

 KeyCite Yellow Flag - Negative Treatment
Distinguished by State v. Carnesi, N.J.Super.A.D., May 31, 2012

241 N.J.Super. 353
Superior Court of New Jersey,
Appellate Division.

STATE of New Jersey, Plaintiff–Respondent,
v.
Bernard HUTCHINS, Defendant–Appellant.

Submitted March 6, 1990.

|
Decided May 24, 1990.

Synopsis

Defendant was convicted in the Superior Court, Law Division, Essex County, of first-degree armed robbery, third-degree possession of a handgun without a permit, and second-degree possession of a firearm for an unlawful purpose. Defendant appealed. The Superior Court, Appellate Division, Deighan, J.A.D., held that it was reversible error to allow the prosecution to cross-examine defendant about his prior arrest which did not result in a conviction.

Reversed.

West Headnotes (5)

[1] Witnesses

 Irrelevant, collateral, or immaterial matters

410 Witnesses

410III Examination

410III(B) Cross-Examination

410k277 Cross-Examination of Accused in Criminal Prosecutions

410k277(2) Particular Subjects of Inquiry

410k277(5) Irrelevant, collateral, or immaterial matters

Prosecutor's cross-examination question of defendant asking whether he “knew anything about guns” had absolutely no relevancy to facts or issue,

i.e., whether defendant robbed victim at gunpoint, which defendant denied. Rules of Evid., N.J.S.A. 2A:84A, Rules 1(2), 7(f).

25 Cases that cite this headnote

[2] Criminal Law

 Witnesses

Witnesses

 Arrest or charge without conviction

110 Criminal Law

110XXIV Review

110XXIV(E) Presentation and Reservation in Lower Court of Grounds of Review

110XXIV(E)1 In General

110k1036.10 Witnesses

(Formerly 110k1036.2)

410 Witnesses

410IV Credibility and Impeachment

410IV(B) Character and Conduct of Witness

410k345 Accusation or Conviction of Crime

410k345(4) Conviction, Acquittal, and Pardon

410k345(7) Arrest or charge without conviction

It was plain error to allow State, for credibility purposes, to question defendant on cross-examination regarding his prior arrest, thus requiring reversal; no conviction resulted from that arrest. N.J.S.A. 2A:81–12.

5 Cases that cite this headnote

[3] Witnesses

 Irrelevant, Collateral, or Immaterial Matters

410 Witnesses

410IV Credibility and Impeachment

410IV(E) Contradiction

410k403 Testimony Subject to Contradiction

410k405 Irrelevant, Collateral, or Immaterial Matters

410k405(1) In general

Generally, witness may not be impeached by producing extrinsic evidence to contradict another witness' assertion about collateral facts.

5 Cases that cite this headnote

[4] **Witnesses**

 Arrest or charge without conviction

410 Witnesses

410IV Credibility and Impeachment

410IV(B) Character and Conduct of Witness

410k345 Accusation or Conviction of Crime

410k345(4) Conviction, Acquittal, and Pardon

410k345(7) Arrest or charge without conviction

On cross-examination of defendant charged with armed robbery, prosecution could not question defendant about prior arrest to prove character trait, i.e., defendant falsely stating that he knew nothing about guns and never had gun, even though defendant had gun in his possession at time of prior arrest; that arrest did not result in conviction. Rules of Evid., N.J.S.A. 2A:84A, Rule 47.

7 Cases that cite this headnote

[5] **Criminal Law**

 Evidence for purpose of testing, sustaining, or impeaching credibility or character of witnesses and others

110 Criminal Law

110XVII Evidence

110XVII(D) Facts in Issue and Relevance

110k338 Relevancy in General

110k338(6) Evidence for purpose of testing, sustaining, or impeaching credibility or character of witnesses and others

Irrelevant evidence which might improperly affect witness' credibility may not be admitted into evidence.

53 Cases that cite this headnote

Attorneys and Law Firms

****36 *354** Thomas S. Smith, Jr., Acting Public Defender, for defendant-appellant (Stephen W. Kirsch, Asst. Deputy Public Defender, of counsel, on the letter brief).

Robert J. Del Tufo, Atty. Gen., for plaintiff-respondent (Catherine Michael, Deputy Atty. Gen., of counsel, on the letter brief).

Before Judges MICHELS, DEIGHAN and R.S. COHEN.

Opinion

The opinion of the court was delivered by

***355** DEIGHAN, J.A.D.

Defendant was convicted by a jury of first-degree armed robbery, contrary to N.J.S.A. 2C:15-1 (Count One); third-degree possession of a handgun without a permit, contrary to N.J.S.A. 2C:39-5b (Count Two), and second-degree possession of a firearm for an unlawful purpose, contrary to N.J.S.A. 2C:39-4a (Count Three). The trial judge merged Count Two into Count Three and sentenced defendant on the first count to a term of 15 years with five years parole ineligibility and to a concurrent seven-year term with three years parole ineligibility on Count Three. A \$60 Violent Crimes Compensation Board penalty was also imposed.

The following facts were developed at trial. On May 1, 1986, at approximately 2:45 p.m., Camille Williams and her sister Denise Shannon were walking down Seventeenth Street by West Side Park in Newark. Williams and Shannon were returning to Williams' home from a check-cashing establishment located on Springfield Avenue. Having cashed a Social Security check and obtaining her mother's food stamps, Williams was

carrying approximately \$271 in cash and \$250 worth of food stamps. Additionally, Ms. Williams was also carrying over \$100 in cash from her work as a hair stylist.

As the sisters were walking along Seventeenth Street, a man, later identified as defendant, wearing a black jogging suit with “turbo boost” on one shoulder of the top, approached them and asked Williams if she had a cigarette. After Williams replied “no,” defendant continued walking. Defendant then pushed Shannon away and shoved Williams up against a chain link fence. He took from his waist a silver handgun with black taping around the handle, aimed it at Williams' neck and told her to “give it up.” Ms. Williams put her ***37** hands in the air. Defendant searched her clothing, and removed her identification, all of the cash, and her mother's food stamps. He told Williams to run but when she refused, defendant ran away. Williams then telephoned police.

***356** The next day, Williams and her sister went to the police station to look at an array of photographs of possible perpetrators. After looking through approximately ten books of mug shots, Williams identified defendant as the robber. After Williams had picked out defendant's photo, she showed that page of photos to her sister who also picked out defendant's photo.

Defendant then testified on his own behalf. He denied any knowledge of the robbery in question. He claimed that he did not rob Williams and that he never saw her before. During defendant's cross-examination, the trial judge allowed, over objection, questioning regarding defendant's 1986 arrest for possession of a handgun and permitted a rebuttal witness to testify concerning the prior arrest for purposes of affecting Hutchins' credibility.

While cross-examining defendant, after inquiring about both the defendant's prior CDS conviction and the date of the arrest in the instant case, the assistant prosecutor asked defendant,

Q. Tell me, do you know anything about guns?

A. No, never had one, no.

Q. You never had a gun?

A. No.

The assistant prosecutor then asked:

Q. February 1986, you weren't arrested with a .38 caliber gun?

Defense counsel immediately objected to this question.

At a sidebar conference with the trial judge, the State represented that it was prepared to call one of the detectives involved in arresting defendant in February 1986 to show under *Evid.R. 55* defendant's knowledge of handguns to counter defendant's denial of knowledge or prior possession. The trial judge rejected the offer under that rule and commented, “I don't think it has relevance to his knowledge and intent.”

The trial judge denied defendant's motion for a mistrial and held that both the prosecutor's questions were proper and that the arresting officer could testify as a rebuttal witness for ***357** “credibility purposes only.”¹ Later, the trial judge clarified his ruling:

¹ At the post-trial motion for a new trial, the judge erroneously stated, “As indicated at the time, the Court ruled that this evidence was relevant and was allowable under *Rule 55*.” From the trial transcript, credibility is the only factor under which the judge admitted the evidence.

So my ruling is clear, the State has a rebuttal witness to affect the credibility of the witness only, [sic] only the credibility of the witness will be allowed to offer [sic] testimony that you were in possession of a gun on February 8, 1988, to the limited testimony of Detective Gold.

