

 KeyCite Yellow Flag - Negative Treatment
Declined to Extend by State v. Fortin, N.J., February 23, 2000

115 N.J. 289

Supreme Court of New Jersey.

STATE of New Jersey, Plaintiff–Respondent,

v.

Gary STEVENS, Defendant–Appellant.

Argued Oct. 25, 1988.

|

Decided June 1, 1989.

Synopsis

SYNOPSIS

Police officer was convicted of two counts of second-degree official misconduct and one count of third-degree criminal coercion in the Superior Court, Law Division, Burlington County, and officer appealed. The Superior Court, Appellate Division, 222 N.J.Super. 602, 537 A.2d 774, modified two sentences and affirmed in all other aspects, and officer appealed. The Supreme Court, Stein, J., held that: (1) evidence of circumstances in which officer had previously used his office to allegedly intimidate women into disrobing or providing sexual favors was relevant and admissible to show that defendant conducted searches to gratify his sexual desires, and (2) limiting instruction, although inadequate to clarify for jury the narrow distinction between permissible and impermissible uses of other crimes evidence, was not reversible error.

Affirmed.

West Headnotes (13)

[1] Criminal Law

 Purposes for Admitting Evidence of Other Misconduct

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by Accused

110XVII(F)1 Other Misconduct as Evidence of Offense Charged in General

110k368.3 Purposes for Admitting Evidence of Other Misconduct

110k368.4 In general

(Formerly 110k369.2(1))

Other crimes evidence can be admitted to prove any fact in issue, regardless of whether issue is included among specific examples set forth in rule. Rules of Evid., N.J.S.A. 2A:84A, Rule 55.

5 Cases that cite this headnote

[2] Criminal Law

 Factors Affecting Admissibility

Criminal Law

 Necessity for evidence

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by Accused

110XVII(F)1 Other Misconduct as Evidence of Offense Charged in General

110k368.7 Factors Affecting Admissibility

110k368.8 In general

(Formerly 110k369.2(1))

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by Accused

110XVII(F)1 Other Misconduct as Evidence of Offense Charged in General

110k368.7 Factors Affecting Admissibility

110k368.15 Necessity for evidence

(Formerly 110k369.2(1))

For other crimes evidence to be admitted to prove fact in issue, issue must be genuine, and other crime evidence must be necessary for its proof. Rules of Evid., N.J.S.A. 2A:84A, Rule 55.

17 Cases that cite this headnote

[3] Criminal Law

🔑 Prejudicial effect and probative value

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by Accused

110XVII(F)1 Other Misconduct as Evidence of Offense Charged in General

110k368.7 Factors Affecting Admissibility

110k368.13 Prejudicial effect and probative value

(Formerly 110k369.2(1))

After trial court determines whether other crimes evidence is admissible to fact genuinely in issue, probative value of proffered evidence should be carefully balanced against danger that it will create undue prejudice against defendant. Rules of Evid., N.J.S.A. 2A:84A, Rule 55.

43 Cases that cite this headnote

[4] **Criminal Law**

🔑 Relevancy

Criminal Law

🔑 Necessity for evidence

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by Accused

110XVII(F)1 Other Misconduct as Evidence of Offense Charged in General

110k368.7 Factors Affecting Admissibility

110k368.9 Relevancy

(Formerly 110k369.2(1))

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by Accused

110XVII(F)1 Other Misconduct as Evidence of Offense Charged in General

110k368.7 Factors Affecting Admissibility

110k368.15 Necessity for evidence

(Formerly 110k369.2(1))

In weighing probative worth of other crimes evidence, court should consider not only its relevance but whether

proffered use in case can adequately be served by other evidence. Rules of Evid., N.J.S.A. 2A:84A, Rule 55.

13 Cases that cite this headnote

[5] **Criminal Law**

🔑 Limiting effect of evidence of other offenses

110 Criminal Law

110XX Trial

110XX(C) Reception of Evidence

110k673 Effect of Admission

110k673(5) Limiting effect of evidence of other offenses

If other crimes evidence is admitted, trial court must instruct jury concerning its limited relevance. Rules of Evid., N.J.S.A. 2A:84A, Rules 6, 55.

9 Cases that cite this headnote

[6] **Criminal Law**

🔑 Purpose and Effect of Evidence

110 Criminal Law

110XX Trial

110XX(G) Instructions:Necessity, Requisites, and Sufficiency

110k783 Purpose and Effect of Evidence

110k783(1) In general

Limiting instruction addressed to use of other crimes evidence should be formulated carefully to explain precisely the permitted and prohibited purposes of evidence, with sufficient reference to factual context of case to enable jury to comprehend and appreciate fine distinction to which it is required to adhere. Rules of Evid., N.J.S.A. 2A:84A, Rules 6, 55.

76 Cases that cite this headnote

[7] **Criminal Law**

🔑 Plan or scheme in general

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by
Accused

110XVII(F)5 Other Misconduct Part of
Plan Embracing More Than One Act
110k370.2 Plan or scheme in general
(Formerly 110k372(1))

For other crimes evidence to be
admissible under “plan” exception,
evidence must prove existence of
integrated plan of which other crimes
and indicted offense are components.
Rules of Evid., N.J.S.A. 2A:84A, Rule
55.

13 Cases that cite this headnote

[8] Criminal Law

🔑 Extortion, threats, stalking, and
harassment

Criminal Law

🔑 Other particular offenses

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by
Accused

110XVII(F)5 Other Misconduct Part of
Plan Embracing More Than One Act
110k370.13 Extortion, threats, stalking,
and harassment

(Formerly 110k372(14))

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by
Accused

110XVII(F)5 Other Misconduct Part of
Plan Embracing More Than One Act
110k370.28 Other particular offenses

(Formerly 110k372(14))

Evidence of unindicted offenses did not
establish existence of integrated plan or
scheme by police officer to use his office
to intimidate women into disrobing
or providing sexual favors, and thus
evidence regarding unindicted offenses
was not admissible on that basis, in
prosecution for official misconduct and
criminal coercion. N.J.S.A. 2C:30–2;
Rules of Evid., N.J.S.A. 2A:84A, Rule
55.

2 Cases that cite this headnote

[9] Criminal Law

🔑 Other particular offenses

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by
Accused

110XVII(F)3 Other Misconduct
Inadmissible Under Any of Several
Theories

110k368.66 Other particular offenses
(Formerly 110k369.1)

Evidence of unindicted offenses, in
which police officer allegedly used
his office to intimidate women into
disrobing or providing sexual favors,
was inadmissible in trial for second-
degree official misconduct to form basis
for inference that searches of victims
occurred as alleged. N.J.S.A. 2C:30–2;
Rules of Evid., N.J.S.A. 2A:84A, Rule
55.

Cases that cite this headnote

[10] Criminal Law

🔑 Other particular offenses

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by
Accused

110XVII(F)2 Admissibility in
Prosecutions for Particular Offenses in
General

110k368.40 Other particular offenses
(Formerly 110k369.2(3.1),
110k369.2(3))

Evidence of circumstances in which
police officer had previously used his
office to allegedly intimidate women
into disrobing or providing sexual
favors was relevant and admissible to
show, in prosecution for second-degree
official misconduct, that defendant
conducted searches to gratify his sexual
desires; prosecution had to show that
police officer committed unauthorized
exercise of official functions with

purpose to obtain benefit for himself, and State had no independent proof, apart from other crimes evidence, tending to establish that officer's purpose in searching victims was to gratify his sexual desires. N.J.S.A. 2C:30-2; Rules of Evid., N.J.S.A. 2A:84A, Rule 55.

20 Cases that cite this headnote

[11] Criminal Law

 Purposes for Admitting Evidence of Other Misconduct

110 Criminal Law

110XVII Evidence

110XVII(F) Other Misconduct by Accused

110XVII(F)1 Other Misconduct as

Evidence of Offense Charged in General

110k368.3 Purposes for Admitting Evidence of Other Misconduct

110k368.4 In general

(Formerly 110k369.2(1))

Other crimes evidence may be admissible to prove material element of crime, even if element is not specifically contested by defendant nor otherwise established by evidence. Rules of Evid., N.J.S.A. 2A:84A, Rule 55.

4 Cases that cite this headnote

[12] Criminal Law

 Instruction as to evidence

110 Criminal Law

110XXIV Review

110XXIV(Q) Harmless and Reversible Error

110k1172 Instructions

110k1172.2 Instruction as to evidence

Limiting instruction in trial of police officer for second-degree official misconduct, which was not adequate to clarify for jury the narrow distinction between permissible and impermissible uses of evidence that defendant had previously used his office to allegedly intimidate women into disrobing or providing sexual

favours, was not reversible error; trial court twice cautioned jury against considering other crimes evidence to prove disposition to commit offenses charged, and there was ample evidence of guilt of charged offenses. Rules of Evid., N.J.S.A. 2A:84A, Rules 6, 55; R. 2:10-2.

46 Cases that cite this headnote

[13] Criminal Law

 Purpose and Effect of Evidence

110 Criminal Law

110XX Trial

110XX(G) Instructions:Necessity, Requisites, and Sufficiency

110k783 Purpose and Effect of Evidence

110k783(1) In general

Trial court instructing jury on its use of other crime evidence should state specifically the purposes for which evidence may be considered, and to extent necessary for jury's understanding, issues on which such evidence is not to be considered. Rules of Evid., N.J.S.A. 2A:84A, Rules 6, 55.

16 Cases that cite this headnote

Attorneys and Law Firms

****835 *293** Maria M. DeFilippis, Designated Counsel, for defendant-appellant (Alfred A. Slocum, Public Defender, attorney, William Welaj, Designated Counsel, Somerville, on the briefs).

Meredith A. Coté, Deputy Atty. Gen., for plaintiff-respondent (Cary Edwards, Atty. Gen., attorney).

The opinion of the Court was delivered by

STEIN, J.

Evidence Rule 55 prohibits the introduction into evidence of other crimes or civil wrongs to prove

a defendant's criminal disposition as a basis for establishing guilt of the crime charged. The Rule expressly permits such evidence to be admitted to prove other facts in issue, such as "motive, intent, plan, knowledge, identity, or absence of mistake or accident," but admissibility is subject to the trial court's duty to weigh the probative value of the evidence against its capacity for prejudice. *State v. Ramsey*, 106 N.J. 123, 265, 524 A.2d 188 (1987); *Evid.R.* 4. In this case we consider whether testimony about three alleged incidents of misconduct, factually analogous to the two events for which defendant was indicted, was properly admitted into evidence under *Rule* 55.

The Appellate Division affirmed defendant's conviction for two counts of official misconduct, *N.J.S.A.* 2C:30-2(a), and one count of criminal coercion, *N.J.S.A.* 2C:13-5. 222 N.J.Super. 602, 537 A.2d 774 (1988). It concluded that the trial court correctly ruled that testimony concerning incidents of misconduct not the subject of the indictment was admissible under *Rule* 55. Defendant appeals to this Court as of right on the basis of the dissent below. *R.* 2:2-1(a). We affirm.

I.

