-2004, W-2014-003729-2004

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.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - UNION COUNTY
CRIMINAL

INDICTMENT NO.

15-03-001801

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

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

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

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

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

B33

: SUBSTANCE WITH THE INTENT TO
DISTRIBUTE
: (FIRST DEGREE) (ONE COUNT)

: *N.J.S.A. 2C:35-5a(1) and*
N.J.S.A. 2C:35-5b(2)
: POSSESSION OF A CONTROLLED DANGEROUS
SUBSTANCE WITH THE INTENT TO
: DISTRIBUTE
(SECOND DEGREE) (ONE COUNT)

:
N.J.S.A. 2C:5-2a(1) and 2C:5-2a(2) and
: *N.J.S.A. 2C:35-5a(1) and 2C:35-5b(1)*
CONSPIRACY TO DISTRIBUTE A CONTROLLED
: DANGEROUS SUBSTANCE
(SECOND DEGREE) (TWO COUNT)

:
N.J.S.A. 2C:5-2a(1) and 2C:5-2a(2) and
: *N.J.S.A. 2C:35-5a(1) and 2C:35-5b(2)*
CONSPIRACY TO DISTRIBUTE A CONTROLLED
: DANGEROUS SUBSTANCE
(SECOND DEGREE) (TWO COUNTS)

:
N.J.S.A. 2C:35-5a(1) and
: *N.J.S.A. 2C:35-5b(2)*
DISTRIBUTION OF A CONTROLLED
: DANGEROUS SUBSTANCE
(FIRST DEGREE) (ONE COUNT)

:
N.J.S.A. 2C:35-10a(1)
: POSSESSION OF A CONTROLLED DANGEROUS
SUBSTANCE
: (THIRD DEGREE) (TWO COUNTS)

: *N.J.S.A. 2C:35-7*
POSSESSION OF A CONTROLLED DANGEROUS
: SUBSTANCE WITH THE INTENT TO
DISTRIBUTE WITHIN 1000' OF SCHOOL
: PROPERTY
(THIRD DEGREE) (THREE COUNTS)

:
N.J.S.A. 2C:35-7.1a
: POSSESSION OF A CONTROLLED DANGEROUS
SUBSTANCE WITH THE INTENT TO
: DISTRIBUTE WITHIN 500' OF A PUBLIC PARK
(SECOND DEGREE) (TWO COUNTS)

-2-

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

COUNT ONE

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

COUNT TWO

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

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

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

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

The Enterprise

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

The Pattern of Racketeering Activity

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

COUNT THREE

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], who are named

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

The Enterprise

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], and other persons whose

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

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

The Pattern of Racketeering Activity

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

COUNT FOUR

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

[REDACTED]

[REDACTED]

[REDACTED],

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

COUNT FIVE

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

[REDACTED],

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

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

COUNT SIX

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

[REDACTED]
[REDACTED]
[REDACTED]

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

COUNT SEVEN

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

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

COUNT EIGHT

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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], between October 20, 2014
to November 14, 2014, in the Cities of Linden and/or Elizabeth, and/or Township of Union, County of
Union, aforesaid, and within the jurisdiction of this Court, conspire with each other and/or another to
commit the crime of Distribution of a Controlled Dangerous Substance, namely Heroin, a Schedule I
narcotic, in excess of five ounces; contrary to the provisions of *N.J.S.A. 2C:5-2a(1)* and *2C:5-2a(2)* and
N.J.S.A. 2C:35-5a(1) and *2C:35-5b(1)*, and against the peace of this State, the Government and dignity of
the same.

COUNT NINE

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

[REDACTED]
[REDACTED]
[REDACTED], between October 20, 2014 to
November 14, 2014, in the Cities of Linden and/or Elizabeth, and/or Township Union, County of Union,
and within the jurisdiction of this Court, conspire with each other and/or another to commit the crime of
Distribution of a Controlled Dangerous Substance, namely Heroin, a Schedule I narcotic; in excess of half
an ounce but less than five ounces; contrary to the provisions of *N.J.S.A. 2C:5-2a(1)* and *2C:5-2a(2)* and

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

COUNT TEN

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

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

COUNT ELEVEN

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

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

COUNT TWELVE

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

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

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

COUNT THIRTEEN

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

COUNT FOURTEEN

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

COUNT FIFTEEN

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

[REDACTED],

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

COUNT SIXTEEN

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

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

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

COUNT SEVENTEEN

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

[REDACTED]