The next day, at the conclusion of the defendant's case, the State called Detective James Gold as a rebuttal witness over defendant's continuing objection. Gold testified to the details of the February 1986 arrest, specifically that, while

attempting to locate and arrest defendant's brother, Gold and other officers encountered defendant whom they mistook for his brother. Gold stated that defendant began to pull a .38 caliber handgun out of his coat pocket when confronted, whereupon defendant was knocked down, beaten and subdued.

Between direct and cross-examination of Gold, the trial judge instructed the jury:

[T]his evidence is rebuttal evidence and it's being offered in rebuttal to the defendant's testimony about not having a gun on a date some three months prior to this incident. This evidence is not to be used by you in any way whatsoever as substantive proof of the commission of the offense in this crime. *It's merely offered for a very limited purpose as to whether or not it effects (sic) the credibility of the defendant's testimony.* [Emphasis added]

****38** Also, in his final charge to the jury he stated,

[T]he State has offered rebuttal testimony as to a prior arrest dealing with a gun. *This also may only be used to effect (sic) a defendant's credibility.* The defendant stated during his testimony that he was not aware of a gun and in fact he did not have a gun on a prior occasion. So the State in its rebuttal testimony offered this prior arrest some three months prior. But I specifically instruct you that this is not proof, substantive proof of the crime charged here. *It's only allowed to be considered by you as to whether or not it effects (sic) the defendant's credibility as*

to his testimony. [Emphasis added]

On appeal defendant raises the following issue:

I The State made an irrelevant unduly prejudicial inquiry into defendant's familiarity with guns (not raised below), and the court erred in allowing the ***358** State to ask defendant about his arrest for possession of a handgun and, to introduce extrinsic evidence regarding that arrest to affect defendant's credibility in direct violation of *Evidence Rules* 22(d) and 47.

Essentially, defendant asserts that there were three separate errors committed by the trial judge with regard to this line of evidence and questioning. First he contends the question "Tell me, do you know anything about guns?" was irrelevant under *Evidence Rule* 7(f) and alternatively, so unduly prejudicial under *Evidence Rule* 4 that it outweighed any probative value which it might otherwise have had. Secondly, he submits the court improperly allowed the State to question defendant regarding his prior arrest in order to affect his credibility when only convictions, not arrests, may be used to impeach a witness. *State v. McBride*, 213 N.J.Super. 255, 267, 517 A.2d 152 (App.Div.1986); *State v. Landeros*, 20 N.J. 69, 72, 118 A.2d 521 (1956); *State v. Arnwine*, 67 N.J.Super. 483, 486, 171 A.2d 124 (App.Div.1961). Finally, he maintains the judge erroneously allowed a rebuttal witness to testify to the details of the defendant's prior arrest in order to affect defendant's credibility, in direct violation of *Evidence Rule* 22(d) and 47.

We reverse.

I

“Relevant evidence” is evidence having any tendency in reason to prove a material fact. *Evid.R.* 1(2). All relevant evidence is admissible. *Evid.R.* 7(f). Conversely, irrelevant evidence is inadmissible. Relevancy is tested by the probative value the evidence has with respect to the points at issue. *Manieri v. Volkswagenwerk A.G.*, 151 N.J.Super. 422, 429, 376 A.2d 1317 (App.Div.1977), cert. den. 75 N.J. 594, 384 A.2d 824 (1978). The true test is the logical connection between the proffered evidence and a fact in issue, *i.e.*, whether the thing sought to be established is more logical with the evidence than without it. *Id.* 151 N.J.Super. at 429–430, 376 A.2d 1317; accord, *State v. Coruzzi*, 189 N.J.Super. 273, 302, 460 A.2d 120 (App.Div.), cert. den., 94 N.J. 531, 468 A.2d 185 (1983).

*359 The rule speaks in term of a “material” fact which is logically probative evidence. This reflects the concept that relevancy is really composed of two parts: probative value and materiality. *Biunno*, *Current N.J. Rules of Evidence*, comment 2, *Evid.R.* 1(2) at 4–5 (Anno.1990). Probative value concerns the tendency of evidence to establish the proposition that it is offered to prove. *State v. Allison*, 208 N.J.Super. 9, 17, 504 A.2d 1184 (App.Div.1985); *McCormick, Evidence* (3 ed. 1984), § 185 at 541. Materiality concerns the relation between the propositions for which the evidence is offered and the issues in the case. *State v. Allison*, 208 N.J.Super. 9, 17, 504 A.2d 1184 (App.Div.), cert. den., 102 N.J. 370, 508 A.2d 235 (1985); *McCormick, Evidence*, § 185 at 541 (3d ed. 1984). A material fact is one which is really in issue in the case. *Biunno*, *supra*, Comment 2, *Evid.R.* 1(2) at 5.

[1] It is difficult to understand precisely what the State had in mind in asking defendant whether he “knew anything about guns?” Everyone knows something **39 about guns; they know they are dangerous, that they can kill, that there are several kinds of guns, *i.e.*, handguns, shotguns, rifles or BB guns and sundry other guns. The question asked by the assistant prosecutor had absolutely no relevancy to the facts or the issue, *i.e.*, whether defendant robbed the victim at gun point on May 1, 1986, which defendant denied. It is a question which should have never been asked and never answered

because it had no logical relationship to the facts of the case.

[2] The last question concerning defendant's arrest was even more egregious. It is obvious that the assistant prosecutor knew that the answer to the first question was false and the second question concerning defendant's arrest was beyond the limits of propriety.

While the State may prove a prior conviction to affect the credibility of a witness, *N.J.S.A.* 2A:81–12, *State v. Sands*, 76 N.J. 127, 386 A.2d 378 (1978), it can only do so if there was, in fact, such a conviction. Inquiry concerning an arrest, or any *360 reference to simply an arrest, is prohibited. *State v. Cooper*, 10 N.J. 532, 555–556, 92 A.2d 786 (1952). *State v. Searles*, 82 N.J.Super. 210, 215, 197 A.2d 384 (App.Div.1964). The *Searles* court makes it clear that where defendant's case rests upon his credibility, admission of testimony or the posing of questions concerning defendant's prior arrest, constitutes plain error and requires reversal of the conviction, and a new trial. *Id.*; see also *State v. Dunphy*, 19 N.J. 531, 537, 117 A.2d 617 (1955).

II

[3] [4] Generally, a witness may not be impeached by producing extrinsic evidence to contradict another witness' assertion about collateral facts. *McCormick, supra*, § 47 at 110. If the collateral fact sought to be contradicted is elicited on cross-examination, this safeguarding rule is often expressed by saying that the answer is conclusive or that the cross-examiner must “take the answer.” *Ibid.*

To determine the collateral fact, the classical approach is that the facts which would have been independently provable regardless of the contradiction are not “collateral.” *Ibid.* Here, the question concerning previous knowledge and possession of guns could not in any way have been introduced independently because it was irrelevant and thus collateral. As stated in 3A *Wigmore, Evidence* (Chadbourn Rev.1970) § 1003 at 961: “Could the fact, as to which error is predicated,

have been shown in evidence for any purpose independently of the contradiction?"

Two general kinds of facts meet this collateral test and are not collateral. The first are facts that are relevant to the substantive issues in the case. *McCormick, supra*, § 47 at 110–11; 3A *Wigmore, supra*, § 1004 at 965 ("the issues in the case indicate what facts would be relevant."). Succinctly stated, here the prosecutor may not ask any irrelevant question and then bootstrap herself to impeach credibility because the answer to the question is false.

*361 The second kind of facts which would not be collateral includes "facts which would be independently provable by extrinsic evidence, apart from the contradiction, to impeach or disqualify the witness." *McCormick, supra*, § 47 at 111. This includes the admissibility of evidence for the purpose of impeaching some specific testimonial quality such as moral conduct, bias, corruption, skill, intoxication or illness, opportunity of observing the events, recollection, narration, and prior inconsistent statements. 3A *Wigmore, supra*, § 1005 at 966–976. See also *Bianco, supra*, comments 5 to 12 *Evid.R.* 20, at 266–283.