The material facts are set forth in detail in the Appellate Division opinion, 222 N.J.Super. at 605-13, 537 A.2d 774, and for our purposes *294 a brief summary will be sufficient. Defendant, a Westhampton, New Jersey, police officer, was indicted on the basis of two incidents that occurred in January and February 1982. The victim involved in the first incident, Jeanette Potter, was stopped in her car by police officers, including defendant, after visiting a friend in a Mount Holly motel. Potter and her **836 sister were transported to Westhampton police headquarters. According to Potter's testimony, defendant took her statement and then locked himself and Potter in an interrogation room. He informed her that she had been detained in connection with a drug investigation of the friend she visited in Mount Holly, and that he had to search her body for needle marks. Asserting a need to examine her stomach, defendant required Potter to remove her blouse and

lower her pants. Defendant stated that if Potter proved she was not a drug addict, he would release her. Defendant's trial testimony was that he recalled arresting Potter, but did not search her or require her to undress.

The victim of the second incident, Jane Ann Petroski, had been issued two traffic tickets in the early morning hours of February 22, 1982. Subsequently, her car ran out of gas. She parked in the Westhampton police station parking lot and used an available outside telephone to call for assistance. Defendant, who had learned of her presence at headquarters through a radio communication, arrived soon afterwards. Petroski testified that defendant initially asked for driving credentials. He then took her inside the station and required that she perform certain balancing tests, presumably to determine sobriety. Defendant informed Petroski that she had failed the tests and would have to be searched. Defendant first directed her to remove her socks and boots, then to expose her breasts, and then to remove her pants, ostensibly to permit defendant to verify that nothing was taped between her legs. He then required her to spread her legs, both from a sitting and standing position. Petroski testified that she submitted to defendant's demands because she was alone and frightened. *295 She also testified that defendant drove her home, commenting as she left the car: "Don't screw me and I won't screw you." Defendant denied that he had searched Petroski or required her to disrobe.

Later that morning, Ms. Petroski's mother reported the incident to Westhampton Police Chief Russel Minuto. Minuto testified that defendant denied the allegations and insisted that another member of the Westhampton Police Department, Officer Montijo, was present during Ms. Petroski's detention and would confirm defendant's innocence. Officer Montijo testified that he rejected defendant's subsequent request to confirm his account of the incident to Chief Minuto, and informed Chief Minuto that he was not present when defendant interrogated Petroski. Defendant denied that he told Chief Minuto that Officer Montijo was with him, and denied asking Montijo to lie for him.

Defendant was arrested in April 1982 in connection with the Petroski incident and again in May 1982 in connection with his alleged search of Jeanette Potter. Captain Neil Forte of the Burlington County Prosecutor's office testified that on the occasion of defendant's arrest in May 1982, defendant offered to resign from the department or plead guilty to a disorderly-persons offense if Forte would terminate the investigation. Defendant disputed Forte's account of their conversation.

In response to the State's proffer of other-crime evidence, the trial court conducted a pretrial hearing, *Evid.R.* 8, to determine the admissibility of testimony concerning three other instances of alleged misconduct committed by defendant. The trial court ruled that the testimony was admissible under *Rule* 55, and that its probative value outweighed any prejudice to defendant. Accordingly, at trial the State was permitted to present evidence of these incidents, which may be summarized as follows:

A.

The first incident occurred in mid-August 1979, approximately two-and-one-half years prior to the events for which defendant *296 was indicted. At approximately 2:55 a.m., defendant stopped a motorist, Brenda McCabe, and requested her driving credentials. Defendant noted that her insurance identification card was invalid. He removed from her pocket a pack of cigarettes that contained two marijuana joints. Defendant commented that Ms. McCabe was in trouble, and expressed a desire to engage **837 in sexual relations. Defendant instructed Ms. McCabe to follow him to police headquarters, but instead turned down a dirt road. When the cars stopped, defendant entered Ms. McCabe's car and had sexual intercourse with her on the front seat. He then returned the marijuana and released her. At trial defendant denied that the incident had occurred.

B.

The second incident took place during the fall of 1981. Defendant suggested to his patrol partner, Officer Harvey Montijo, that they go look for some "parkers." When they happened upon two young girls, the defendant ordered one to pull her pants down and stopped the other from pulling her pants up. He explained to Montijo that he was looking for weapons and drugs. When Montijo objected, defendant replied that "[i]t comes with the job. It's part of the job and that's some of the fringe benefits of the job." At trial defendant denied attempting to search either girl or asking either to disrobe. He claimed that Montijo never expressed to him any concern about his actions.

C.

The third incident occurred in February 1982, between the dates of the two events for which defendant was indicted. Paula Jones, an assistant restaurant manager at a Howard Johnson hotel, testified that she was confronted by defendant two days after she had stayed overnight at the hotel with a male companion. According to Jones, defendant stated that he saw her drop a bag of marijuana from her purse when he was *297 in the restaurant two nights earlier. He also claimed to have investigated a complaint of excessive noise at the hotel, and observed her through a window to be unclothed in the presence of two men. He informed her that Chief Minuto had instructed him to call her employer "and tell them what kind of person they had working for them." Ms. Jones testified that defendant told her he had taken care of everything, and that she would not be arrested. She also testified that defendant made suggestive comments intimating a desire to receive sexual favors in return for his assistance to her. Although defendant acknowledged his presence at the Howard Johnson hotel on the date in question, he testified that he was called there to remove an employee. He denied the conversation to which Ms. Jones had testified.

As noted, the trial court ruled that evidence of the three incidents was admissible, concluding that there was clear and convincing evidence that the incidents had occurred and that their probative

value outweighed any prejudice to defendant. In accordance with *Evidence Rule* 6, the trial court instructed the jury concerning the limited relevance of the three events:

Now, what about the other three incidents which we permitted you to hear about? * * * I permitted this, not to show—and it doesn't show that the defendant is a bad person—not to show that he was generally disposed to commit these crimes against Potter and Petroski. On the other hand—and you may not deduce from hearing about these other three incidents that he's a bad person or that he generally was disposed to commit these two offenses. But it's made known to you to show his *intent* toward Potter and Petroski, or his *plan* regarding young women coming under his control while he was carrying out his official duty, period. Or, in other words, to show his *attitude* toward or his relationship to these young women, or, finally to—to show his *state of mind* toward young women coming under his control with respect to his own sexual desires. [Emphasis added].

The Appellate Division majority concluded that evidence of the three unindicted instances of misconduct was properly admitted to prove that “defendant had acted in accordance with the same common plan, design or scheme to commit such criminal acts,” 222 N.J.Super. at 618, 537 A.2d 774; “to establish his state of mind that he possessed the authority to lodge false criminal *298 prosecutions thus enabling him to threaten his victims if they refused his advances,” *ibid.*; and “to prove that defendant **838 had committed

the misconduct and coercion intentionally and that he had not done so based on some mistaken impression or happenstance.” *Id.* at 619, 537 A.2d 774. The dissent disagreed with the majority's reliance on the “common plan” exception to *Rule* 55, contending that that exception “requires that the ‘other crimes’ have been ‘committed for the accomplishment of a single purpose, and that purpose is manifestly the sole cause of the commission of the crime alleged * * *.’ ” 222 N.J.Super. at 625, 537 A.2d 774 (Brody, J., dissenting) (quoting *State v. Zicarelli*, 122 N.J.Super. 225, 241, 300 A.2d 154 (App.Div.1973), cert. denied, 63 N.J. 252, 306 A.2d 455 (1973), cert. denied, 414 U.S. 875, 94 S.Ct. 71, 38 L.Ed.2d 120 (1973)). Judge Brody also criticized the majority's holding as permitting other-crime evidence to be used to rebut a defense not advanced by the defendant:

The majority also mislabels the evidence as proof of defendant's “intent” to strip search women in his control for an unlawful purpose. Defendant denied the strip searches, he did not claim that they were for a lawful purpose. Evidence may not be admitted under an exception in *Rule* 55 to rebut a defense that is not in issue. [*State v.*] *Peltack*, 172 N.J.Super. 287, 292–293 [411 A.2d 1156 (App.Div.1980)]. See *State v. Atkins*, 78 N.J. 454, 462 [396 A.2d 1122] (1979). [222 N.J.Super. at 625, 537 A.2d 774.]

The dissent also characterized the trial court's limiting instruction as “halting and contradictory,” *id.* at 624, 537 A.2d 774, observing that the instruction failed to explain the distinction between the evidence's admissibility to prove “attitude,” “intent,” “plan,” or “state of mind,” and its inadmissibility to show a predisposition generally to commit crime. *Id.* at 624–25, 537 A.2d 774 (Brody, J., dissenting).

II.

Rule 55 states:

Subject to Rule 47, evidence that a person committed a crime or civil wrong on a specified occasion[] is inadmissible to prove his disposition to commit crime or civil wrong as the basis for an inference that he committed a crime or civil wrong on another specified occasion but subject to Rule 48. Such evidence is admissible to prove some other fact in issue including motive, intent, plan, knowledge, identity, or absence of mistake or accident.

***299** Rule 55 was adopted in New Jersey in 1967. See Biunno, *Current New Jersey Rules of Evidence*, Preliminary Comments to the Rules at xv. It was based substantially on Rule 55 of the Uniform Rules of Evidence prepared by the National Conference of Commissioners on Uniform State Laws. See 1963 Report of the New Jersey Supreme Court Committee on Evidence, Introduction at 1–2, Comment on Rule 55 at 101 (hereafter 1963 Report). The Rule had initially been proposed for adoption in substantially its present form by the Committee on the Revision of the Law of Evidence (Jacobs Committee), see Report of the Jacobs Committee, May 1955, at 106–07, and in 1956 by the Commission to Study the Improvement of the Law of Evidence (Bigelow Commission), see Report of the Bigelow Commission, Nov. 1956, at 48–49. It perpetuated New Jersey's long-standing common-law rule that excluded other-crimes evidence when offered solely to prove a defendant's propensity to commit crime. See, e.g., *State v. Kociolek*, 23 N.J. 400, 418–20, 129 A.2d 417 (1957); *State v. Donohue*, 2 N.J. 381, 388, 67 A.2d 152 (1949); *State v. Lederman*, 112 N.J.L. 366, 370–73, 170 A. 652 (E. & A. 1933);

State v. Schuyler, 75 N.J.L. 487, 68 A. 56 (E. & A. 1907); *State v. Fay*, 127 N.J.L. 77, 21 A.2d 607 (Sup.Ct.1941); *State v. Raymond*, 53 N.J.L. 260, 264–65, 21 A. 328 (Sup.Ct.1891). The New Jersey cases reflect the prevailing common-law rule throughout the United States. See *McCormick, Evidence* § 190, at 557–58 (E. Cleary 3d ed. 1984); *Wigmore, Evidence* §§ 193–94 at 641–47 (3d ed. 1940); Stone, *The Rule of Exclusion of Similar Fact Evidence: America*, 51 *Harv.L.Rev.* 988 (1938) (hereinafter Stone).¹ The common-law rule has been described as

¹ For a general discussion of the admissibility of other-crime evidence, see Uviller, *Evidence of Character to Prove Conduct: Illusion, Illogic and Injustice in the Courtroom*, 130 *U. of Pa.L.Rev.* 845 (1982); Comment, *Developments in Evidence of Other Crimes*, 7 *U.Mich.J.L.Ref.* 535 (1974); Note, *Other Crimes Evidence at Trial: Of Balancing and Other Matters*, 70 *Yale L.J.* 763 (1961); Lacy, *Admissibility of Evidence of Crimes Not Charged in the Indictment*, 31 *Ore.L.Rev.* 267 (1952); Slough & Knightly, *Other Vices, Other Crimes*, 41 *Iowa L.Rev.* 325 (1956).