[REDACTED]

[REDACTED], on or

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

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

COUNT EIGHTEEN

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

COUNT NINETEEN

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

COUNT TWENTY

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

COUNT TWENTY-THREE

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

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

COUNT TWENTY-FOUR

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

[REDACTED], on or about November 14, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, knowingly and unlawfully did transport and/or sell a certain device, to wit: a firearm silencer; contrary to the provisions of *N.J.S.A. 2C:39-9c*, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-FIVE

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

[REDACTED], on or about November 14, 2014, in the City of Elizabeth, in the County of Union, aforesaid, and within the jurisdiction of this Court, knowingly and unlawfully did possess a certain weapon, to wit: brass knuckles, under circumstances not manifestly appropriate for such lawful uses as it may have; contrary to the provisions of *N.J.S.A. 2C:39-5d*, and against the peace of this State, the Government and dignity of the same.

COUNT TWENTY-SIX

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

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

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

COUNT TWENTY-ONE

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

COUNT TWENTY-TWO

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

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

COUNT TWENTY-SEVEN

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


SPECIAL DEPUTY ATTORNEY GENERAL/
ACTING ASSISTANT PROSECUTOR

Appendix B-6

No. 16-06-00388-I



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, UNION County

State of New Jersey

v.

Last Name

A. [REDACTED]

First Name

A. [REDACTED]

Middle Name

Also Known As

[REDACTED]

(Cont...)

Date of Birth

[REDACTED]

SBI Number

[REDACTED]

Date(s) of Offense

01/20/2016

Date of Arrest

PROMIS Number

16 000250-001

Date Ind / Acc / Compl Filed

06/14/2016

Original Plea

☒ Not Guilty

☐ Guilty

Date of Original Plea

06/27/2016

Adjudication By

☐ Guilty Plea

☒ Jury Trial Verdict

☐ Non-Jury Trial Verdict

☐ Dismissed / Acquitted

Date: 08/08/2017

Original Charges

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

Final Charges

Ind / Acc / Compl	Count	Description	Statute	Degree
16-06-00388-I	1	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
16-06-00388-I	3	CDS - MANU/DIST/PWID - HEROIN/COCAINE - < .50Z	2C:35-5B(3)	3
		MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	

Sentencing Statement

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

On Count 1:

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

On Count 3:

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

STATE OF NJ, COUNTY OF UNION, I, JAMES S. AGRO,
DEPUTY CLERK, SUPERIOR COURT OF NEW
JERSEY, DO HEREBY CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF THE ORIGINAL ON FILE.
I HAVE HEREUNTO SET MY HAND AND AFFIXED THE
SEAL OF SAID COURT THIS 20TH DAY
OF March 2019

JAMES S. AGRO



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

Total Custodial Term

008 Years 00 Months 000 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

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

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

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

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

Total DEDR Penalty \$ 2,000.00

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

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

1 Offenses @ \$ 50.00

Total Lab Fee

\$ 50.00

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

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

Total VCCO Assessment \$ 50.00

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

Offense

Mandatory Penalty
\$

Offense Based Penalties

Penalty

Amount
\$

Other Fees and Penalties

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

☒ \$ 30.00

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

☒ 1 Offenses @ \$ 75.00

Total: \$ 75.00

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

☐ \$

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

☐ Offenses @ \$

Total \$

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

☒

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

☐ \$

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

☐ \$

Fine

\$

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

☐ \$

Restitution

Joint & Several

\$

Total Financial Obligation

\$ 2,205.00

Details

Additional Conditions

- ☒ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).
- ☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).
- ☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).
- ☐ The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).
- ☐ The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____.
- ☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).
- ☐ The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).
- ☐ The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).

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

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

License Suspension

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

Number of Months

☐ Non-resident driving privileges revoked

Start Date

End Date

Details

Driver's License Number

Jurisdiction

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

City

State

Zip

Date of Birth

Sex

☐ M ☐ F

Eye Color

Time Credits

Time Spent in Custody

R. 3:21-8

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

Total Number of Days 286

Gap Time Spent in Custody

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

Date: From - To

Total Number of Days

Rosado Time

Date: From - To

Total Number of Days

Prior Service Credit

Date: From - To

Total Number of Days

Statement of Reasons - Include all applicable aggravating and mitigating factors

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

Attorney for Defendant at Sentencing

[REDACTED]

Public Defender

☐ Yes ☒ No

Prosecutor at Sentencing

KATHLEEN A DILLON

Deputy Attorney General

☐ Yes ☒ No

Judge at Sentencing

Robert Kirsch, J.S.C.