[5] "Facts showing misconduct of the witness [for which no conviction has been had] are not within this second kind of facts, but are collateral, and if denied on cross-examination cannot be proved to contradict." *McCormick, supra*, § 47 at 111. Irrelevant evidence which might improperly affect a witness' credibility may not be admitted into evidence. See *Graf v. Folarno*, 99 N.J.Super. 173, 177, 239 A.2d 15 (App.Div.), certif. den., 51 N.J. 463, 242 A.2d 12 (1968) (cross-examination of an expert medical witness concerning his writings **40 for "men's magazines" in the field of his expertise were improperly admitted). Also, specific instances of a witness' conduct, relevant only insofar as they may tend to prove a trait of his character, may not be used to affect credibility. *Evid.R.* 22(d); *State v. Mondrosch*, 108 N.J.Super. 1, 4, 259 A.2d 725 (App.Div.1969), certif. den., 55 N.J. 600, 264 A.2d 71 (1970) (proffered evidence as to past actions of a prosecution witness indicating he had previously falsely accused certain persons

of committing criminal acts was inadmissible as affecting credibility where the alleged acts of the witness were not subject to conviction of a crime).

Although *Evid.R.* 20 permits examination of a witness and the introduction of extrinsic evidence relevant upon the issue of credibility, the rule is subject to Rules 22 and 47. To affect credibility of a witness, *Evid.R.* 22 provides:

*362 (c) evidence of traits of his character other than honesty or veracity or their opposites, shall be inadmissible; d) evidence of specific instances of his conduct, relevant only as tending to prove a trait of his character, shall be inadmissible.

Evid.R. 47 permits proof of a character trait—here defendant falsely stating that he knew nothing about guns and never had a gun—only by

(a) testimony in the form of opinion, (b) evidence of reputation, or (c) evidence of conviction of a crime which tends to prove the trait. *Specific instances of conduct not the subject of a conviction of a crime shall be inadmissible.* [Emphasis supplied.]

See *State v. Hummel*, 132 N.J.Super. 412, 334 A.2d 52 (App.Div.), certif. den., 67 N.J. 102, 335 A.2d 54 (1975) (court properly refused to permit defendant charged with carnal abuse to show that the complainants had previously fabricated complaints of serious matters or had previously engaged in misconduct or disorderly conduct); *State v. Ryan*, 157 N.J.Super. 121, 384 A.2d 570 (App.Div.1978) (a rape victim could not be cross-examined concerning a specific instance of sexual intercourse in which she had engaged with an unknown man other than defendant the night before the rape); *State v. Schlanger*, 197 N.J.Super. 548, 551–552, 485 A.2d 354 (Law Div.1954) (criminal defendant prohibited from cross-examining an accomplice witness of the State as to whether he reported the fruits of their common crime on his income tax returns). See also cases cited in 3A *Wigmore, supra*, § 1003 at 64 (1989 pocket supplement).

Reversed.

All Citations

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Negative Treatment**Negative Citing References (1)**

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	1. <u>State v. Carnesi</u>  MOST NEGATIVE 2012 WL 1948623 , N.J.Super.A.D. Defendant appeals from a June 25, 2010 conviction for second-degree aggravated assault, N.J.S.A. 2C:12-1b(1); second-degree possession of a weapon for an unlawful purpose, N.J.S.A....	May 31, 2012	Case		4 A.2d

Citing References (147)