****839 *300** a compromise between two extreme possibilities: on the one hand that other acts, because they cast light on propensities and thence on the issues, may always be fully explored; on the other hand that other acts must be absolutely excluded because of the prejudice, confusion, and surprise their use would create. The common law accepted neither extreme. It rejected the former; it only adopted the latter subject to the all-important reservation that if other acts were relevant to guilt of the crime charged otherwise than merely through propensity, then those acts might like any other relevant facts be explored. [Stone, *supra*, 51 *Harv.L.Rev.* at 1033–34.]

Underlying Rule 55 and its common-law antecedents is the recognition that other-crime evidence may simultaneously be highly probative and extremely prejudicial.

That the defendant in a criminal prosecution, for instance, has previously

committed a crime, or even many crimes, may have great probative value, especially where the crimes are similar or identical to the crime in issue, and where they have happened recently. [1963 Report at 101.]

Despite its probative worth, other-crime evidence offered solely to prove criminal disposition is excluded under the Rule, as at common law:

The motivating policies are said to be to avoid confusion, unfair surprise and prejudice. 1 Wigmore, Evidence (3d ed. 1940), section 194. It is thought that proof of a previous crime will distract the jury, leading them to forego an independent analysis of the evidence and to rely merely on the tendency they possess in common with most people of saying “once a thief—always a thief” * * *. [*State v. Ascolese*, 59 N.J.Super. 393, 397, 157 A.2d 858 (App.Div.1960) (quoting *State v. Nagy*, 27 N.J.Super. 1, 11, 98 A.2d 613 (App.Div.1953))].

[1] Pursuant to Rule 55, other-crime evidence is admissible to prove other facts in issue. The examples set forth in the Rule—motive, intent, plan, knowledge, identity, absence of mistake or accident—are not intended to be exclusive. See Report of the Jacobs Committee, *supra*, Drafters' Comment at 107 (“It must be understood, however, that the specifications are only exemplary and not exclusive. The illustrative material could be eliminated without hurting the rule except to the extent that the one applying it would have to hunt harder for its meaning.”). The non-exclusivity of the examples in Rule 55 was also stressed by the 1963 Report of the New Jersey Supreme Court's Committee on Evidence:

This list of exceptions is not intended as an exclusive catalogue. It is merely illustrative of the kind of exceptions under which the evidence might be *301 admitted, although the exceptions cited are the most familiar ones. It is the intendment of the Rule to provide for the discretionary admission of “other crimes” and “other torts” evidence where it is relevant to any substantial issue other than disposition to commit crime or torts. [1963 Report at 102–03.]

See also Biunno, *Current New Jersey Rules of Evidence*, comment 10 to *Evid.R.* 55 (“[T]he instances mentioned in the rule are ‘only illustrative’”).

[2] A necessary corollary to the principle that other-crime evidence can be admitted to prove any fact in issue—whether or not included among the specific examples set forth in Rule 55—is the requirement that the “issue” be genuine, and that the other-crime evidence be necessary for its proof. As one commentator explains:

“Probative worth,” however, consists of more than logical relevance or persuasiveness. No matter how persuasive of the fact it is supposed to prove, other crimes evidence has no probative worth **840 if the fact is not in issue. Perhaps the clearest case would be other crimes evidence offered to prove a fact not material to proof of the charged crime—for example, specific intent in a manslaughter trial. Because such evidence does not advance the search

for truth, it serves no purpose which might justify whatever prejudice it creates, and is excluded for that reason. A similar situation would exist when the accused concedes the issue to be proved—for example, when he admits committing the act in question and bases his defense on some other grounds. Courts have applied this principle to forbid the introduction of evidence on issues which seem impossible to dispute, and which are in fact not contested. [Note, *Other Crimes Evidence at Trial: Of Balancing and Other Matters*, 70 *Yale L.J.* 763, 770–71 (1961).]

Thus, in *State v. Niemeyer*, 195 *N.J. Super.* 559, 480 *A.2d* 963 (Law Div.1984), defendant was indicted for aggravated assault after he caused a head-on collision driving his automobile under the influence of alcohol. In order to prove the “reckless” element of aggravated assault, *N.J.S.A.* 2C:12–1(b)(1), the State offered evidence of prior drunk-driving convictions to establish that defendant consciously disregarded a substantial risk of injury. *N.J.S.A.* 2C:2–2(b)(3). The court held the evidence of prior convictions to be inadmissible:

However, the question is not whether knowledge is an integral part of an element of the offense. Rather, the question is whether it is necessary to prove it—that is whether the defendant's knowledge is really in issue.

***302 * * *** [I]t is not necessary to show that a person has been convicted of driving while under the influence in order to prove that he had knowledge that he would be incapable of driving a car if he were drunk. I think it is safe to say that it is fairly common knowledge that drinking and driving do not mix. The jury as fact finders, could certainly infer from evidence that

defendant had consumed a quantity of alcohol and was intoxicated at the time in question, that he consciously disregarded the risks involved in driving an automobile while drunk or impaired. Simply stated: the defendant's knowledge of the risks resulting from driving under the influence is not in issue. [195 *N.J. Super.* at 562–64, 480 *A.2d* 963.]

Cf. State v. Atkins, 78 *N.J.* 454, 462, 396 *A.2d* 1122 (1979) (upholding admissibility of other-crime evidence, but suggesting that when defendant does not specifically contest issue for which evidence is offered, prejudice to defendant may outweigh probative value); *State v. Peltack*, *supra*, 172 *N.J. Super.* at 293, 411 *A.2d* 1156 (“Proof [of other crime evidence] is allowed only to meet an issue relating to an element of the offense which is projected by defendant either before or during trial or is necessarily raised by the evidence.”).

[3] After a trial court determines whether other-crime evidence is material to a fact genuinely in issue, the probative value of the proffered evidence should be carefully balanced against the danger that it will create undue prejudice against the defendant. As we noted in *State v. Ramseur*:

Evidence of past crimes does not automatically become admissible just because it is relevant to the issue of motive or intent. In each case the trial court must weigh the probative value of the evidence against its prejudicial effect. *State v. Atkins*, 78 *N.J.* 454, 461 [396 *A.2d* 1122] (1979). The temporal remoteness of a past wrong affects its probative value. *See State v. Schuyler*, 75 *N.J.L.* 487, 488 [68 *A.* 56] (E. & A. 1907). If the probative value of the evidence is outweighed by the threat of prejudice, the evidence should be excluded under *Evidence Rule* 4. The trial court, because of its

intimate knowledge of the case, is in the best position to engage in this balancing process. Its decisions are entitled to deference and are to be reviewed under an abuse of discretion standard. See **841 *State v. Atkins, supra*, 78 N.J. at 462 [396 A.2d 1122]. [106 N.J. at 265–66, 524 A.2d 188.]

[4] There is widespread agreement that other-crime evidence has a unique tendency to turn a jury against the defendant.

The likelihood of prejudice is acute when the proffered evidence is proof of a defendant's uncharged misconduct. As part of the Chicago Jury Project, researchers attempted to determine the impact of a defendant's prior criminal record on the probability of conviction. The researchers found that conviction *303 rates were significantly greater after a jury learned that the defendant had a criminal record or had been charged with even a minor crime. The researchers concluded that juries aware of prior misconduct employ an entirely “different * * * calculus of probabilities” to determine the defendant's guilt or innocence. * * *

* * * A confession may be the most damning type of prosecution evidence, but uncharged misconduct evidence is not far behind. Furthermore, uncharged misconduct is subject to greater abuse than confession evidence. * * * In the case of uncharged misconduct evidence, however, the evidence often has dual relevance. Evidence of uncharged misconduct may be admitted for some limited purpose such as proving the defendant's motive. Under such a theory the evidence would have the independent relevance required by rule 404(b). Nevertheless, any act of misconduct by the defendant also is relevant to show his general bad character, and lay jurors are “imbued with the commonly held * * * notion, ‘once a crook, always a crook.’”

In response, the courts have recognized the special dangers posed by the dual relevance of

uncharged misconduct evidence. Thus, the courts evolved the common-law doctrine of balancing probative value against probative danger in uncharged misconduct cases. [Imwinkelried, *The Need to Amend Federal Rule of Evidence 404(b): The Threat to the Future of the Federal Rules of Evidence*, 30 *Vill. L. Rev.* 1465, 1487–89 (1985) (footnotes omitted).]

It is this inflammatory characteristic of other-crime evidence that mandates a careful and pragmatic evaluation by trial courts, based on the specific context in which the evidence is offered, to determine whether the probative worth of the evidence outweighs its potential for undue prejudice. In weighing the probative worth of other-crime evidence, a court should consider not only its relevance but whether its proffered use in the case can adequately be served by other evidence.

The trial judge should be careful to exclude other torts or crimes evidence, even though it is independently relevant, wherever he can reasonably do so without damaging the plaintiff's or prosecutor's case. For example, if the prosecutor has adequate proof of identity, or of motive and the like, he should not be permitted to use the highly inflammatory evidence of other crimes to establish those facts. In a forgery case where authorship of the allegedly forged writing is in issue, the trial judge, for instance, should not admit standards indicating the defendant's guilt of other forgeries if neutral standards of the defendant's handwriting are available to the prosecutor. [1963 Report at 103.]

See also Note, *Other Crimes Evidence, supra*, 70 *Yale L.J.* at 772 (“Thus in determining probative worth, the court should evaluate

the prosecution's other admitted and admissible evidence to determine whether the offered other-crimes evidence is necessary to prove the issue beyond a reasonable doubt.”).

***304** [5] [6] If the other-crime evidence is admitted, the trial court must instruct the jury concerning its limited relevance, *Evid. R. 6*; see *State v. Cusick*, 219 N.J. Super. 452, 466, 530 A.2d 806 (App.Div.1987). It should do so, however, with a clear understanding that strict compliance with such a “limiting” instruction is an extraordinarily difficult task for the average juror. As one commentator observed, “The theory of ‘limited use’ under which such explosive evidence is put before the jury fails to **842 correspond to the actual effect of the evidence even in the minds of the most sober and conscientious jurors.” Uviller, *Evidence of Character to Prove Conduct: Illusion, Illogic and Injustice in the Courtroom*, 130 U. of Pa.L.Rev. 845, 882 (1982). Accordingly, a limiting instruction addressed to the use of other-crime evidence admitted under *Rule 55* should be formulated carefully to explain precisely the permitted and prohibited purposes of the evidence, with sufficient reference to the factual context of the case to enable the jury to comprehend and appreciate the fine distinction to which it is required to adhere. Cf. *State v. Concepcion*, 111 N.J. 373, 379, 545 A.2d 119 (1988) (“Ordinarily, the better practice is to mold the instruction in a manner that explains the law to the jury in the context of the material facts of the case.”).

