

CHRISTOPHER J. GRAMICCIONI
MONMOUTH COUNTY PROSECUTOR
132 JERSEYVILLE AVENUE
FREEHOLD, NEW JERSEY 07728-2374
732-431-7160

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION (CRIMINAL)
MONMOUTH COUNTY
ACCUSATION NO. 19-08-1174 A
CASE NO. 19-2240

THE STATE OF NEW JERSEY, :

Plaintiff, :

v. :

DWIGHT GOODEN, :

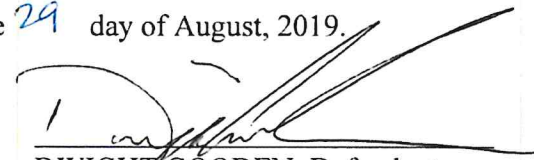
Defendant. :

WAIVER OF INDICTMENT

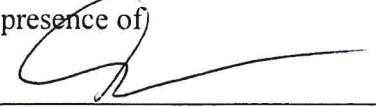
TO THE COUNTY PROSECUTOR :

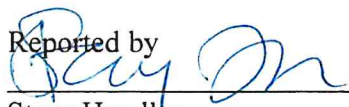
DWIGHT GOODEN, the above-named defendant who is charged with one count, Possession of a Controlled Dangerous Substance, in violation of N.J.S.A. 2C:35-10a(1), being advised of the nature of the charges against him and of his right to indictment, hereby waives prosecution by indictment.

Dated in Freehold, New Jersey, the ²⁹ day of August, 2019.


DWIGHT GOODEN, Defendant

Signed and delivered in
the presence of


Edward Sapone, Esq.
Attorney for Defendant

Reported by

Stacy Handler
Assistant Prosecutor


VINCENT N. GALCETANO, JR., J.S.C.

851 November 1



New Jersey Judiciary
Plea Form

County Monmouth
Prosecutor File Number 19002240

Defendant's Name: Dwight Gooden
before Judge: Falsetano

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum			VCCO Assmt*
					Time	Fine	
<u>19-04-1174A</u>	<u>1</u>	<u>Poss CDS</u>	<u>3</u>	Max	<u>5 yrs</u>	<u>\$15,000</u>	<u>\$50.00</u>
				Max			
				Max			
				Max			
				Max			
Your total exposure as the result of this plea is:				Total	<u>5 yrs</u>	<u>\$15,000</u>	<u>\$50.00</u>

Please Circle
Appropriate
Answer

2. a. Did you commit the offense(s) to which you are pleading guilty? ☒ Yes ☐ No
- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? ☒ Yes ☐ No
3. Do you understand what the charges mean? ☒ Yes ☐ No
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? ☒ Yes ☐ No
- b. The right to remain silent? ☒ Yes ☐ No
- c. The right to confront the witnesses against you? ☒ Yes ☐ No
- d. Do you understand that by pleading **you are not waiving** your right to appeal (1) the denial of a motion to suppress physical evidence (R. 3:5-7(d)) or (2) the denial of acceptance into a pretrial intervention program (PTI) (R. 3:28(g))? ☒ Yes ☐ No
- e. Do you further understand that by pleading guilty **you are waiving** your right to appeal the denial of all other pretrial motions except the following: ☒ Yes ☐ No

N/A

* Victims of Crime Compensation Office Assessment

SE: November 1

5. Do you understand that if you plead guilty:

- a. You will have a criminal record? ☒ [Yes] ☐ [No]
- b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Agency Assessment? ☒ [Yes] ☐ [No]
- c. You must pay a minimum Victims of Crime Compensation Agency assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) ☒ [Yes] ☐ [No]
- d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? ☒ [Yes] ☐ [No]
- e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? ☒ [Yes] ☐ [No]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? ☒ [Yes] ☐ [No]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? ☒ [Yes] ☐ [No]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? ☒ [Yes] ☐ [No]
- i. Computer Crime Prevention Fund Penalty, N.J.S.A. 2C:43-3.8 (L. 2009, c. 143). If the crime involves a violation of N.J.S.A. 2C:24-4b(5)(b) (knowingly possessing or knowingly viewing child pornography, N.J.S.A. 2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18) or an offense involving computer criminal activity in violation of any provision of Title 2C, chapter 20, you will be assessed a mandatory penalty as listed below for each offense for which you pled guilty?
- (1) \$2,000 in the case of a 1st degree crime
(2) \$1,000 in the case of a 2nd degree crime
(3) \$ 750 in the case of a 3rd degree crime
(4) \$ 500 in the case of a 4th degree crime
(5) \$ 250 in the case of a disorderly persons or petty disorderly persons offense