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	1. State v. Santamaria ” 2017 WL 2859468, *6+ , N.J.Super.A.D. On October 1, 2010, a Middlesex County grand jury returned Indictment No. 10–10–1436, charging defendant, formerly a middle school science teacher, with various counts of sexual...	June 30, 2017	Case		1 A.2d
Discussed by	2. State v. Carnesi ” 2012 WL 1948623, *13+ , N.J.Super.A.D. Defendant appeals from a June 25, 2010 conviction for second-degree aggravated assault, N.J.S.A. 2C:12–1b(1); second-degree possession of a weapon for an unlawful purpose, N.J.S.A....	May 31, 2012	Case		4 A.2d
Discussed by	3. State v. Orji ” 649 A.2d 1368, 1370+ , N.J.Super.A.D. Evidence. Evidence that defendant rejected state's offer of pretrial intervention was not admissible.	Dec. 08, 1994	Case		1 5 A.2d
Discussed by	4. State v. Medina ” 604 A.2d 197, 202+ , N.J.Super.A.D. Defendants were convicted of possession with intent to distribute cocaine and one of the defendants was convicted for using remotely activated paging device during commission of...	Mar. 19, 1992	Case		2 4 A.2d
Cited by	5. Griffin v. City of East Orange ” 139 A.3d 16, 24 , N.J. LABOR AND EMPLOYMENT - Evidence. Testimony that mayor told aide to lie to sexual harassment investigators was relevant in sexual harassment action against city.	June 22, 2016	Case		5 A.2d
Cited by	6. State v. Buckley ” 78 A.3d 958, 965+ , N.J. CRIMINAL JUSTICE - Homicide. Evidence that car passenger would have survived collision had he been wearing a seat belt was irrelevant to issue of causation.	May 15, 2013	Case		1 5 A.2d
Cited by	7. Furst v. Einstein Moomjy, Inc. ” 860 A.2d 435, 443 , N.J. COMMERCIAL LAW - Consumer Protection. Customer was entitled to replacement cost of the carpet trebled as damages under the Consumer Fraud Act.	Nov. 15, 2004	Case		1 A.2d
Cited by	8. Verdicchio v. Ricca ” 843 A.2d 1042, 1063 , N.J. HEALTH - Malpractice. Patient's parents satisfied increased risk and substantial factor standards for failure to diagnose cancer.	Mar. 15, 2004	Case		5 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 9. State v. Garron 827 A.2d 243, 255 , N.J. CRIMINAL JUSTICE - Sex Offenses. Testimony regarding alleged victim's prior sexual conduct with defendant was admissible under rape shield statute.	July 23, 2003	Case		5 A.2d
Cited by	 10. State v. Darby  809 A.2d 138, 144 , N.J. CRIMINAL JUSTICE - Robbery. Evidence of other crime was inadmissible in robbery prosecution.	Nov. 19, 2002	Case		5 A.2d
Cited by	 11. State v. Koskovich  776 A.2d 144, 162 , N.J. CRIMINAL JUSTICE - Death Penalty. Combined effect of three penalty phase instructional errors required reversal of death sentence.	June 07, 2001	Case		5 A.2d
Cited by	12. In re Liquidation of Integrity Ins. Co.  754 A.2d 1177, 1181 , N.J. INSURANCE - Insolvent Insurers. Insurance Commissioner could not invoke deliberative process privilege while acting as liquidator.	July 26, 2000	Case		5 A.2d
Cited by	 13. State v. G.V.  744 A.2d 137, 144+ , N.J. CRIMINAL JUSTICE - Evidence. Evidence of sexual assault against victim's sister was inadmissible in sexual assault prosecution.	Jan. 27, 2000	Case		5 A.2d
Cited by	 14. Green v. New Jersey Mfrs. Ins. Co. 734 A.2d 1147, 1153 , N.J. LITIGATION - Evidence. Evidence of plaintiff's racism inadmissible in personal injury action.	July 29, 1999	Case		—
Cited by	 15. State v. Covell   725 A.2d 675, 681 , N.J. CRIMINAL JUSTICE - Child Luring. Statement about prior alleged act of lewdness was admissible as other conduct evidence.	Mar. 24, 1999	Case		5 A.2d
Cited by	 16. State v. Wilson 637 A.2d 1237, 1241 , N.J. Videotape. Videotape of crime scene was not properly authenticated, but error was harmless.	Feb. 28, 1994	Case		5 A.2d
Cited by	17. State v. Johnson  2017 WL 2333071, *5 , N.J.Super.A.D. A grand jury indicted defendant Dwayne S. Johnson for first-degree murder, N.J.S.A. 2C:11–3(a)(1) and (2) (count one); first-degree robbery, N.J.S.A. 2C:15–1 (count two); and...	May 30, 2017	Case		1 A.2d
Cited by	18. State v. Perry  2016 WL 4467594, *4 , N.J.Super.A.D. In our prior opinion, State v. Perry, No. A-1686-12 (App. Div. Aug. 27, 2014), a divided panel reversed defendant Bobby Perry's convictions for second-degree sexual assault,...	Aug. 24, 2016	Case		1 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	19. State v. Terrell 173 A.3d 194, 217 , N.J.Super.A.D. CRIMINAL JUSTICE - Jury. Trial court did not abuse its discretion by releasing juror during deliberations based on determination that she suffered emotional distress.	May 03, 2016	Case		—
Cited by	20. State v. Terrell 2015 WL 10760626, *15 , N.J.Super.A.D. Defendant Rolando Terrell appeals from convictions under two indictments. The first, Indictment No. 09–07–2029, charged him with numerous crimes regarding the September 8, 2008...	May 03, 2016	Case		—
Cited by	21. State v. Whye 2016 WL 1689827, *8 , N.J.Super.A.D. Defendant Troy A. Whye appeals from a judgment of conviction for murder, weapons offenses, and endangering the welfare of a child after a jury trial. We reverse and remand for a...	Apr. 28, 2016	Case		5 A.2d
Cited by	22. State v. Fields 2016 WL 1136546, *7 , N.J.Super.A.D. Defendant appeals from his convictions for first-degree robbery, N.J.S.A. 2C:15–1(a)(1) (Count One); third-degree possession of a weapon for an unlawful purpose, N.J.S.A....	Mar. 24, 2016	Case		4 A.2d
Cited by	23. State v. Kadir 2016 WL 921471, *2+ , N.J.Super.A.D. Defendant appeals from his convictions for second-degree official misconduct, N.J.S.A. 2C:30–2(a); third-degree theft by deception, N.J.S.A. 2C:20–4(a); and third-degree tampering...	Mar. 11, 2016	Case		—
Cited by	24. State v. Butler 2014 WL 10213244, *5 , N.J.Super.A.D. Defendant Jessie Butler was tried before a jury and convicted of third degree possession of heroin, N.J.S.A. 2C:35–10a(1), third degree possession of heroin with intent to...	Aug. 13, 2015	Case		1 A.2d
Cited by	25. State v. Walker 2015 WL 4414257, *6+ , N.J.Super.A.D. Defendant Antoine F. Walker appeals his conviction for unlawful possession of a handgun and resisting arrest by flight, as well as the resulting aggregate sentence of incarceration...	July 21, 2015	Case		3 A.2d
Cited by	26. Thomas v. Contessa 2015 WL 1565497, *7 , N.J.Super.A.D. Plaintiff Jermaine A. Thomas alleged that he suffered back injuries on April 13, 2010, when the vehicle he was driving was struck in the rear by a vehicle driven by defendant James...	Apr. 09, 2015	Case		3 5 A.2d
Cited by	27. State v. Parsley 2015 WL 1511154, *5 , N.J.Super.A.D. Defendant Antwione Parsley appeals his conviction for fourth-degree aggravated assault, second-degree possession of a firearm for an unlawful purpose, second-degree unlawful...	Apr. 06, 2015	Case		5 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	28. State v. Fuller  2014 WL 5460817, *4, N.J.Super.A.D. By leave granted, the State appeals the Law Division's September 10, 2013 order precluding it from introducing testimony concerning an interview of defendant Gordon Fuller by...	Oct. 29, 2014	Case		5 A.2d
Cited by	29. State v. Marsh  2014 WL 5285636, *14, N.J.Super.A.D. The opinion of the court was delivered by In February 2009, a Middlesex County grand jury indicted defendant Frank Marsh for the first-degree murder for hire of his co-defendant's...	Oct. 16, 2014	Case		1 A.2d
Cited by	30. State v. Sheppard  97 A.3d 699, 711+, N.J.Super.A.D. CRIMINAL JUSTICE - Assault and Battery. Admission of witness testimony that defendant made derogatory verbal references about Hispanic persons was reversible error.	Sep. 03, 2014	Case		1 A.2d
Cited by	31. State v. Lindsey 2014 WL 2971236, *6, N.J.Super.A.D. Defendant Lloyd Lindsey appeals from denial of his petition for post-conviction relief (PCR) alleging ineffective assistance of counsel. The court did not conduct an evidentiary...	July 03, 2014	Case		—
Cited by	32. State v. Prunty  2014 WL 289403, *11, N.J.Super.A.D. Defendant Kareem Prunty appeals his conviction for first-degree murder and related weapons offenses, urging evidentiary errors that he claims denied him a fair trial. Defendant...	Jan. 28, 2014	Case		5 A.2d