III.

The offense of official misconduct, of which defendant was convicted,² is defined as follows:

² Defendant was also convicted of criminal coercion, *N.J.S.A. 2C:13-5*, but the trial court's ruling that evidence of the unindicted incidents was admissible appears to relate only to the offense of official misconduct.

A public servant is guilty of official misconduct when, with purpose to obtain a benefit for himself

or another or to injure or to deprive another of a benefit:

- a. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or he is committing such act in an unauthorized manner; or
- b. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

***305** Official misconduct is a crime of the second degree. If the benefit obtained or sought to be obtained, or of which another is deprived or sought to be deprived, is of a value of \$200.00 or less, the offense of official misconduct is a crime of the third degree. [*N.J.S.A. 2C:30-2*.]

In the context of the incidents for which defendant was indicted, the State was required to prove that defendant's alleged “search” of Jeanette Potter and Jane Petrowski was an “unauthorized exercise of his official functions,” committed “with purpose to obtain a benefit for himself,” and with knowledge that the act was unauthorized. The State's theory was that the “benefit” sought by defendant was the gratification of his sexual desires. The trial court held that the evidence of the three unindicted incidents was relevant to show defendant's “intent toward Potter and Petroski;” or to show his “plan regarding young women coming under his control * * *,” or to show his “attitude toward or his relationship to these young women;” or to show his “state of mind toward young women coming under his control with respect to his sexual desires.” *222 N.J. Super. at 615-16, 537 A.2d 774*. The Appellate Division's affirmance was based on the majority's view that the unindicted incidents proved defendant's “common plan, design or scheme” in which he “used his position as a police officer to intimidate helpless females if they did not submit to degrading sexual acts to satisfy * * * his prurient interests.” *Id. at 617-18, 537 A.2d 774*. The majority opinion also found the evidence relevant to prove defendant's “state of mind that

he possessed the authority to lodge false criminal prosecutions thus enabling him to threaten his victims if they refused his advances.” *Id.* at 618, 537 A.2d 774.

[7] [8] Although the trial court and Appellate Division majority justify admissibility of the other-crime evidence by reference to enumerated examples set forth in *Rule 55* such as “intent” and “plan,” more is required to sustain a ruling admitting such evidence than the incantation of the illustrative exceptions contained in the Rule. Thus, the “plan” example contemplates more than a strong factual similarity between the “other crimes” and the indicted offense. The “plan” example refers to instances in which the other-crime evidence **843 proves the existence *306 of an integrated plan, of which the other crimes and the indicted offense are components. As we observed in *State v. Louf*, 64 N.J. 172, 178, 313 A.2d 793 (1973): “[W]here such [other crime] evidence tends to establish the existence of a larger continuing plan of which the crime on trial is a part, it is admissible for such purpose.” *Accord State v. Zicarelli*, 122 N.J.Super. 225, 241, 300 A.2d 154 (App.Div.), cert. denied, 63 N.J. 252, 306 A.2d 455, cert. denied, 414 U.S. 875, 94 S.Ct. 71, 38 L.Ed.2d 120 (1973); *State v. Fay*, *supra*, 127 N.J.L. at 83, 21 A.2d 607; see Biunno, *Current New Jersey Rules of Evidence*, comment 10 to *Evid.R. 55*; *McCormick*, *supra* at 559; cf. *United States v. Lewis*, 693 F.2d 189, 193 (D.C.Cir.1982) (“[T]he testimony was admitted to show that appellant had a scheme which included the offenses for which he was on trial.”); *United States v. Parnell*, 581 F.2d 1374, 1383–84 (10th Cir.1978) (“Culver’s testimony concerning the San Antonio scheme was * * * proof of * * * the continuation of a common plan.”). In this case, evidence of the unindicted offenses did not establish the existence of an integrated plan or scheme.

[9] [10] [11] The Appellate Division’s reference to “state of mind,” and the trial court’s reference to “intent” and “state of mind,” as grounds for admitting the other-crimes evidence are somewhat imprecise to the extent that they purport to articulate the issue concerning which the other-crime evidence is relevant. Nevertheless, it is self-evident that the State was required to prove not only that the “searches” of Potter and Petroski occurred,

but that the defendant’s “purpose” in conducting the searches was “to obtain a benefit for himself,” and also that defendant knew that the searches constituted “an unauthorized exercise of his official functions.” *N.J.S.A. 2C:30–2*. The evidence of the unindicted offenses was inadmissible as the basis for an inference that the searches of Potter and Petroski occurred as alleged by the victims. *Evid.R. 55*. But such evidence was relevant to prove, assuming the jury concluded that the searches did take place, that defendant conducted the searches to gratify his sexual desires and did so knowing that such conduct was unauthorized. On those issues *307 —defendant’s purpose for conducting the searches and his knowledge that such conduct was an unauthorized exercise of his official position—evidence of the circumstances in which defendant had previously used his office to intimidate women into disrobing or providing sexual favors was highly probative. Although “intent” and “state of mind”—the phrases used by the courts below to sustain admissibility of the other-crimes evidence—fairly suggest the evidence’s relevance to these statutory elements of the crime of official misconduct, we would encourage an enhanced degree of precision in explicating the specific grounds for admitting such evidence.

The dissenting opinion below asserts that because defendant denied conducting the searches, he raised no issue concerning the purpose for which the searches were conducted. Despite defendant’s denial that the searches occurred, the State was required to prove both their occurrence and defendant’s unlawful purpose in conducting the searches. Thus, defendant’s unlawful purpose was a genuine issue in the case. *Supra* at 839–840. Defendant’s denial that the searches occurred did not relieve the State of its burden to prove that his purpose was to gratify his sexual desires, and not merely to discharge his official duties. To the extent that *dicta* in *State v. Peltack*, *supra*, 172 N.J.Super. at 292–93, 411 A.2d 1156, may be read to suggest the inadmissibility of other-crime evidence to prove a material element of a crime not specifically contested by the defendant nor otherwise established by the evidence, it is disapproved. In any event, the record reveals that defendant’s purpose for conducting the

alleged searches was specifically contested. Defense counsel during summation argued vigorously that, assuming the searches had occurred, the State had not proved beyond a reasonable doubt that defendant conducted the searches for his personal benefit.

We are not persuaded, however, that the issue of defendant's knowledge that the alleged searches were unauthorized, *N.J.S.A. **844* 2C:30–2a, was so genuinely contested as to require admissibility of the other-crime evidence to establish that element of **308* the statutory offense. In any event, other evidence admitted at trial adequately established that aspect of the crime.

We are fully in accord with the trial court's conclusion that the probative value of the other-crime evidence outweighed its capacity for undue prejudice.³ Apart from the other-crime evidence, the State had no independent proof tending to establish that defendant's purpose in searching the victims was to gratify his sexual desires. Had this evidence been excluded, the State's ability to prove this issue would have depended on whether the jury believed the defendant or the victims, and if it believed the victims, whether it would infer from their testimony that defendant's purpose in conducting the searches was his sexual gratification. Thus, the other-crime evidence was both probative and necessary to prove a fact genuinely in issue, with respect to which the State's other evidence was limited.

³ Of the other-crime evidence admitted, it is self-evident that the alleged circumstances of the McCabe incident, *supra* at 836–37, possessed the greatest capacity for prejudice. However, we would not disturb the trial court's exercise of discretion in balancing prejudice against the probative value of the evidence.

We have no doubt that the other-crime evidence in this case had the capacity to prejudice the jury generally against the defendant. That common characteristic of other-crime evidence, however, is not sufficient to require its exclusion. As Chief Justice Weintraub observed:

That evidence is shrouded with unsavory implications is no reason for exclusion when it is a significant part of the proof. The unwholesome aspects, authored by defendant himself, if the evidence be believed, were inextricably entwined with the material facts. [*State v. West*, 29 *N.J.* 327, 335, 149 *A.2d* 217 (1959).]

Under these circumstances, we find no abuse of discretion in the trial court's conclusion that the danger of undue prejudice did not require exclusion of the other-crime evidence. See *State v. Atkins*, *supra*, 78 *N.J.* at 462, 396 *A.2d* 1122.

[12] [13] We agree with the dissent below that the trial court's limiting instruction in this case, *supra* at 837–838, was not adequate to clarify for the jury the narrow distinction **309* between the permissible and impermissible uses of the other-crime evidence. As noted above, the inherently prejudicial nature of such evidence casts doubt on a jury's ability to follow even the most precise limiting instruction. *Supra* at 841–42. Recognizing this dilemma, trial courts should take pains to instruct juries carefully and comprehensively, with ample reference to the specific evidence and issues in a case, on the limited relevance of other-crime evidence. *Evid. R.* 6. A trial court instructing a jury on its use of other-crime evidence should state specifically the purposes for which the evidence may be considered and, to the extent necessary for the jury's understanding, the issues on which such evidence is not to be considered.

Nevertheless, we conclude that the deficiencies in the trial court's instruction in this case do not warrant reversal of defendant's convictions. Although aspects of the instruction were somewhat contradictory, the trial court twice cautioned the jury against considering the other-crime evidence to prove defendant's disposition to commit the offenses with which he was charged. Indeed, this was the essential point to be made in the limiting

instruction. Moreover, on the decisive issue in the case—whether defendant conducted unauthorized searches of Potter and Petroski—there was ample evidence of guilt, including the testimony of Chief Minuto and Officer Montijo concerning the aftermath of the Petroski incident, and Captain Forte's testimony recounting defendant's incriminatory statement at the time of his arrest for the Potter incident. We are fully satisfied that in this case any error arising from a lack of clarity in the limiting instruction was harmless and not clearly capable of producing an unjust result. *R.* 2:10–2.

****845** The judgment of the Appellate Division is affirmed.

For affirmance—Chief Justice WILENTZ, and Justices CLIFFORD, HANDLER, POLLOCK, O'HERN, GARIBALDI and STEIN–7.

Opposed—None.