Judge (Signature)

/s Robert Kirsch, J.S.C.

Date

01/19/2018

State of New Jersey v.

A [REDACTED], A [REDACTED]

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

Continuation

ALSO KNOWN AS (Cont.)

[REDACTED]

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

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

RECEIVED AND FILED
SUPERIOR COURT, UNION COUNTY
CRIMINAL DIVISION

JUN 14 2016

ROBERT EPPENSTEIN
Criminal Division Manager

THE STATE OF NEW JERSEY

v.

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – UNION COUNTY
CRIMINAL

INDICTMENT NO.

16-06-00388

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

POSSESSION OF A CONTROLLED
DANGEROUS SUBSTANCE
(THIRD DEGREE)

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

POSSESSION OF A CONTROLLED
DANGEROUS SUBSTANCE
(FOURTH DEGREE)

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

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

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

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

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

JAMES S. AGRO

COUNT ONE

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

COUNT TWO

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

COUNT THREE

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

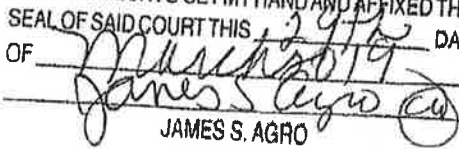
COUNT FOUR

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



SPECIAL DEPUTY ATTORNEY GENERAL/
ACTING ASSISTANT PROSECUTOR

AS/dms

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

JAMES S. AGRO

Appendix B-7

No. 13-09-02295-I



Judgment of Conviction

Superior Court of New Jersey, ESSEX County

State of New Jersey

v.

Last Name

██████████

First Name

C ██████████

Middle Name

G

Also Known As

Date of Birth

██████████

SBI Number

██████████

Date(s) of Offense

05/05/2013

Date of Arrest

PROMIS Number

13 003218-002

Date Ind / Acc / Complt Filed

09/13/2013

Original Plea

☒ Not Guilty

☐ Guilty

Date of Original Plea

10/21/2013

Adjudication By



Guilty Plea



Jury Trial Verdict



Non-Jury Trial Verdict



Dismissed / Acquitted

Date: 11/18/2013

Original Charges

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

Final Charges

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

Sentencing Statement

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

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

COUNT 5: DISMISSED.

JAIL CREDIT - 1 DAY

TRUE COPY

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

Total Custodial Term

000 Years 00 Months 000 Days

Institution Name

Total Probation Term

03 Years 00 Months

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

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

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

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

Total DEDR Penalty \$ 1,000.00

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

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

Total Lab Fee

1 Offenses @ \$ 50.00

\$ 50.00

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

Counts	Number	Amount
4	1 @	\$ 50.00
	@	\$
	@	\$
	@	\$
Total VCCA Assessment \$ 50.00		

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

Offense

Mandatory Penalty

\$

Offense Based Penalties

Penalty

Amount

\$

Other Fees and Penalties

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

☒ \$ 30.00

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

☒ 1 Offenses @ \$ 75.00

Total: \$ 75.00

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

☒ \$ 15.00

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

☐ Offenses @ \$

Total \$

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

☐

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

☐ \$

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

☐ \$

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

☐ \$

Fine

\$

Restitution

\$

Total Financial Obligation

\$ 1,205.00

Details

Additional Conditions

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

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

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

License Suspension

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

Number of Months

☐ Non-resident driving privileges revoked

Start Date

End Date

Details

Driver's License Number

Jurisdiction

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

City

State

Zip

Date of Birth

Sex

☐ M ☐ F

Eye Color

Appendix B-8

No. 18-10-00609-I



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, UNION County

State of New Jersey
v.