Cited by	33. State v. Sudlow  2013 WL 2986983, *2+, N.J.Super.A.D. Following a three-day trial, a jury found defendant Ricardo M. Sudlow guilty of second-degree eluding an officer, N.J.S.A. 2C:29-2(b); third-degree aggravated assault on a police...	June 18, 2013	Case		5 A.2d
Cited by	34. State v. Caver 2013 WL 691010, *4, N.J.Super.A.D. Defendant Harry L. Caver appeals his August 31, 2011 judgment of conviction (JOC) for distribution of drugs and related charges stemming from a street sale of heroin in...	Feb. 27, 2013	Case		—
Cited by	35. State v. Dennis  2012 WL 5949754, *5, N.J.Super.A.D. Tried by a jury, defendant Antoine Dennis was convicted of second-degree conspiracy to commit armed robbery, N.J.S.A. 2C:5-2 and 2C:15-1 (count one); first-degree armed robbery,...	Nov. 29, 2012	Case		5 A.2d
Cited by	36. State v. Norton  2012 WL 652584, *4, N.J.Super.A.D. Following a jury trial, defendant Kevin M. Norton was convicted of fourth-degree theft, N.J.S.A. 2C:20-3, and was found not guilty of second-degree robbery, N.J.S.A. 2C:15-1. He...	Mar. 01, 2012	Case		1 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	37. <u>BASF Corp. v. Lyondell Chemical Co.</u> 2010 WL 5288645, *14 , N.J.Super.A.D. This appeal involves the interpretation and enforcement of certain pricing provisions contained in a long-term contract for the processing of propylene into propylene oxide, a...	Dec. 28, 2010	Case		1 A.2d
Cited by	38. <u>State v. McKane</u> 2010 WL 4025593, *3 , N.J.Super.A.D. Defendant Mike Mc Kane was indicted by a Hudson County Grand Jury for first-degree aggravated sexual assault, N.J.S.A. 2C:14-2(a)(3) (counts one, two, and three); second-degree...	Oct. 15, 2010	Case		5 A.2d
Cited by	39. <u>STATE OF NEW JERSEY, Plaintiff-Respondent, v. GEORGE CALLEIA, Defendant-Appellant.</u> , N.J.Super.A.D.	Sep. 01, 2010	Case		—
Cited by	40. <u>Kowalski ex rel. Kowalski v. Palav</u> 2010 WL 4107751, *11 , N.J.Super.A.D. In this medical-malpractice case, following an extensive trial, a jury returned a verdict in favor of plaintiff Brandon Kowalski, an infant by his guardian ad litem and mother...	Aug. 25, 2010	Case		1 A.2d
Cited by	41. <u>Bayer v. Township of Union</u> 997 A.2d 1118, 1137 , N.J.Super.A.D. GOVERNMENT - Tort Claims. Arrestee did not demonstrate extraordinary circumstances so as to excuse his late filing of notice of claim against township under Tort Claims Act.	July 07, 2010	Case		—
Cited by	42. <u>State v. Robinson</u> 2010 WL 5427857, *6+ , N.J.Super.A.D. CRIMINAL JUSTICE - Sex Offenses. There was sufficient evidence to support defendant's conviction for second-degree sexual assault	June 25, 2010	Case		5 A.2d
Cited by	43. <u>State v. Calleia</u> 997 A.2d 1051, 1066 , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Y-STR DNA analysis was a commonly accepted scientific technique, and thus DNA test results were admissible at murder trial.	June 22, 2010	Case		5 A.2d
Cited by	44. <u>State v. Britton</u> 2010 WL 546702, *2 , N.J.Super.A.D. Following a jury trial, defendant Frederick Britton was convicted of first degree aggravated sexual assault of K.M., a then seven-year-old boy, N.J.S.A. 2C:14-2a; third degree...	Feb. 18, 2010	Case		5 A.2d
Cited by	45. <u>State v. Scott</u> 2010 WL 135106, *8 , N.J.Super.A.D. Following a jury trial, defendant Kevin Scott was convicted of possession of cocaine, N.J.S.A. 2C:35-10(a)(1). The trial judge also convicted defendant of the disorderly persons...	Jan. 15, 2010	Case		1 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	46. <u>State v. Salter</u> 2009 WL 4981169, *6 , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. A defendant's conviction for charges of aggravated sexual assault, criminal sexual contact, and endangering a child was reversed due to the...	Dec. 24, 2009	Case		3 5 A.2d
Cited by	47. <u>Kilhullen v. ABM Industries, Inc.</u> 2009 WL 2568006, *8 , N.J.Super.A.D. This is a personal injury negligence slip and fall action. Plaintiffs James Kilhullen and Jennie Kilhullen, his wife, appeal from various evidentiary rulings of the trial court...	Aug. 21, 2009	Case		1 A.2d
Cited by	48. <u>206-36TH Street, LLC v. Wick</u> 2009 WL 2253226, *6 , N.J.Super.A.D. Defendant Otto Wick (Seller) appeals from the May 8, 2008 judgment of \$79,342.50 in favor of 206-36th Street, LLC (Buyer). We affirm. It is undisputed that Buyer agreed to purchase...	July 30, 2009	Case		5 A.2d
Cited by	49. <u>Sharkey v. Hagan</u> ” 2009 WL 1617748, *5+ , N.J.Super.A.D. In these consolidated personal injury cases, defendant Shakima Hagan appeals (1) from a final judgment, entered after a jury verdict, finding her 80% liable and awarding plaintiff...	June 10, 2009	Case		5 A.2d
Cited by	50. <u>State v. Heard</u> ” 2009 WL 1150149, *6 , N.J.Super.A.D. Defendant Timothy Heard appeals from his conviction and the sentence imposed following a second trial for his role in a series of robberies committed upon several Rutgers...	Apr. 30, 2009	Case		5 A.2d
Cited by	51. <u>State v. Accardi-Adams</u> ” 2009 WL 259213, *8 , N.J.Super.A.D. This is an appeal from a trial de novo concluding that defendant Maria Accardi-Adams unlawfully (1) used a cell phone while driving, N.J.S.A. 39:4-97.3(a); (2) knowingly drove a...	Feb. 05, 2009	Case		3 A.2d
Cited by	52. <u>State v. Wang</u> ” 2009 WL 112712, *6 , N.J.Super.A.D. Defendant Qingpei Wang appeals from the Law Division's judgment of conviction following the de novo appeal from her conviction for prostitution, N.J.S.A. 2C:34-1(b)(1), in the...	Jan. 20, 2009	Case		3 5 A.2d
Cited by	53. <u>State v. Diaz</u> 2008 WL 631305, *4+ , N.J.Super.A.D. Defendant was charged under Mercer County Indictment No. 05-06-0696 with second-degree robbery, contrary to N.J.S.A. 2C:15-1 (count one); third-degree attempt to commit theft by...	Mar. 11, 2008	Case		2 4 A.2d
Cited by	54. <u>State v. Sotomayor</u> 2007 WL 3239142, *7 , N.J.Super.A.D. Defendant Giovanni Sotomayor appeals from his conviction following a jury trial on eleven counts of a twelve count indictment charging the following offenses: first-degree...	Nov. 05, 2007	Case		1 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	55. State v. Powell 2007 WL 2947639, *3 , N.J.Super.A.D. Defendant, Daniel Powell, was convicted of second degree eluding, N.J.S.A. 2C:29-2(b) (count one), and third degree possession of a controlled dangerous substance (cocaine),...	Oct. 11, 2007	Case		5 A.2d
Cited by	56. Didio v. Monasterio 2007 WL 2126650, *8 , N.J.Super.A.D. Plaintiff Mia Didio appeals from a judgment entered on December 23, 2005 after a jury found no cause for action on her medical malpractice complaint. We affirm. Plaintiff had a...	July 26, 2007	Case		1 A.2d
Cited by	57. State v. Riddick 2007 WL 1452161, *11 , N.J.Super.A.D. On July 12, 2004, defendant, Grady Riddick, was charged in Passaic County Indictment No. 04-09-1241-I with third-degree possession of heroin, N.J.S.A. 2C:35-10a(1) (Count One);...	May 18, 2007	Case		2 A.2d
Cited by	58. State v. Parker 2007 WL 1425486, *4 , N.J.Super.A.D. Background: Defendant was convicted by a jury in the Superior Court, Law Division, Passaic County, of second-degree endangering the welfare of a child. A ten-year term of...	May 16, 2007	Case		5 A.2d
Cited by	59. State v. Burr 921 A.2d 1135, 1147+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Proffered testimony from expert regarding defendant suffered from Asperger's Disorder was admissible in sexual assault case.	May 08, 2007	Case		5 A.2d
Cited by	60. State v. Serrano 2007 WL 247881, *2 , N.J.Super.A.D. Defendant, Richard Serrano ("Richard"), appeals from his conviction for second-degree aggravated assault, in violation of N.J.S.A. 2C:12-1b(1), and his sentence of five years in...	Jan. 31, 2007	Case		5 A.2d
Cited by	61. JS Properties, L.L.C. v. Brown and Filson, Inc. 914 A.2d 297, 304 , N.J.Super.A.D. REAL PROPERTY - Landlord and Tenant. A tenant was not constructively evicted by the landlord's lawsuit for possession.	Dec. 27, 2006	Case		—
Cited by	62. State v. Kasza 2006 WL 2433883, *2 , N.J.Super.A.D. Defendant, Ronald A. Kasza, was found in a car belonging to another without permission. Following a trial before a jury, he was found guilty of third-degree eluding, third-degree...	Aug. 24, 2006	Case		5 A.2d