All Citations

115 N.J. 289, 558 A.2d 833

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Negative Treatment

Negative Citing References (4)

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)
Declined to Extend by	 1. <u>State v. Fortin</u>  MOST NEGATIVE 745 A.2d 509 , N.J. CRIMINAL JUSTICE - Evidence. Proposed expert testimony concerning linkage analysis was inadmissible.	Feb. 23, 2000	Case		6 12 A.2d
Distinguished by	 2. <u>State v. G.V.</u>  744 A.2d 137 , N.J. CRIMINAL JUSTICE - Evidence. Evidence of sexual assault against victim's sister was inadmissible in sexual assault prosecution.	Jan. 27, 2000	Case		3 10 12 A.2d
Distinguished by	3. <u>State v. Parker</u> 2007 WL 1425486 , 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		6 10 12 A.2d
Distinguished by	4. <u>State v. Willis</u>  137 A.3d 452 , N.J. CRIMINAL JUSTICE - Sex Offenses. Improper admission of other-crimes evidence caused undue prejudice to defendant in sexual assault prosecution.	May 11, 2016	Case		3 4 13 A.2d

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Treatment	Title	Date	Type	Depth	Headnote(s)
Declined to Extend by NEGATIVE	1. State v. Fortin ” 745 A.2d 509, 512+ , N.J. CRIMINAL JUSTICE - Evidence. Proposed expert testimony concerning linkage analysis was inadmissible.	Feb. 23, 2000	Case		6 12 A.2d
Distinguished by NEGATIVE	2. State v. Parker 2007 WL 1425486, *9+ , 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		6 10 12 A.2d
Distinguished by NEGATIVE	3. State v. G.V. ” 744 A.2d 137, 140+ , N.J. CRIMINAL JUSTICE - Evidence. Evidence of sexual assault against victim's sister was inadmissible in sexual assault prosecution.	Jan. 27, 2000	Case		3 10 12 A.2d
Examined by	4. State v. Hernandez ” 784 A.2d 1225, 1232+ , N.J. CRIMINAL JUSTICE - Evidence. Accomplice's uncorroborated other-crimes testimony in drug prosecution was inadmissible.	Nov. 21, 2001	Case		6 10 12 A.2d
Examined by	5. State v. Marrero ” 691 A.2d 293, 299+ , N.J. CRIMINAL JUSTICE - Evidence. Reversal of superior court's decision not to admit evidence of prior sexual assault was harmless error.	Mar. 20, 1997	Case		3 6 12 A.2d
Examined by	6. State v. G.S. ” 678 A.2d 1092, 1097+ , N.J. CRIMINAL JUSTICE - Other-Crime Evidence. Failure to give instruction specifying purposes for which other-crime evidence was admitted did not require reversal.	July 24, 1996	Case		6 10 12 A.2d
Examined by	7. State v. Oliver ” 627 A.2d 144, 148+ , N.J. Defendant's Testimony. Refusal to give requested no-adverse inference charge was harmful error in sexual assault prosecution.	July 22, 1993	Case		6 7 10 A.2d
Examined by	8. State v. Brunson ” 625 A.2d 1085, 1089+ , N.J. Similar Crimes. State must sanitize similar crimes evidence used to impeach testifying defendant.	June 15, 1993	Case		3 4 12 A.2d
Examined by	9. State v. Cofield ” 605 A.2d 230, 232+ , N.J. Defendant was convicted of narcotics offense, and conviction was upheld in unreported decision by the Superior Court, Appellate Division. Defendant appealed. The Supreme Court,...	Apr. 15, 1992	Case		3 6 12 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	10. State v. Frost 577 A.2d 1282, 1291+ , N.J.Super.A.D. Defendant was convicted in the Superior Court, Law Division, Monmouth County, of assault and he appealed. The Superior Court, Appellate Division, Deighan, J.A.D., held that: (1)...	July 16, 1990	Case		2 3 10 A.2d
Distinguished by NEGATIVE	11. State v. Willis ” 137 A.3d 452, 459+ , N.J. CRIMINAL JUSTICE - Sex Offenses. Improper admission of other-crimes evidence caused undue prejudice to defendant in sexual assault prosecution.	May 11, 2016	Case		3 4 13 A.2d
Discussed by	12. State v. J.M., Jr. ” 137 A.3d 490, 497+ , N.J. Background: After defendant was charged with second-degree sexual assault and fourth-degree criminal sexual contact, State sought to present evidence of an alleged prior sexual...	May 26, 2016	Case		3 7 11 A.2d
Discussed by	13. State v. Harris ” 38 A.3d 559, 569+ , N.J. CRIMINAL JUSTICE - Evidence. Intervening convictions for disorderly persons offenses removed bar to admission of defendant's prior convictions as too remote.	Feb. 27, 2012	Case		13 A.2d
Discussed by	14. State v. P.S. 997 A.2d 163, 178+ , N.J. CRIMINAL JUSTICE - Sex Offenses. Child victim's out-of-court statements to interviewer were admissible under rule setting forth tender years exception to rule against hearsay.	June 07, 2010	Case		—
Discussed by	15. State v. Barden ” 949 A.2d 820, 827+ , N.J. CRIMINAL JUSTICE - Evidence. Probative value of evidence that co-defendant bought cocaine from defendant 30 times was outweighed by prejudicial effect.	June 24, 2008	Case		3 6 A.2d
Discussed by	16. State v. Reddish ” 859 A.2d 1173, 1205+ , N.J. CRIMINAL JUSTICE - Counsel. A defendant has the right to appear pro se during both guilt and penalty phases of a capital prosecution.	Nov. 10, 2004	Case		3 A.2d
Discussed by	17. State v. Timmendequas ” 737 A.2d 55, 124+ , N.J. CRIMINAL JUSTICE - Jury. Empaneling foreign jury was justified in capital case.	Aug. 11, 1999	Case		6 12 A.2d
Discussed by	18. State v. Covell ” 725 A.2d 675, 680+ , N.J. CRIMINAL JUSTICE - Child Luring. Statement about prior alleged act of lewdness was admissible as other conduct evidence.	Mar. 24, 1999	Case		10 12 A.2d

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Discussed by	19. State v. Nance  689 A.2d 1351, 1356+ , N.J. CRIMINAL JUSTICE - Evidence. Evidence of defendant's bad conduct against a third party was admissible in murder prosecution to prove that the murder was neither accidental nor in...	Mar. 20, 1997	Case		6 A.2d
Discussed by	20. State v. Loftin  680 A.2d 677, 721+ , N.J. CRIMINAL JUSTICE - Death Penalty. Evidence supported finding of aggravating factor that murder was committed so that defendant could avoid apprehension for robbery of victim.	Aug. 08, 1996	Case		5 6 12 A.2d
Discussed by	21. State v. Green  173 A.3d 1093, 1095+ , N.J.Super.A.D. CRIMINAL JUSTICE - Driving While Intoxicated. Other-crime evidence, consisting of two prior DWI convictions, was inadmissible in prosecution for first-degree vehicular homicide...	Oct. 20, 2017	Case		3 4 11 A.2d
Discussed by	22. State v. Cordero  105 A.3d 1129, 1136+ , N.J.Super.A.D. CRIMINAL JUSTICE - Larceny. Trial court did not abuse its discretion in postponing its ruling on the admissibility of video depicting defendant's prior alleged shoplifting until...	Dec. 29, 2014	Case		2 3 11 A.2d
Discussed by	23. State v. J.M., Jr.  102 A.3d 1233, 1238+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Evidence of alleged prior sexual assault was not admissible under other-crimes rule at trial for sexual assault.	Nov. 21, 2014	Case		7 8 A.2d
Discussed by	24. 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		2 A.2d
Discussed by	25. State v. Askins  2012 WL 2579532, *11+ , N.J.Super.A.D. After his pretrial motion for severance was denied, defendant Michael Anthony Askins was tried before a single jury principally on charges of sexual assault and other various...	July 05, 2012	Case		7 A.2d
Discussed by	26. State v. Franklin  2012 WL 2344602, *6+ , N.J.Super.A.D. A jury found defendant Darryl Franklin guilty of third-degree possession of a weapon, a knife, for an unlawful, purpose, N.J.S.A . 2C:39-4d, and fourth-degree unlawful possession...	June 21, 2012	Case		3 4 13 A.2d
Discussed by	27. State v. Harris  2012 WL 671927, *2+ , N.J.Super.A.D. We granted the State leave to appeal the Law Division's order barring it from using previously-taken photographs of defendant Dayshoun Harris holding a sawed-off shotgun at his...	Mar. 02, 2012	Case		3 A.2d