Last Name

First Name

Middle Name

Also Known As

Date of Birth

SBI Number

Date(s) of Offense

07/18/2018

Date of Arrest

PROMIS Number

18 002635-001

Date Ind / Acc / Complt Filed

10/16/2018

Original Plea

☒ Not Guilty☐ Guilty

Date of Original Plea

10/29/2018

Adjudication By

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

Date: 08/02/2019

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
18-10-00609-I	1	UNLAWFUL POSS WEAPON- PRIOR CONV IN NERA	2C:39-5J	1
18-10-00609-I	2	PROHIBITED WEAPONS AND DEVICES - LARGE CAPACITY AMMO	2C:39-3J	4
18-10-00609-I	3	PROHIBITED WEAPONS AND DEVICES - HOLLOW NOSE/DUM-DUM	2C:39-3F(1)	4
18-10-00609-I	4	POSS CDS/ANALOG - SCHD I II III IV	2C:35-10A(1)	3
18-10-00609-I	5	CDS - MANU/DIST/PWID - HEROIN/COCAINE - < .50Z	2C:35-5B(3)	3
		MANUF/DISTR CDS OR INTENT TO MANUF/DISTR CDS	2C:35-5A(1)	
18-10-00609-I	6	CDS/ANALOG - DISTRIBUTE ON/NEAR SCHOOL PROPERTY/BUS	2C:35-7A	3

(Cont...)

Final Charges

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

Sentencing Statement

It is, therefore, on 05/21/2020

ORDERED and ADJUDGED that the defendant is sentenced as follows:

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

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

Total Custodial Term

010 Years 00 Months 000 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

State of New Jersey v.

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

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

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

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
07/18/2019 - 07/19/2019	-	-
03/20/2020 - 05/20/2020	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
Total Number of Days 64	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.
6. The extent of the defendant's prior criminal record and the seriousness of the offenses of which he/she has been convicted.
9. The need for deterring the defendant and others from violating the law.
- THIS COURT FINDS THAT AGGRAVATING FACTORS 3, 6 AND 9 OUTWEIGHS THE NON-EXISTENT MITIGATING FACTORS. THIS IS THE RESULT OF THE NEGOTIATION BETWEEN DEFENSE AND THE STATE AND, ALTHOUGH A GREATER SENTENCE CAN BE IMPOSED, THE DEFENDANT IS RECEIVING THE BENEFIT OF THE PLEA AGREEMENT.
- THE JAIL CREDITS AWARDED FROM MARCH 20, 2020 THROUGH MAY 20, 2020 ARE HEREBY AWARDED TO THE DEFENDANT WITH THE AGREEMENT OF THE STATE, DEFENSE AND THIS COURT IN THE INTERSET OF JUSTICE DUE TO THE COVID-19 PANDEMIC.

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

State of New Jersey v.

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

Continuation

ORIGINAL CHARGES (Cont.)

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

Appendix B-9

No. 19-04-00313-A



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, MORRIS County

State of New Jersey

v.

Last Name

C. [REDACTED]

First Name

M. [REDACTED]

Middle Name

A

Also Known As

Date of Birth

[REDACTED]

SBI Number

[REDACTED]

Date(s) of Offense

10/16/2018

Date of Arrest

PROMIS Number

18 001743-001

Date Ind / Acc / Compl Filed

04/15/2019

Original Plea

☐ Not Guilty

☐ Guilty

Date of Original Plea

Adjudication By

☒ Guilty Plea

☐ Jury Trial Verdict

☐ Non-Jury Trial Verdict

☐ Dismissed / Acquitted

Date: 04/15/2019

Original Charges

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

Final Charges

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

Sentencing Statement

It is, therefore, on 10/18/2019 **ORDERED and ADJUDGED** that the defendant is sentenced as follows:

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

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

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

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

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

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

Total Custodial Term

003 Years 00 Months 000 Days

Institution Name

CARE COMMISS/CORR

Total Probation Term

00 Years 00 Months

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)			
A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.)			
<input type="checkbox"/> DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2))			
	Standard		Doubled
1st Degree	@ \$		@ \$
2nd Degree	1 @ \$ 2,000.00		@ \$
3rd Degree	@ \$		@ \$
4th Degree	@ \$		@ \$
DP or Petty DP	@ \$		@ \$
Total DEDR Penalty \$ 2,000.00			
<input type="checkbox"/> The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)			
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 @ \$ 75.00
	Total: \$ 75.00
Probation Supervision Fee (N.J.S.A. 2C:45-1d)	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6)
<input type="checkbox"/> \$	<input type="checkbox"/> Offenses @ \$
	Total \$
Transaction Fee (N.J.S.A. 2C:46-1.1)	Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7)
<input checked="" type="checkbox"/>	<input type="checkbox"/> \$
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4)	
<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 \$ 2,205.00
Details	

Additional Conditions	
<input checked="" type="checkbox"/>	The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29).
<input type="checkbox"/>	The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4).
<input type="checkbox"/>	The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4).
<input type="checkbox"/>	The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2).
<input type="checkbox"/>	The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____
<input type="checkbox"/>	The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8).
<input type="checkbox"/>	The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1).
<input type="checkbox"/>	The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).