Cited by	63. State v. Bowman 2006 WL 1085788, *4 , N.J.Super.A.D. Defendant, Vincente Bowman, appeals from the Law Division's May 17, 2004 judgment of conviction for second-degree eluding police as proscribed by N.J.S.A. 2C:29-2b, for which he...	Apr. 26, 2006	Case		1 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	64. State v. Cathcart  2006 WL 1071541, *2, N.J.Super.A.D. Defendant, Samuel Cathcart, was charged under Indictment Number 03-12-1553, with second degree aggravated assault, N.J.S.A. 2C:12-1b(1) (count one), third degree possession of a...	Apr. 25, 2006	Case		5 A.2d
Cited by	65. State v. Still  2006 WL 848368, *3, N.J.Super.A.D. Following a jury trial, defendant Brandon Still was found guilty of felony murder, N.J.S.A. 2C:11-3(a) (3); first degree robbery, N.J.S.A. 2C:15-1; second degree reckless...	Apr. 03, 2006	Case		5 A.2d
Cited by	66. State v. Lugo  2006 WL 736558, *8, N.J.Super.A.D. Defendant Omar Lugo appeals his conviction after a two-day jury trial of second-degree eluding for which he was sentenced to an eight-year term of imprisonment. On appeal,...	Mar. 24, 2006	Case		5 A.2d
Cited by	 67. Brenman v. Demello 892 A.2d 741, 746, N.J.Super.A.D. TORTS - Evidence. Photographs showing minimal damage to motorist's vehicle could not be used to show that collision did not cause motorist's injuries.	Mar. 08, 2006	Case		5 A.2d
Cited by	68. Platow v. Ford Motor Co. 2005 WL 3663928, *3, N.J.Super.A.D. On February 9, 1997, Edward Platow sustained permanent spinal cord injuries when the air bag in his Ford automobile deployed and struck him after his car collided with a parked...	Jan. 17, 2006	Case		1 A.2d
Cited by	 69. State v. Abujudeh  2005 WL 3620434, *5, N.J.Super.A.D. Following a bench trial, defendant Amjad Abujudeh appeals from a final judgment of conviction for second-degree arson, N.J.S.A. 2C:17-1a(2). The court imposed a seven-year term,...	Jan. 10, 2006	Case		5 A.2d
Cited by	70. State v. Capo  2005 WL 3276271, *5, N.J.Super.A.D. Following our denial of the State's motion for leave to appeal certain pre-trial evidentiary rulings made by the trial court, the Supreme Court, on the State's further application,...	Dec. 06, 2005	Case		—
Cited by	71. Elias v. River Vale Bd. of Educ.  2005 WL 3050620, *12, N.J.Super.A.D. Plaintiff, Jewel E. Elias, appeals from summary judgment dismissal of all her claims save for that raised under the Conscientious Employee Protection Act (CEPA), N.J.S.A. 34:19-1...	Nov. 16, 2005	Case		5 A.2d
Cited by	72. State v. Moss  2005 WL 2849158, *9, N.J.Super.A.D. Following a jury trial in January 2003 in which Jermaine Moss and Charmaine Daniels were tried as co-defendants, each was convicted of the following charges: third-degree...	Oct. 31, 2005	Case		5 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	73. <u>State v. Gentilello</u> ” 2005 WL 2675005, *9 , N.J.Super.A.D. Defendant was indicted by an Ocean County Grand Jury on January 8, 2003, charged with the following: second-degree death by auto (vehicular homicide), N.J.S.A. 2C:11-5, (count...	Oct. 21, 2005	Case		5 A.2d
Cited by	74. <u>Muise v. GPU, Inc.</u> ” 851 A.2d 799, 827 , N.J.Super.A.D. ENERGY AND UTILITIES - Electricity. Decertification of class of electric utility customers was warranted.	July 08, 2004	Case		5 A.2d
Cited by	75. <u>State v. Swint</u> 745 A.2d 570, 579 , N.J.Super.A.D. CRIMINAL JUSTICE - Witnesses. Witness's prior inconsistent statement to police was sufficiently reliable to be admitted.	Feb. 15, 2000	Case		5 A.2d
Cited by	76. <u>State v. Sanders</u> 727 A.2d 1063, 1067 , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Evidence of defendant's prior assaults on toddler homicide victim's mother was inadmissible.	May 06, 1999	Case		—
Cited by	77. <u>Harris v. Peridot Chemical (New Jersey), Inc.</u> ” 712 A.2d 1181, 1194 , N.J.Super.A.D. TORTS - Negligence. Evidence of other gaseous releases from chemical facility's magnesium oxide unit was admissible as other civil wrong evidence in workers' negligence action.	June 22, 1998	Case		2 A.2d
Cited by	78. <u>State v. Henries</u> ” 704 A.2d 24, 33 , N.J.Super.A.D. CRIMINAL JUSTICE - .Witnesses. Evidence of identification witness' psychiatric history was material and warranted new trial where no other evidence linked defendant to murders.	Dec. 23, 1997	Case		—
Cited by	79. <u>State v. Dreher</u> ” 695 A.2d 672, 695+ , N.J.Super.A.D. CRIMINAL JUSTICE - Confessions. Evidence of defendant's prearrest silence was admissible as substantive evidence of guilt	June 20, 1997	Case		4 5 A.2d
Cited by	80. <u>Giovine v. Giovine</u> ” 663 A.2d 109, 119 , N.J.Super.A.D. Marriage. Limitations period for claim against spouse alleging tortious conduct could be tolled due to battered woman's syndrome.	Aug. 11, 1995	Case		—
Cited by	81. <u>Delgaudio v. Rodriguera</u> 654 A.2d 1007, 1010+ , N.J.Super.A.D. Medical Malpractice. Portions of records of Board of Medical Examiners criticizing physician's record-keeping could be used to impeach physician in malpractice action.	Mar. 13, 1995	Case		4 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	82. State v. Kittrell  652 A.2d 732, 739 , N.J.Super.A.D. Other Acts. Defendant's possession of beeper on date of his arrest was not admissible to prove that he had been dealing drugs three months earlier.	Jan. 31, 1995	Case		5 A.2d
Cited by	 83. State v. Millett  639 A.2d 352, 362 , N.J.Super.A.D. Extradition and Detainers. State's failure to commence trial within 120 days after defendant arrived in receiving state did not warrant dismissal of indictment under Interstate...	Mar. 31, 1994	Case		—
Cited by	 84. State v. Sette 611 A.2d 1129, 1145 , N.J.Super.A.D. Defendant was convicted in the Superior Court, Law Division, Union County, of first-degree murder, attempted murder, aggravated assault, weapons possession, and resisting arrest. ...	Aug. 11, 1992	Case		1 A.2d
Cited by	85. DONALD C. BAYER, JR., Plaintiff-Appellant, v. TOWNSHIP OF UNION, NEW JERSEY, OFFICER CHRISTOPHER DONNELLY, OFFICER ROBERT DONNELLY, III, OFFICER EDWARD KOSTER , OFFICER THOMAS OLLEMAR, OFFICER CARLOS TURNER, SERGEANT MARC A. BRUNO, SERGEANT J. DILGINIS , SERGEANT SHAWN HERRIGHTY, DETECTIVE WILLIAM FUENTES, DETECTIVE THOMAS RONAN , DETECTIVE GREGORY ROSSI, DETECTIVE LIEUTENANT RONALD BERRY, and CAPTAIN EDWARD SHAPIRO , Defendants-Respondents. , N.J.Super.A.D.	Dec. 16, 2010	Case		—
Cited by	86. McAlonan v. Tracy 2011 WL 6125, *3 , N.J.Super.A.D. On October 24, 2004, plaintiff James McAlonan was the driver of a 2003 Toyota Echo manufactured and sold by defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc....	Mar. 16, 2010	Case		—
Mentioned by	87. State v. Cole 163 A.3d 302, 312 , N.J. CRIMINAL JUSTICE - Evidence. Recordings of interrogation showing stark contrast in defendant's demeanor when officers were not in room were admissible as credibility evidence.	June 27, 2017	Case		—
Mentioned by	 88. State v. Gillispie 26 A.3d 397, 413 , N.J. CRIMINAL JUSTICE - Evidence. Erroneous admission of details of prior robbery under other-crimes rule was harmless in murder trial.	June 09, 2011	Case		—
Mentioned by	 89. State v. Williams 919 A.2d 90, 95 , N.J. CRIMINAL JUSTICE - Homicide. Evidence of defendant's post-shooting conduct was relevant in reckless manslaughter trial.	Apr. 11, 2007	Case		5 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	90. <u>State v. Bakka</u> 826 A.2d 604, 610 , N.J. CRIMINAL JUSTICE - Homicide. Driving with revoked license was irrelevant in prosecution for manslaughter and vehicular homicide.	July 01, 2003	Case		5 A.2d
Mentioned by	91. <u>State v. Clay</u> 2017 WL 3469328, *2 , N.J.Super.A.D. Defendant Wesley Clay entered a conditional guilty plea in Bound Brook Borough Municipal Court to driving while intoxicated (DWI), N.J.S.A. 39:4-50, specifically preserving his...	Aug. 14, 2017	Case		—
Mentioned by	92. <u>State v. Feliciano</u> 2016 WL 2745851, *9 , N.J.Super.A.D. Tried to a jury, defendant Jose Feliciano appeals from his convictions for first degree murder, N.J.S.A. 2C:11-3(a)(1) and (2) (count one); first degree felony murder, N.J.S.A....	May 12, 2016	Case		—