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Discussed by	28. State v. Ceylan  2011 WL 1641992, *3+ , N.J.Super.A.D. CRIMINAL JUSTICE - Obstructing Justice. Evidence that defendant fled from the scene of an accident was admissible in defendant's trial for second-degree eluding.	May 03, 2011	Case		2 6 A.2d
Discussed by	29. State v. Arellano  2010 WL 3516853, *7+ , N.J.Super.A.D. Defendant was convicted of luring or enticing a child, N.J.S.A. 2C:13-6 (count one), attempted child endangerment, N.J.S.A. 2C:5-1 and N.J.S.A. 2C:24-4(a) (count four), and...	Sep. 01, 2010	Case		12 13 A.2d
Discussed by	 30. State v. Goodman  1 A.3d 767, 777+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Other bad act evidence, namely evidence of defendant's gang membership, was admissible in murder prosecution.	Aug. 09, 2010	Case		3 6 A.2d
Discussed by	31. State v. Leak  2010 WL 4065629, *5+ , 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		6 A.2d
Discussed by	 32. State v. Gillispie  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		7 12 A.2d
Discussed by	33. State v. Cibelli  2009 WL 1635250, *7+ , N.J.Super.A.D. Defendant Paul Cibelli, Jr., was convicted of first degree murder, N.J.S.A. 2C:11-3 (count one), third degree hindering apprehension or prosecution, N.J.S.A. 2C:29-3(b) (count...	June 12, 2009	Case		7 A.2d
Discussed by	34. State v. R.F.  2009 WL 1347396, *5+ , N.J.Super.A.D. On February 1, 2006, a Bergen County Grand Jury indicted defendant, R.F., charging him with multiple counts of aggravated sexual assault against his daughter, A.G., born in May...	May 15, 2009	Case		6 12 A.2d
Discussed by	35. State v. Sparks  2009 WL 1034755, *4+ , N.J.Super.A.D. A jury convicted defendant, Samuel Sparks, of first-degree conspiracy to commit murder and second-degree aggravated assault. Following the verdict, the trial court set aside...	Apr. 20, 2009	Case		7 A.2d
Discussed by	36. State v. Rogers  2008 WL 2796472, *14+ , N.J.Super.A.D. Defendant, Richard W. Rogers, was found guilty of two counts of first-degree knowing or purposeful murder, N.J.S.A. 2C:11-3a(1), (2), for the 1992 murder of Thomas Mulcahy and the...	July 22, 2008	Case		6 12 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	37. State v. Pons  2007 WL 2847536, *7+ , N.J.Super.A.D. A Union County Grand Jury returned Indictment No. 99-11-1594 arising from three separate criminal incidents occurring on August 24, 28, and 30, 1998. Defendant, Oseas Pons, was...	Oct. 03, 2007	Case		6 13 A.2d
Discussed by	38. State v. Thomas 2006 WL 3077643, *5+ , N.J.Super.A.D. On August 6, 2004, a jury convicted defendant, Luther C. Thomas, of first-degree murder of Jermaine Stephenson, N.J.S.A. 2C:11-3a(1) and/or N.J.S.A. 2C:11-3a(2) (Count One);...	Nov. 01, 2006	Case		3 12 A.2d
Discussed by	39. State v. Neilsen  2006 WL 3017979, *5+ , N.J.Super.A.D. Following a jury trial, defendant Brian T. Neilsen was convicted of second degree burglary, contrary to N.J.S.A. 2C:18-2a(1) (Count Five); two counts of second degree aggravated...	Oct. 25, 2006	Case		6 12 A.2d
Discussed by	40. State v. R.R. 2006 WL 770593, *8+ , N.J.Super.A.D. Defendant R.R. appeals from his conviction after a jury trial of seven counts of an eight-count indictment charging two counts of first-degree aggravated sexual assault against his...	Mar. 28, 2006	Case		12 A.2d
Discussed by	 41. State v. Blakney  913 A.2d 89, 105+ , N.J.Super.A.D. CRIMINAL JUSTICE - Confessions. Defendant's statement was voluntary despite claim of being yelled at while tape recorder was off.	Jan. 24, 2006	Case		1 6 A.2d
Discussed by	 42. State v. Blakney  2006 WL 163566, *12+ , N.J.Super.A.D. Background: Defendant was convicted in the Superior Court, Law Division, Hudson County, of murder, second-degree aggravated assault, third-degree child abuse, and endangering...	Jan. 24, 2006	Case		6 12 A.2d
Discussed by	43. State v. Jenkins  812 A.2d 1143, 1152+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Admission of other crimes evidence absent clear and complete limiting instructions required reversal.	Jan. 08, 2003	Case		5 6 12 A.2d
Discussed by	 44. State v. Krivacska  775 A.2d 6, 28+ , N.J.Super.A.D. CRIMINAL JUSTICE - Confrontation. Prohibition on cross-examination of witness at competency hearing did not violate confrontation clause.	Apr. 23, 2001	Case		6 A.2d
Discussed by	 45. State v. Mazowski  766 A.2d 1176, 1180+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Evidence of drug addition was not admissible to show motive for burglary and theft.	Feb. 15, 2001	Case		3 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 46. State v. Hernandez  758 A.2d 1139, 1142+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Accomplice's uncorroborated testimony as to prior drug dealings with defendant was inadmissible.	Sep. 28, 2000	Case		3 6 A.2d
Discussed by	 47. State v. Sanders 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		6 12 A.2d
Discussed by	 48. State v. Fortin  724 A.2d 818, 828+ , N.J.Super.A.D. CRIMINAL JUSTICE - Experts. expert testimony on signature crimes would not be allowed.	Mar. 01, 1999	Case		3 A.2d
Discussed by	 49. Harris v. Peridot Chemical (New Jersey), Inc.  712 A.2d 1181, 1191+ , 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		6 13 A.2d
Discussed by	50. State v. Kittrell  652 A.2d 732, 740+ , 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		6 13 A.2d
Discussed by	 51. State v. G.S.  650 A.2d 819, 824+ , N.J.Super.A.D. Rape. Lack of sufficiently tailored jury instruction regarding limited use of other-crimes evidence required new trial.	Dec. 13, 1994	Case		13 A.2d
Discussed by	 52. State v. Lumumba  601 A.2d 1178, 1183+ , N.J.Super.A.D. Following jury trial before the Superior Court, Law Division, Burlington County, defendant was convicted of kidnapping, knowing or purposeful murder, and felony murder. Defendant...	Jan. 28, 1992	Case		3 A.2d
Discussed by	53. Pena v. State  780 P.2d 316, 334+ , Wyo. Defendant was convicted after jury trial in the District Court, Laramie County, Nicholas G. Kalokathis, J., of felony assault upon police officer, and defendant appealed. The...	Sep. 14, 1989	Case		6 A.2d
Cited by	 54. State v. Saavedra 117 A.3d 1169, 1180 , N.J. EDUCATION - Labor and Employment. Board of education clerk who took confidential documents to support her discrimination claim could be properly charged with theft and official...	June 23, 2015	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 55. State v. Skinner 95 A.2d 236, 247+ , N.J. CRIMINAL JUSTICE - Homicide. State's introduction of violent, profane, and disturbing rap lyrics that defendant had written was unduly prejudicial.	Aug. 04, 2014	Case		3 A.2d
Cited by	 56. State v. Winder  979 A.2d 312, 326+ , N.J. CRIMINAL JUSTICE - Mental Capacity. Defendant on trial for murder was not entitled to his requested jury instruction on insanity that distinguished moral wrong from legal wrong.	July 28, 2009	Case		6 A.2d
Cited by	 57. State v. Vallejo  965 A.2d 1181, 1187+ , N.J. CRIMINAL JUSTICE - Instructions. Curative instruction was inadequate to cure error in admitting prejudicial evidence of prior bad acts.	Mar. 10, 2009	Case		3 A.2d
Cited by	 58. State v. Williams  919 A.2d 90, 102+ , N.J. CRIMINAL JUSTICE - Homicide. Evidence of defendant's post-shooting conduct was relevant in reckless manslaughter trial.	Apr. 11, 2007	Case		4 12 A.2d
Cited by	59. State v. Fortin  917 A.2d 746, 759+ , N.J. CRIMINAL JUSTICE - Evidence. Judge did not abuse her discretion by conditioning admission of other crime evidence on presentation of expert testimony.	Mar. 28, 2007	Case		6 A.2d
Cited by	 60. State v. Blakney 912 A.2d 140, 143+ , N.J. CRIMINAL JUSTICE - Homicide. Errors of inadequate instructions on other-crimes evidence combined with prosecutorial excesses in summation were not harmless.	Dec. 20, 2006	Case		5 A.2d
Cited by	 61. 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		2 3 A.2d
Cited by	 62. State v. Long 801 A.2d 221, 236+ , N.J. CRIMINAL JUSTICE - Evidence. Victim's statements to her mother that defendant's mother had fallen and died were part of the res gestae.	July 15, 2002	Case		3 4 A.2d
Cited by	 63. Green v. New Jersey Mfrs. Ins. Co.  734 A.2d 1147, 1155 , N.J. LITIGATION - Evidence. Evidence of plaintiff's racism inadmissible in personal injury action.	July 29, 1999	Case		3 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 64. State v. Brown ” 651 A.2d 19, 43+ , N.J. Death Sentence. Court was required to instruct jury that it could return nonunanimous verdict on the “own-conduct” question.	Dec. 21, 1994	Case		—
Cited by	 65. State v. DiFrisco ” 645 A.2d 734, 767+ , N.J. Jury. Any error was harmless in trial court's refusal to exclude for cause prospective juror who had indicated support for death penalty.	July 27, 1994	Case		12 A.2d
Cited by	 66. State v. Gookins 637 A.2d 1255, 1257 , N.J. New Evidence. Arresting officer's conviction for falsifying breathalyzer results in another drunk driving case warranted vacation of defendants' guilty pleas and convictions.	Mar. 21, 1994	Case		10 A.2d
Cited by	 67. State v. Martini 619 A.2d 1208, 1240 , N.J. Death Penalty. Imposition of death penalty upon defendant convicted of murdering victim during kidnapping was warranted.	Feb. 09, 1993	Case		—
Cited by	 68. State v. Erazo ” 594 A.2d 232, 244+ , N.J. Defendant was convicted in the Superior Court, Law Division, Essex County, of capital murder and possession of weapon for unlawful purpose. Defendant appealed. The Supreme...	Aug. 08, 1991	Case		12 A.2d
Cited by	 69. State v. Parker 592 A.2d 228, 235+ , N.J. Teacher was convicted in the Superior Court, Law Division, of official misconduct, and she appealed. The Superior Court, Appellate Division, affirmed with one member of the panel...	July 17, 1991	Case		10 A.2d
Cited by	 70. State v. Marshall 586 A.2d 85, 224 , N.J. Defendant was convicted in the Superior Court, Law Division, Atlantic County, of conspiracy and murder, and was sentenced to death, and he appealed. The Supreme Court, Stein, J.,...	Jan. 24, 1991	Case		—
Cited by	 71. State v. Harvey ” 581 A.2d 483, 496+ , N.J. Defendant was convicted in the Superior Court, Law Division, Middlesex County, of capital murder. Defendant appealed. The Supreme Court, Clifford, J., held that: (1) trial...	Oct. 18, 1990	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 72. State v. Clausell 580 A.2d 221, 233+ , N.J. Defendant was convicted, in the Superior Court, Law Division, Burlington County, of capital murder, three counts of aggravated assault, possession of firearm with purpose to use it...	Aug. 30, 1990	Case		3 A.2d
Cited by	 73. State v. Long ” 575 A.2d 435, 473 , N.J. Defendant was convicted of murder and sentenced to death, in the Superior Court, Law Division, Atlantic County, and defendant appealed. The Supreme Court, O'Hern, J., held that:...	June 21, 1990	Case		4 A.2d
Cited by	 74. State v. Pennington ” 575 A.2d 816, 847+ , N.J. Defendant was convicted in the Superior Court, Law Division, Bergen County, of capital murder, felony-murder, and possession of firearm with intent to use it unlawfully, and he...	June 21, 1990	Case		—