Findings Per N.J.S.A. 2C:47-3	
<input type="checkbox"/>	The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.
<input type="checkbox"/>	The court finds that the defendant is amenable to sex offender treatment.
<input type="checkbox"/>	The court finds that the defendant is willing to participate in sex offender treatment.

License Suspension	
<input type="checkbox"/> CDS / Paraphernalia (N.J.S.A. 2C:35-16)	<input type="checkbox"/> Waived
<input type="checkbox"/> Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1)	
<input type="checkbox"/> Eluding (N.J.S.A. 2C:29-2)	
<input type="checkbox"/> Other	

Number of Months 6	<input type="checkbox"/> Non-resident driving privileges revoked	
Start Date 10/18/2019	End Date 04/18/2020	
Details		
Driver's License Number XXXXXXXXXX	Jurisdiction XX	
If the court is unable to collect the license, complete the following: Defendant's Address 117 KENDALL COURT		
City DOVER	State NJ	Zip 07801-0000
Date of Birth 11/17/1982	Sex <input type="checkbox"/> M <input type="checkbox"/> F	Eye Color

A

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION—CRIMINAL
MORRIS COUNTY

THE STATE OF NEW JERSEY,

Plaintiff,

vs.

M. [REDACTED] A. [REDACTED]

Defendant.

Case no. 18001743

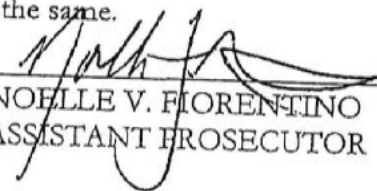
ACCUSATION NO. 19-04-60313-A

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

COUNT ONE

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

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


NOELLE V. FIORENTINO
ASSISTANT PROSECUTOR

CASE NO. 18-1743

ACCUSATION NO. 19-04-00313-A

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

THE STATE OF NEW JERSEY,
Plaintiff,

vs.

M. A. C. [REDACTED]

Defendant.

ACCUSATION FOR

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

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

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

**20-2017 &
23-1795**

APPENDIX C

**DECLARATION OF
AMELIA MARRITZ**

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

J.W.,

Petitioner,

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA,

Respondent.

Case No. 20-2017 &
No. 23-1795

**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. I was also counsel for *amici* in related briefs filed with this Court in *Brown v. Att’y Gen.*, No. 22-1779 (3d Cir.) and *Gayle v. Att’y Gen.*, No. 22-1811, 2023 WL 4077332 (3d Cir. June 15, 2023), and with the U.S. Court of

Appeals for the Second Circuit in *Johnson v. Garland*, No. 23-6590 (2d Cir.).

3. The record of conviction documents at Appendix B-1 were part of the administrative record in *Johnson*. See Administrative Record at 96-102, *Johnson v. Garland*, No. 23-6590 (2d Cir.), ECF No. 11. These documents were filed by the Department of Homeland Security. See *id.* at 91 (Department of Homeland Security table of contents for submission in immigration court on September 27, 2022).
4. The record of conviction documents at Appendix B-2, B-3 and B-4 were part of the administrative record in *Brown*. See Administrative Record at 894, 1182-99, *Brown v. Att’y Gen.*, No. 22-1779 (3d Cir.), ECF No. 8-2. The documents at B-2 and B-3 were filed by the Department of Homeland Security. See *id.* at 1159 (Department of Homeland Security table of contents for submission in immigration court on March 12, 2020).
5. The record of conviction documents at Appendix B-5 were part of the administrative record in *Gayle*. Administrative Record at 507-31, *Gayle v. Att’y Gen.*, No. 22-1811(3d Cir.), ECF No. 8-2. These documents were filed by the Department of Homeland Security. See *id.* at 494 ((Department of Homeland Security table of contents for submission in immigration court on January 27, 2021).

6. I received the following New Jersey criminal court 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-6: I received these documents directly from an attorney who represents the individual defendant in that case in immigration proceedings.
 - b. Appendix B-7: I received these documents directly from an attorney who represents the individual defendant in that case in immigration proceedings.
 - c. Appendix B-8: I received these documents directly from an attorney who obtained them from New Jersey's attorney-access portal.
 - d. Appendix B-9: I received these documents directly from an attorney who represents the individual defendant in that case in immigration proceedings.
7. 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: March 7, 2024

/s/ Amelia Marritz

Amelia Marritz