Mentioned by	93. <u>State v. Hare</u> 2016 WL 1229092, *8 , N.J.Super.A.D. Defendant Abraham Hare appeals his conviction after a jury trial of a single count of third-degree terroristic threats, N.J.S.A. 2C:12-3(a). At sentencing the trial court imposed a...	Mar. 30, 2016	Case		—
Mentioned by	94. <u>State v. Ibrahim</u> 2015 WL 2212347, *3+ , N.J.Super.A.D. The State appeals from an order precluding the testimony at trial of its expert toxicologist. We affirm. On December 10, 2010, R.K. was a guest at the Borgata Casino Hotel in...	May 13, 2015	Case		—
Mentioned by	 95. <u>State v. Hernandez</u> 2014 WL 7506761, *2 , N.J.Super.A.D. On leave to appeal granted, the State appeals the trial court's order granting discovery to defendant. We affirm. By way of background, the State seeks to prosecute the case...	Jan. 12, 2015	Case		—
Mentioned by	96. <u>State In Interest of B.H.</u> 2014 WL 3050698, *4 , N.J.Super.A.D. Following a bench trial, B.H., a juvenile, was adjudicated delinquent for acts which, if committed by an adult, would constitute third-degree aggravated assault, N.J.S.A....	July 07, 2014	Case		—
Mentioned by	97. <u>State v. L.L.M.</u> 2013 WL 5762613, *7 , N.J.Super.A.D. This direct criminal appeal arises from defendant L.L.M.'s conviction of second-degree sexual assault, N.J.S.A. 2C:14-2b, and endangering the welfare of a child, N.J.S.A. 2C:24-4a....	Oct. 25, 2013	Case		—
Mentioned by	98. <u>State v. Wooden</u> 2013 WL 5221246, *4 , N.J.Super.A.D. Defendant Foshea D. Wooden appeals his conviction for second-degree unlawful possession of a weapon, N.J.S.A. 2C:39-5(b), which resulted from a guilty plea following the denial of...	Sep. 18, 2013	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	99. <u>State v. Romeo</u> 2013 WL 4503364, *13 , N.J.Super.A.D. Following a jury trial, defendant David Romeo, a former sergeant with the Wildwood Police Department, was convicted of official misconduct for kicking two suspects in the head...	Aug. 26, 2013	Case		—
Mentioned by	100. <u>Banyacki v. Green</u> 2013 WL 764644, *5 , N.J.Super.A.D. Plaintiff Mark Banyacki appeals the February 14, 2012 judgment of the General Equity Part, arguing that the trial judge erred in adjudicating his claims against defendant Martha...	Mar. 01, 2013	Case		—
Mentioned by	101. <u>E.A. v. A.A.</u> 2012 WL 1758179, *7 , N.J.Super.A.D. Plaintiff appeals from an order entered April 1, 2011, vacating a temporary restraining order (TRO) and dismissing her complaint against defendant under the Prevention of Domestic...	May 18, 2012	Case		—
Mentioned by	102. <u>Reliastar Life Ins. Co. v. Smith</u> 2011 WL 691721, *5 , N.J.Super.A.D. In this complex commercial litigation involving the business of reinsurance and retrocessional insurance, we are asked to set aside a jury verdict on grounds that, as a result of a...	Mar. 01, 2011	Case		—
Mentioned by	103. <u>Marrero v. Feintuch</u> 11 A.3d 891, 899 , N.J.Super.A.D. LEGAL SERVICES - Malpractice. Client's guilt of offense charged in criminal prosecution was relevant to attorneys' defense of subsequent negligence action.	Jan. 25, 2011	Case		—
Mentioned by	104. <u>Marrero v. Feintuch</u> , N.J.Super.A.D.	Jan. 25, 2011	Case		—
Mentioned by	105. <u>State v. Leak</u> 2010 WL 4065629, *6 , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Evidence of defendant's prior bad acts was relevant to show defendant's intent and motive to commit attempted murder and aggravated assault.	July 01, 2010	Case		1 A.2d
Mentioned by	106. <u>State v. Calleia</u> 2011 WL 9197, *24 , N.J.Super.A.D. A Monmouth County jury found defendant George Calleia guilty of murdering his wife, Susan Calleia, N.J.S.A. 2C:11-3(a)(1) and/or (2), tampering with physical evidence, a fourth...	June 22, 2010	Case		1 A.2d
Mentioned by	107. <u>State v. Hladun</u> 2010 WL 1030882, *5 , N.J.Super.A.D. CRIMINAL JUSTICE - Sentencing. The 15 year sentence for strict liability drug-induced death and distribution of heroin was not manifestly excessive.	Mar. 17, 2010	Case		5 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	108. <u>State v. Boston</u> 2010 WL 86411, *10 , N.J.Super.A.D. CRIMINAL JUSTICE - Confessions. Substantial evidence supported a determination that a defendant was not too intoxicated to validly waive his Miranda warnings.	Jan. 12, 2010	Case		1 A.2d
Mentioned by	 109. <u>State v. Gillispie</u> 2009 WL 2496683, *6 , N.J.Super.A.D. In these back to back appeals, defendants Dwayne Gillispie and Gregory Buttler, appeal their convictions for offenses arising out of a double homicide that occurred in Barnegat,...	Aug. 18, 2009	Case		5 A.2d
Mentioned by	110. <u>Cavaliere v. Bridgewater Commons Mall, II, LLC</u> 2009 WL 249104, *7 , N.J.Super.A.D. This is an appeal from a unanimous jury verdict finding neither defendant negligent. We affirm. On January 29, 2004, at approximately 6:30 p.m., plaintiff Regina G. Cavaliere...	Feb. 04, 2009	Case		1 A.2d
Mentioned by	111. <u>State v. T.A.J.</u> 2008 WL 4949891, *6 , N.J.Super.A.D. After the jury found defendant guilty of three counts of second-degree endangering the welfare of a child, N.J.S.A. 2C:24-4a, the trial court granted her motion for a new trial. By...	Nov. 21, 2008	Case		—
Mentioned by	112. <u>Lopez v. Borough of Sayreville</u> 2008 WL 2663423, *19 , N.J.Super.A.D. In this products liability action, plaintiff Richard Lopez suffered an acute spinal cord injury when the four-wheeled all terrain vehicle (ATV) he was riding "overturned...	July 09, 2008	Case		5 A.2d
Mentioned by	 113. <u>State v. Castagna</u> 946 A.2d 602, 608 , N.J.Super.A.D. CRIMINAL JUSTICE - Conspiracy. Other crimes evidence was relevant and material to state's theory of motive in prosecution for conspiracy to commit murder.	May 12, 2008	Case		5 A.2d
Mentioned by	114. <u>State v. Slattery</u> 2007 WL 1651453, *3 , N.J.Super.A.D. Tried to a jury, defendant, Patricia A. Slattery, was convicted on two counts of third-degree theft by deception, N.J.S.A. 2C:20-4, from her employer, Trutone, Inc. She was...	June 08, 2007	Case		1 A.2d
Mentioned by	115. <u>Kogut v. Jhamb</u> 2005 WL 3691494, *1 , N.J.Super.A.D. Background: Former dating partner appealed from final restraining order (FRO) entered against him in the Superior Court, Law Division, Somerset County, in favor of claimant, with...	Jan. 20, 2006	Case		1 A.2d
Mentioned by	116. <u>State v. Gilchrist</u> 885 A.2d 29, 34 , N.J.Super.A.D. CRIMINAL JUSTICE - Discovery. State could not be compelled to prove to defendant charged with sexual assault a photograph of the victim.	Nov. 03, 2005	Case		5 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 117. <u>Fitzgerald v. Stanley Roberts, Inc.</u> 2004 WL 3517426, *5, N.J.Super.A.D. Plaintiff was an accounts-receivable manager for defendant Stanley Roberts, an importer and distributor of flatware. Defendant Edward Pomeranz was her supervisor and the president...	Nov. 18, 2004	Case		—
Mentioned by	 118. <u>State v. Bakka</u> 794 A.2d 260, 266, N.J.Super.A.D. CRIMINAL JUSTICE - Homicide. License revocation evidence was not admissible to show recklessness on charges of aggravated manslaughter and vehicular homicide.	Apr. 10, 2002	Case		5 A.2d
Mentioned by	 119. <u>State v. Jones</u> 788 A.2d 303, 312, N.J.Super.A.D. CRIMINAL JUSTICE - Interference With Custody. Failure to tailor jury instructions was reversible error in interference with custody case.	Jan. 10, 2002	Case		—
Mentioned by	 120. <u>State v. Roth</u> 673 A.2d 285, 293, N.J.Super.A.D. Extortion. Defendant's threat to file motion to set aside sheriff's sale unless successful bidder paid him \$2000 constituted attempted theft by extortion.	Mar. 29, 1996	Case		—
Mentioned by	121. <u>State v. Burgos</u> 619 A.2d 1013, 1015, N.J.Super.A.D. Other Crimes Evidence. Permitting prosecutor to ask defendant if other criminal charges were dismissed against her as part of plea agreement was reversible error.	Dec. 28, 1992	Case		2 4 A.2d
Mentioned by	122. <u>State v. Serrano</u> 2007 WL 247877, *3, N.J.Super.A.D. Defendant, Ralph Serrano ("Ralph") appeals from a conviction for second-degree aggravated assault, pursuant to N.J.S.A. 2C:12-1b(1), and a downgraded sentence, as a third-degree...	Jan. 31, 2007	Case		5 A.2d