Cited by	 75. State v. Pitts 🕒 562 A.2d 1320, 1332+ , N.J. Defendant was convicted in the Superior Court, Law Division, Camden County, of two counts of murder and of several offenses based upon events that occurred two days prior to...	June 21, 1989	Case		3 A.2d
Cited by	76. State v. Santamaria ” 2017 WL 2859468, *10+ , 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		6 13 A.2d
Cited by	77. State v. Auriemma 2017 WL 2644132, *2 , N.J.Super.A.D. Defendant Anthony Auriemma appeals from a November 17, 2015 judgment of conviction, entered following a jury trial. The jury found defendant guilty of fourth-degree knowingly...	June 20, 2017	Case		—
Cited by	78. State v. Ortiz ” 2016 WL 7338783, *6 , N.J.Super.A.D. Defendant Jose Ortiz appeals from a judgment of conviction for third-degree terroristic threats, N.J.S.A. 2C:12–3(b), second-degree burglary, N.J.S.A. 2C:18–2(b)(1), and...	Dec. 16, 2016	Case		7 A.2d
Cited by	79. State v. Hankins ” 2016 WL 2903674, *4 , N.J.Super.A.D. Defendant Robert H. Hankins appeals his conviction and sentence after a jury trial of attempted murder and weapons offenses. We affirm defendant's conviction and remand for...	May 19, 2016	Case		6 12 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	80. State v. Terrell  173 A.3d 194, 238+ , 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	   	3 A.2d
Cited by	81. State v. Terrell  2015 WL 10760626, *37+ , 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	   	3 A.2d
Cited by	82. 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	   	—
Cited by	83. State v. Woody 2016 WL 1551484, *5 , N.J.Super.A.D. Tried to a jury, defendant Samuel Woody, a former Plainfield police sergeant, was convicted of second-degree official misconduct, N.J.S.A. 2C:30–2, and fourth-degree criminal...	Apr. 18, 2016	Case	   	10 A.2d
Cited by	84. State v. Nail  2016 WL 1418122, *4 , N.J.Super.A.D. By our leave granted, the State appeals from the March 26, 2015 order of the Law Division excluding evidence of telephone calls made by defendant while he was an inmate at the...	Apr. 12, 2016	Case	   	6 A.2d
Cited by	85. State v. Hare  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	   	7 A.2d
Cited by	86. State v. Hurt  2016 WL 937166, *4 , N.J.Super.A.D. Defendant appeals from an August 8, 2013 conviction for aggravated manslaughter, N.J.S.A. 2C:11–4(a)(1) after entering a guilty plea. We affirm. R.W. died after being stabbed on...	Mar. 14, 2016	Case	   	5 A.2d
Cited by	87. State v. Reevey 2015 WL 8078857, *4 , N.J.Super.A.D. By leave granted, the State appeals from a January 22, 2015 interlocutory order of the trial court excluding the identification testimony of a police officer in defendant's trial...	Dec. 08, 2015	Case	   	—
Cited by	88. State v. Harchar 2014 WL 8037072, *7 , N.J.Super.A.D. Defendant John Harchar was charged with fourth-degree peering into a dwelling place, and fourth-degree lewdness. During trial, defendant convinced the court to dismiss the...	Mar. 06, 2015	Case	   	—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	89. State v. Cathcart 2014 WL 8036917, *3 , N.J.Super.A.D. We granted leave to the State to appeal from a January 14, 2014 pretrial ruling, which held that oral statements of witnesses and an oral statement attributed to one co-defendant...	Mar. 05, 2015	Case		—
Cited by	90. Parker v. Poole 111 A.3d 101, 110 , N.J.Super.A.D. HEALTH - Evidence. Evidence rule, generally restricting subject matter of lay witness testimony, did not independently bar speculative testimony admitted as party opponent...	Mar. 02, 2015	Case		4 A.2d
Cited by	91. State v. R.S. 2015 WL 345620, *5+ , N.J.Super.A.D. Tried before a jury on a four-count indictment, defendant R.S. was convicted of two counts of first-degree aggravated sexual assault, N.J.S.A. 2C:14–2a (counts one and two);...	Jan. 28, 2015	Case		1 2 A.2d
Cited by	92. State v. V.E.A. 2014 WL 4675404, *7+ , N.J.Super.A.D. Tried before a jury on a two-count indictment, defendant V.E.A. was convicted of second-degree sexual assault, N.J.S.A. 2C:14–2b (count one), and second-degree endangering the...	Sep. 22, 2014	Case		1 2 A.2d
Cited by	93. State v. Brown 2014 WL 1923375, *3 , N.J.Super.A.D. Defendant Vanessa Brown awaits trial on charges of aggravated manslaughter, N.J.S.A. 2C:11–4, and vehicular homicide, N.J.S.A. 2C:11–5a. Based on the percentage of alcohol in her...	May 15, 2014	Case		—
Cited by	94. State v. Quarwee Walker 2013 WL 6479576, *6 , N.J.Super.A.D. Defendants Quarwee Walker and Bryan Witherspoon were tried jointly and convicted of drug offenses and conspiracy. They claim plain error in the jury instructions and errors at...	Dec. 11, 2013	Case		12 A.2d
Cited by	95. State v. Smart 2013 WL 2450093, *13 , N.J.Super.A.D. Defendant appeals from his convictions for first-degree racketeering, N.J.S.A. 2C:5–2, 2C:41–2c, and –2d; first-degree conspiracy to commit murder of A.P., N.J.S.A. 2C:5–2,...	June 07, 2013	Case		5 12 A.2d
Cited by	96. State v. Holmes 2013 WL 1663280, *9 , N.J.Super.A.D. Defendant Omar Holmes appeals from his conviction by a jury for murder and weapons offenses. The charges arose from the shooting of a young man outside a club in Elizabeth after a...	Apr. 18, 2013	Case		6 A.2d
Cited by	97. State v. Willis 2013 WL 1163942, *6 , N.J.Super.A.D. Defendant appeals from his sentence and convictions for third-degree criminal restraint, N.J.S.A. 2C:13–2(b)(2) (count one); second-degree sexual assault, N.J.S.A. 2C:14–2(c)(1)...	Mar. 22, 2013	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	98. State v. Minitee 2013 WL 322519, *4 , N.J.Super.A.D. The appeal of defendant Alnesha Minitee returns to us following the Supreme Court's reversal of this court's prior decision suppressing evidence and granting her a new trial. State...	Jan. 29, 2013	Case		12 A.2d
Cited by	99. State v. Silvers 2012 WL 3021004, *3 , N.J.Super.A.D. Following a jury trial, defendant, Phillip S. Silvers, was convicted of third-degree theft by unlawful taking, N.J.S.A. 2C:20-3; and third-degree conspiracy with co-defendant...	July 25, 2012	Case		—
Cited by	100. State v. Boyd 2012 WL 2974910, *10+ , N.J.Super.A.D. Defendant was convicted in absentia of first-degree robbery with a simulated deadly weapon, N.J.S.A. 2C:15-1. He was sentenced to a term of eighteen years, with a parole...	July 23, 2012	Case		13 A.2d
Cited by	101. State v. Willis 2012 WL 2603614, *5+ , N.J.Super.A.D. On leave granted, the State appeals from the trial court's September 15, 2011 order that denied the State's pre-trial motion to admit at defendant Robby Willis's trial evidence of...	July 06, 2012	Case		7 A.2d
Cited by	102. State v. Rossano 2011 WL 2671921, *4 , N.J.Super.A.D. A jury found defendant Kathleen Rossano guilty of third degree theft of property, N.J.S.A. 2C:20-3 (Count Three); third degree computer theft, N.J.S.A. 2C:20-25a (Count Five);...	July 11, 2011	Case		13 A.2d
Cited by	103. State v. Lewis 2011 WL 2306899, *7+ , N.J.Super.A.D. Defendant Rashaan Lewis appeals his conviction after a jury trial of killing one man and wounding another in a shooting outside of Murphy's Bar in Asbury Park. He was convicted of...	May 31, 2011	Case		2 A.2d
Cited by	104. State v. D.M. 2011 WL 2321226, *8 , N.J.Super.A.D. Defendant—now sixty-four years old—appeals from his 2009 conviction and fifty-five-year sentence for numerous sexual offenses involving three children: his two granddaughters—Eve...	May 24, 2011	Case		1 A.2d
Cited by	105. State v. McDonald 2011 WL 2305678, *6 , N.J.Super.A.D. Originally slated as a capital trial, when New Jersey abolished the death penalty in 2007, the capital charges against defendant Edward McDonald and co-defendant Hamilton Sanchez...	May 13, 2011	Case		—
Cited by	106. State v. Stathum 2011 WL 1345019, *8+ , N.J.Super.A.D. Defendant Todd Stathum appeals guilty verdicts rendered after trial by jury on multiple counts of third-degree drug distribution. After conviction, defendant entered a guilty plea...	Apr. 11, 2011	Case		6 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	107. <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		4 A.2d
Cited by	108. <u>State v. Robinson</u> 2010 WL 4483421, *3 , N.J.Super.A.D. CRIMINAL JUSTICE - Homicide. Admission of evidence that disclosed defendant's prior jail sentence was harmless error.	Nov. 10, 2010	Case		3 A.2d
Cited by	109. <u>State v. Shanks</u> 2010 WL 3218615, *4 , N.J.Super.A.D. Defendant Sheena Shanks appeals her conviction by a jury on charges arising from police seizure of crack cocaine from the pantry in her residence. We affirm. On March 21, 2006,...	Aug. 16, 2010	Case		1 2 A.2d
Cited by	110. <u>New Jersey Div. of Youth and Family Services v. I.H.C.</u> ” 2 A.3d 1138, 1150+ , N.J.Super.A.D. FAMILY LAW - Child Protection. Evidence from father's ex-wife was admissible in protective custody proceeding to prove that he posed risk of harm to children.	Aug. 05, 2010	Case		2 A.2d
Cited by	111. <u>State v. M.O.</u> 2010 WL 4054265, *3 , N.J.Super.A.D. A jury convicted defendant of two counts of first-degree aggravated sexual assault, N.J.S.A. 2C:14-2a(2)(a); two counts of third-degree aggravated criminal sexual contact, N.J.S.A....	July 26, 2010	Case		6 A.2d
Cited by	112. <u>State v. Smith</u> 2010 WL 4028090, *6 , N.J.Super.A.D. Tried by a jury, defendant Nathaniel Smith was convicted of conspiracy to commit armed burglary/robbery, N.J.S.A. 2C:5-2 (count one); first-degree felony murder, N.J.S.A....	July 14, 2010	Case		—
Cited by	113. <u>State v. T.E.</u> ” 2010 WL 4025935, *5+ , N.J.Super.A.D. CRIMINAL JUSTICE - Sentencing. Trial judge failed to explain why four consecutive sentences were imposed on defendant, convicted of four counts of aggravated sexual assault.	July 08, 2010	Case		—
Cited by	114. <u>State v. J.I.F.</u> ” 2011 WL 9340, *15+ , N.J.Super.A.D. Defendant J.I.F. appeals from a final judgment convicting him of the lesser-included offense of assault, a disorderly persons offense, contrary to N.J.S.A. 2C:12-1a(1);...	Mar. 04, 2010	Case		12 A.2d
Cited by	115. <u>State v. K.E.</u> 2009 WL 4908298, *6+ , N.J.Super.A.D. Defendant K.E. appeals from his conviction by a jury of three counts of sexual assault, N.J.S.A. 2C:14-2(c)(1) (seconddegree); one count of attempted sexual assault, N.J.S.A....	Dec. 22, 2009	Case		3 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	116. State v. Lindsay 2009 WL 4253993, *6 , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Evidence of a victim's prior contact with a defendant was properly admitted where the evidence was relevant to a retaliation charge against the...	Nov. 30, 2009	Case		—
Cited by	117. State v. J.F.G. 2009 WL 2168681, *8+ , N.J.Super.A.D. Defendant J.F.G. appeals from his March 20, 2006 conviction on thirteen counts of endangering the welfare of a child, consisting of: two first-degree convictions under N.J.S.A....	July 22, 2009	Case		10 A.2d
Cited by	118. State v. Severs 2009 WL 1373306, *6 , N.J.Super.A.D. Following a trial before a jury, defendant William C. Severs was found guilty of first-degree murder, N.J.S.A. 2C:11-3a(1); second-degree possession of a weapon for an unlawful...	May 19, 2009	Case		6 A.2d