Total CCPF Penalty \$ N/A

SE: November 1

6. Do you understand that **the court could**, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? [Yes] [No]
7. Did you enter a plea of guilty to any charges **that require** a mandatory period of parole ineligibility or a mandatory extended term? [Yes] [No]
- a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits. N/A
- b. If you are pleading guilty to such a charge, the minimum mandatory extended term is _____ years and _____ months (fill in the number of years/months) and the maximum mandatory extended term can be _____ years and _____ months (fill in the number of years/months). N/A
8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [Yes] [No]
9. Are you presently on probation or parole? [Yes] [No]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? [Yes] [No] [NA]
10. Are you presently serving a custodial sentence on another charge? [Yes] [No]
- a. Do you understand that a guilty plea may affect your parole eligibility? [Yes] [No] [NA]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [Yes] [No] [NA]

12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
5135-2		Paraphernalia (DP)
5135-3		Under Influence (PP)
5-015803		CDS in a Motor Vehicle

13. Specify any sentence the prosecutor has agreed to recommend:

Probation conditional upon continued drug treatment. If A is compliant w/ treatment & remains arrest free, at time of sentencing, the state will award poss. to complete state release right to remain balance of Motor Vehicle charges. A consents to recommend. *ASC eval*

November 1

14. Has the prosecutor promised that he or she will **NOT**:

- a. Speak at sentencing? [Yes] [No]
- b. Seek an extended term of confinement? [Yes] [No]
- c. Seek a stipulation of parole ineligibility? [Yes] [No]

15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution? [Yes] [No] [NA]

16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty? [Yes] [No] [NA]

17. a. Are you a citizen of the United States? [Yes] [No]

If you have answered "No" to this question, you must answer Questions 17b – 17f. If you have answered "Yes" to this question, proceed to Question 18

- b. Do you understand that if you are not a citizen of the United States, this guilty plea may result in your removal from the United States and/or stop you from being able to legally enter or re-enter the United States? [Yes] [No]
- c. Do you understand that you have the right to seek individualized advice from an attorney about the effect your guilty plea will have on your immigration status? [Yes] [No]
- d. Have you discussed with an attorney the potential immigration consequences of your plea? If the answer is "No," proceed to question 17e. If the answer is "Yes," proceed to question 17f. [Yes] [No]
- e. Would you like the opportunity to do so? [Yes] [No]
- f. Having been advised of the possible immigration consequences and of your right to seek individualized legal advice on your immigration consequences, do you still wish to plead guilty? [Yes] [No]

18. a. Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence? [Yes] [No]

b. Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender? [Yes] [No]

19. Have you discussed with your attorney the legal doctrine of merger? [Yes] [No] [NA]

20. Are you giving up your right at sentence to argue that there are charges you pleaded [Yes] [No] ☒ [NA]
guilty to for which you cannot be given a separate sentence?

21. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

22. Have any promises other than those mentioned on this form, or any threats, been made in [Yes] ☒ [No]
order to cause you to plead guilty?

23. a. Do you understand that the judge is not bound by any promises or recommendations of [Yes] ☒ [No]
the prosecutor and that the judge has the right to reject the plea before sentencing you and
the right to impose a more severe sentence?

b. Do you understand that if the judge decides to impose a more severe sentence than [Yes] ☒ [No]
recommended by the prosecutor, that you may take back your plea?

c. Do you understand that if you are permitted to take back your plea of guilty because of [Yes] ☒ [No]
the judge's sentence, that anything you say in furtherance of the guilty plea cannot be
used against you at trial?

24. Are you satisfied with the advice you have received from your lawyer? [Yes] ☒ [No]

25. Do you have any questions concerning this plea? [Yes] ☒ [No]

Date 8/29/19 Defendant [Signature]

Defense Attorney [Signature]

Prosecutor [Signature]

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.



New Jersey Judiciary
Supplemental Plea Form for Drug Offenses

The following additional questions need to be answered only if you are pleading guilty pursuant to an offense under *N.J.S.A. 2C:35-1 et seq.* or *N.J.S.A. 2C:36-1 et seq.*

1. Have you and the Prosecutor entered into any agreement to provide for a lesser sentence or period of parole ineligibility than would otherwise be required? (If yes, be sure to include in questions 12 and 13 above). [Yes] ☒ [No]
2. Do you understand that if you plead guilty:
- a. You will be required to forfeit your driver's license for a period of time from 6 to 24 months, unless the court finds compelling circumstances warranting an exception? ☒ [Yes] [No]
- b. You will be required to pay a forensic laboratory fee of \$50 for each offense for which you plead guilty? ☒ [Yes] [No]
- c. You will be required to pay a mandatory drug enforcement and demand reduction (D.E.D.R.) penalty as listed below for each offense for which you plead guilty? ☒ [Yes] [No]

The mandatory penalties are as follows:

- (1) \$3,000 in the case of a 1st degree crime
(2) \$2,000 in the case of a 2nd degree crime
(3) \$1,000 in the case of a 3rd degree crime
(4) \$ 750 in the case of a 4th degree crime
(5) \$ 500 in the case of a disorderly persons or petty disorderly persons offense

TOTAL D.E.D.R. Penalty \$ 1,000.00

Date: 8/29/15

Defendant: [Signature]

Defense Attorney: [Signature]

Prosecutor: [Signature]