Mentioned by	123. <u>Board of Educ. of School Dist. of City of Camden, Camden County v. Rucker</u> 1993 WL 642377, *3, N.J. Adm. These matters were commenced on April 29, 1992 (EDU 4327-92), and July 27, 1992 (EDU 6204-92), pursuant to N.J.S.A. 18A:6-11 when the Board of Education of the School District of...	Dec. 30, 1993	Administrative Decision		—
—	124. <u>Right to cross-examine accused as to previous prosecution for, or conviction of, crime, for purpose of affecting his credibility</u> 161 A.L.R. 233 This annotation supplements that in 6 ALR 1608; 25 ALR 339; and 103 ALR 350, where the earlier cases on this subject are treated. As its title sufficiently indicates, the...	1946	ALR	—	2 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
—	125. <u>Handbook of Federal Evidence s 404:5, Rule 404(b)(2): crimes, wrongs or other acts</u> Dennis enters a Wal-Mart. He brings a television set to the checkout counter. When the clerk scans the television a \$285 price appears. Dennis hands the clerk fifteen \$20 bills....	2017	Other Secondary Source	—	—
—	126. <u>Lane Goldstein Trial Technique s 19:4, In general-Counsel's assumption of facts in question</u> During cross-examination, counsel is prohibited from assuming any material facts at issue and which are to be found by the jury, or from assuming that particular answers have been...	2017	Other Secondary Source	—	1 A.2d
—	127. <u>Lane Goldstein Trial Technique s 19:5, In general-Contradiction on immaterial fact</u> The trial court has broad discretion in setting the limits of cross-examination. A witness cannot be cross-examined as to any fact which is collateral and irrelevant to the issues,...	2017	Other Secondary Source	—	1 A.2d
—	128. <u>Litigating Tort Cases s 53:32.70, Plaintiff's motion to exclude evidence of plaintiff's prior psychological treatment</u> Litigating Tort Cases It is undisputed that prior to the subject motor vehicle crash, plaintiff had been diagnosed with extreme depression, which totally disabled her from working from 1996-2000....	2017	Other Secondary Source	—	5 A.2d
—	129. <u>26 N.J. Prac. Series s 19:27, Trial brief with pretrial exchange-Form</u> N.J. Prac. Series	2017	Other Secondary Source	—	5 A.2d
—	130. <u>2B N.J. Prac. Series N.J.R.E. 401, Definition of "Relevant Evidence"</u> N.J. Prac. Series Rule 401 is similar to N.J.Evid.R. 1(2) in that it incorporates the phrase "evidence having a tendency in reason to prove," but it substitutes for the phrase, "any material..."	2017	Other Secondary Source	—	1 4 A.2d
—	131. <u>2B N.J. Prac. Series N.J.R.E. 403, Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time</u> N.J. Prac. Series Rule 403 contains the principles established by both N.J.Evid.R. 4 and Fed.R.Evid. 403. Although the formulation is closer to the federal rule than the 1967 New Jersey rule, the...	2017	Other Secondary Source	—	3 5 A.2d
—	132. <u>2B N.J. Prac. Series N.J.R.E. 405, Methods of Proving Character</u> N.J. Prac. Series Rule 405(a) adopts the substance of N.J.Evid.R. 46 and 47 with changes in language and structure only. Fed.R.Evid. 405(a) does not provide for proof of character or a character...	2017	Other Secondary Source	—	4 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
—	133. 2C N.J. Prac. Series N.J.R.E. 607, Credibility and Neutralization N.J. Prac. Series The proposed rule appearing on page 469 of the Main Volume is the New Jersey Evidence Committee's proposed Rule 607 not the federal rule. It was inadvertently placed on page 469....	2017	Other Secondary Source	—	2 4 A.2d
—	134. 2C N.J. Prac. Series N.J.R.E. 611, Mode and Order of Interrogation and Presentation N.J. Prac. Series Rule 611 follows Fed.R.Evid. 611 almost verbatim. Paragraph (c) was changed to add to the federal formulation "unresponsiveness" as a basis for permitting leading questions and...	2017	Other Secondary Source	—	3 A.2d
—	135. 32 N.J. Prac. Series s 21:56, Definition of "relevant evidence" N.J. Prac. Series N.J.R.E. 402 states that except as otherwise provided in the rules of evidence or by law, all relevant evidence is admissible. N.J.R.E. 401 defines "relevant evidence" as...	2016	Other Secondary Source	—	—
—	136. 32 N.J. Prac. Series s 22:10, Impeaching credibility-Prior criminal convictions-The non-defendant witness N.J. Prac. Series In State v. Harkins the Appellate Division held that a trial judge has discretion, pursuant to N.J.R.E. 403, to exclude proof of prior convictions offered to affect the credibility...	2016	Other Secondary Source	—	—
—	137. 32 N.J. Prac. Series s 22:23, Cannot cross examine witness regarding extrinsic matters N.J. Prac. Series A witness may not be cross examined on a topic wholly unrelated to any issue in the case for the purpose of then introducing the testimony of other witnesses to rebut the answers...	2016	Other Secondary Source	—	—
—	138. 47 N.J. Prac. Series s 38:3, Impeachment on collateral issues N.J. Prac. Series A witness may be impeached by the testimony of other witnesses and any other evidence which contradicts him, but he may not be impeached on collateral issues. See State v. Terrell,...	2017	Other Secondary Source	—	3 A.2d
—	139. 55 N.J. Prac. Series s 7:8, Supporting authorities-Exclusion of improper impeachment evidence, generally N.J. Prac. Series Evidence Rule 608 states as follows: (a) The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, provided, however, that the...	2017	Other Secondary Source	—	3 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
—	140. 55 N.J. Prac. Series s 3:17, Supporting authorities-Exclusion of irrelevant evidence, generally-Collateral issues N.J. Prac. Series State v. Locascio, 425 N.J. Super. 474, 42 A.3d 179 (App. Div. 2012) (court did not abuse its discretion in exclusion of evidence that might have impeached trooper's testimony...	2017	Other Secondary Source	—	1 A.2d
—	141. 55 N.J. Prac. Series s 7:21, Opposing authorities-Impeachment, generally N.J. Prac. Series Evidence Rule 608 states that, "[t]he credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, provided, however, that the evidence...	2017	Other Secondary Source	—	4 A.2d
—	142. Stern and Brown, Litigating Brain Injuries s 5:16, Plaintiff's motion to exclude evidence of plaintiff's prior psychological treatment It is undisputed that prior to the subject motor vehicle crash, plaintiff been diagnosed with extreme depression, which totally disabled her from working from 1996-2000....	2017	Other Secondary Source	—	—
—	143. Winning Evidence Arguments s 404:5, Rule 404(b)(2): crimes, wrongs or other acts Dennis enters a Wal-Mart. He brings a television set to the checkout counter. When the clerk scans the television a \$285 price appears. Dennis hands the clerk fifteen \$20 bills....	2018	Other Secondary Source	—	—
—	144. Wright & Miller: Federal Prac. & Proc. s 5167.5, Illustrative Cases-Human Knowledge Wright & Miller: Federal Prac. & Proc. That defendant had a book on how to create a false identity and the name of a dead person makes it more likely that he used an alias to conceal property. That defendant had a book...	2017	Other Secondary Source	—	4 A.2d
—	145. P 61,442 HENRY F. FURST V. EINSTEIN MOOMJY, INC., THE CARPET DEPARTMENT STORE, AND WALTER MOOMJY. Advertising Law Guide Henry F. Furst v. Einstein Moomjy, Inc., The Carpet Department Store, and Walter Moomjy. ¶ 61,442. Supreme Court of New Jersey. A-77 . On certification to the Superior Court,...	2004	Other Secondary Source	—	—
—	146. STANDARD OF CARE EXPERTS Impeachment with "Personal Standards" Evidence DRI For the Defense The potential tort liability of physicians and health care providers for negligent conduct is determined by what seem to be special rules. In general, negligence is defined as...	2004	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	147. P 30,895 HENRY F. FURST V. EINSTEIN MOOMJY, INC., THE CARPET DEPARTMENT STORE, AND WALTER MOOMJY. State Unfair Trade Practices Law Henry F. Furst v. Einstein Moomjy, Inc., The Carpet Department Store, and Walter Moomjy. ¶ 30,895. Supreme Court of New Jersey. A-77 . On certification to the Superior Court,...	2004	Other Secondary Source	—	—