Cited by	 119. State v. P.S. 2009 WL 1286534, *10 , N.J.Super.A.D. Defendant was tried for three offenses committed against his stepdaughter, K.M. The charges arose out of three incidents that occurred between September 1999 and November 2001,...	May 11, 2009	Case		13 A.2d
Cited by	120. State v. Lichtenberger 2009 WL 259399, *4+ , N.J.Super.A.D. Defendant appeals his conviction for second-degree robbery and fourth-degree unlawful possession of a weapon. On this appeal he argues: POINT I THE DEFENDANT'S RIGHT TO BE FREE...	Feb. 05, 2009	Case		6 12 A.2d
Cited by	121. State v. Smith 2009 WL 17873, *9 , N.J.Super.A.D. Defendant Alfred A. Smith appeals from his conviction following a trial by jury on charges of third-degree forgery of a check, N.J.S.A. 2C:21-1(a)(2) (count one); and third-degree...	Jan. 02, 2009	Case		6 A.2d
Cited by	122. State v. LaConti 2008 WL 4820818, *10 , N.J.Super.A.D. Pursuant to Passaic County Indictment No. 04-02-0115-I, defendant David M. LaConti, a sergeant in the Ringwood Police Department, was charged in four counts: official misconduct,...	Nov. 07, 2008	Case		3 A.2d
Cited by	123. State v. Boretsky 2008 WL 4057972, *4 , N.J.Super.A.D. Defendant, Boris Boretsky, was charged in a nine-count indictment with two crimes of the first degree: murder, N.J.S.A. 2C:11-3a(1),(2) (count six), and felony-murder, N.J.S.A....	Aug. 28, 2008	Case		12 A.2d
Cited by	124. State v. Green 2008 WL 3067920, *4+ , N.J.Super.A.D. Tried to a jury, defendant was convicted of two counts of murder, N.J.S.A. 2C:11-3(a)(1) or (2); two counts of felony murder, N.J.S.A. 2C:11-3(a)(3); one count of attempted murder,...	Aug. 07, 2008	Case		6 12 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	125. State v. R.S. 2008 WL 2466543, *9 , N.J.Super.A.D. Defendant is serving an aggregate sentence of sixty years imprisonment with a thirty-year parole disqualifier, resulting from a 1996 trial. Defendant was convicted of sexual...	June 20, 2008	Case		6 A.2d
Cited by	126. State v. Burke 2008 WL 2122420, *5 , N.J.Super.A.D. On October 18, 2005, the Mercer County Grand Jury charged defendant, Paul Burke, under Indictment No. 05-10-1091, with four counts of first-degree kidnapping, N.J.S.A. 2C:13-1(b)...	May 20, 2008	Case		12 A.2d
Cited by	127. State v. Castagna 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		3 A.2d
Cited by	128. State v. Bennett 2007 WL 3239199, *6 , N.J.Super.A.D. Defendant Jacob Bennett (Bennett) appeals from his conviction on robbery, aggravated assault, possession of a weapon, and conspiracy charges and the sentence imposed. We affirm....	Nov. 05, 2007	Case		8 A.2d
Cited by	129. State v. Cucolo 2007 WL 1518303, *7 , N.J.Super.A.D. Defendant, Frederick Cucolo, was employed as a drug counselor for the Superior Court of New Jersey, Family Division and for the Municipal Court of Belleville. The State alleged...	May 25, 2007	Case		—
Cited by	130. State v. Goode 2007 WL 1373808, *6 , N.J.Super.A.D. Defendant, Steven M. Goode, appeals from his convictions on six counts of the third-degree crime of uttering terroristic threats to kill, N.J.S.A. 2C:12-3b, five counts of the...	May 11, 2007	Case		—
Cited by	131. State v. V.F. 2007 WL 92406, *5 , N.J.Super.A.D. Defendant, V.F., appeals from a judgment of conviction finding him guilty of sexual assault, aggravated sexual assault, and endangering the welfare of a child. The following...	Jan. 04, 2007	Case		—
Cited by	132. State v. Neulander 2006 WL 3798706, *24 , N.J.Super.A.D. On November 20, 2002, following a second guilt phase trial, a jury convicted defendant, Fred Neulander, a former Senior Rabbi at Congregation M'Kor Shalom in Cherry Hill, of...	Dec. 28, 2006	Case		6 A.2d
Cited by	133. State v. Eaddy 2006 WL 3751313, *8 , N.J.Super.A.D. Defendant Kristina E. Eaddy appeals from a judgment of conviction entered on April 16, 2004 after a jury found her guilty of first degree attempted murder, N.J.S.A. 2C:5-1, 11-3...	Dec. 22, 2006	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	134. State v. Becheam  2006 WL 1995135, *5+ , N.J.Super.A.D. Background: Defendant was convicted by jury in the Superior Court, Law Division, Essex County, of robbery, felony murder, possession of assault firearm without a permit, possession...	July 19, 2006	Case		6 A.2d
Cited by	 135. Cohen v. Community Medical Center 901 A.2d 445, 453 , N.J.Super.A.D. HEALTH - Malpractice. Trial court's failure to give appropriate cautionary instructions warranted reversal in malpractice action.	June 30, 2006	Case		12 A.2d
Cited by	136. State v. Donato 2006 WL 1633666, *22 , N.J.Super.A.D. After a lengthy jury trial on an indictment charging him with the murder of his wife, defendant John Donato was convicted of aggravated manslaughter and sentenced to seventeen and...	June 14, 2006	Case		—
Cited by	137. State v. Lipinski  2006 WL 1449988, *2+ , N.J.Super.A.D. Background: Defendant was convicted in the Superior Court, Law Division, Union County, of fourth-degree lewdness. Defendant appealed. Holding: The Superior Court, Appellate...	May 26, 2006	Case		6 A.2d
Cited by	138. State v. Shaheed 2006 WL 1194981, *8 , N.J.Super.A.D. On April 28, 2000, defendant, Duan Shaheed, and co-defendant, James Lamont Tutt, were charged in a sixteen-count indictment with second-degree conspiracy to commit carjacking,...	May 05, 2006	Case		6 A.2d
Cited by	139. State v. Allums 2006 WL 2735927, *2 , N.J.Super.A.D. Defendant appeals from his convictions on charges of fraudulent use of a credit card, N.J.S.A. 2C:21-6h; receiving stolen property, N.J.S.A. 2C:20-7; and robbery, N.J.S.A. 2C:15-1....	Apr. 28, 2006	Case		5 A.2d
Cited by	140. State v. Malone  2005 WL 3970693, *8+ , N.J.Super.A.D. Background: Defendant was convicted in the Superior Court, Law Division, Essex County, of first-degree possession of cocaine with intent to distribute, third-degree possession of...	Apr. 25, 2006	Case		6 A.2d
Cited by	141. State v. Michael F. 2005 WL 3964673, *7 , N.J.Super.A.D. Background: Defendant was convicted by a jury in the Superior Court, Law Division, Bergen County, of third-degree aggravated criminal sexual contact. Defendant appealed. Holdings:...	Apr. 17, 2006	Case		3 A.2d
Cited by	142. State v. Dawara 2006 WL 3782964, *7 , N.J.Super.A.D. Defendant Dadjé Dawara appeals from his conviction on four counts of first-degree robbery and on drug and weapons charges, and from the sentences imposed. The following factual and...	Feb. 10, 2006	Case		12 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	143. State v. Hawkins 2006 WL 158642, *5+ , N.J.Super.A.D. On December 12, 2000, an Essex County Grand Jury charged defendant, Michael Hawkins, in Indictment No. 00-12-3231 with first-degree murder, N.J.S.A. 2C:11-3a(1) and (2) (Count...	Jan. 23, 2006	Case		6 A.2d
Cited by	144. State v. Patterson 2005 WL 3357464, *15 , N.J.Super.A.D. These two appeals, calendared back-to-back, arise from an indictment returned by an Essex County Grand Jury on August 22, 2003 . That indictment charged co-defendants Faheem...	Dec. 12, 2005	Case		6 A.2d
Cited by	145. State v. Bakka 794 A.2d 260, 268+ , 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		10 A.2d
Cited by	146. Hill v. New Jersey Dept. of Corrections Com'r Fauver 776 A.2d 828, 846 , N.J.Super.A.D. LITIGATION - Privileges. Litigation privilege did protect complainants who improperly filed sexual harassment charge.	June 18, 2001	Case		6 A.2d
Cited by	147. State v. Baluch 775 A.2d 127, 157+ , N.J.Super.A.D. CRIMINAL JUSTICE - Privileges. Husband waived spousal privilege in wife's trial by testimony incriminating her in his trial.	June 13, 2001	Case		—
Cited by	148. State v. Eatman 774 A.2d 571, 575 , N.J.Super.A.D. CRIMINAL JUSTICE - Mental Capacity. Prior acts of domestic abuse were relevant to rebut defendant's claim of dissociative amnesia.	May 07, 2001	Case		—
Cited by	149. State v. L.P. 768 A.2d 795, 799+ , N.J.Super.A.D. CRIMINAL JUSTICE - Sex Offenses. Prior sexual assaults against niece were admissible res gestae evidence in aggravated assault case.	Mar. 16, 2001	Case		6 12 A.2d
Cited by	150. State v. Copling 741 A.2d 624, 634 , N.J.Super.A.D. CRIMINAL JUSTICE - Sentencing. Concurrent, rather than consecutive, sentences were required for murder and possession of handgun.	Dec. 16, 1999	Case		13 A.2d
Cited by	151. State v. Collier 719 A.2d 1276, 1281+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Trial court should have sanitized "other crimes" evidence involving dog burning incident.	Dec. 01, 1998	Case		4 12 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	152. State v. Carswell  697 A.2d 171, 176 , N.J.Super.A.D. CRIMINAL JUSTICE - Trial. Giving merger instruction during deliberations was reversible error.	July 25, 1997	Case		6 A.2d
Cited by	 153. Ocasio v. Amtrak 690 A.2d 682, 692 , N.J.Super.A.D. TRANSPORTATION - Accidents. Although pedestrian who was struck by train while walking on elevated tracks was trespasser, railroad owed duty of reasonable care that encompassed...	Mar. 27, 1997	Case		3 A.2d
Cited by	154. State v. Burgess 689 A.2d 730, 746 , N.J.Super.A.D. CRIMINAL JUSTICE - Drugs. Opinion mandating definitional jury instructions in prosecutions under drug-kingpin statute applied retroactively in postconviction relief proceeding.	Feb. 18, 1997	Case		12 A.2d
Cited by	155. State v. Hogan 687 A.2d 751, 758+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Jury instruction did not cure prejudice to defendant from reference that victim identified defendant from pictures at Bureau of Criminal Identification...	Jan. 24, 1997	Case		6 A.2d
Cited by	156. State v. Moorman 670 A.2d 81, 87 , N.J.Super.A.D. Child Abuse. Battered Child Syndrome presented valid, reliable basis for admission of expert testimony in manslaughter prosecution.	Jan. 25, 1996	Case		3 A.2d
Cited by	 157. State v. Green 643 A.2d 18, 26 , N.J.Super.A.D. Ineffective Assistance. Defendant did not receive ineffective assistance, even though his attorney was alleged to be alcohol and drug dependent.	May 23, 1994	Case		3 A.2d
Cited by	 158. State v. Kately 637 A.2d 214, 220 , N.J.Super.A.D. Habit. Evidence of defendant's nightly drinking parties was admissible habit evidence, rather than improper character evidence.	Feb. 10, 1994	Case		3 A.2d
Cited by	 159. State v. Hardaway  636 A.2d 128, 129+ , N.J.Super.A.D. Evidence. Prejudicial effect of other crimes evidence outweighed its probative value in manslaughter prosecution.	Jan. 24, 1994	Case		3 4 A.2d
Cited by	 160. State v. Engel 592 A.2d 572, 590 , N.J.Super.A.D. Defendants were convicted of conspiracy to murder first defendant's former wife by the Superior Court, Law Division, Bergen County, and they appealed. The Superior Court,...	July 02, 1991	Case		6 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 161. State v. Radziwil 563 A.2d 856, 861+ , N.J.Super.A.D. Defendant was convicted in the Superior Court, Law Division, Monmouth County, of aggravated manslaughter and death by auto. The trial judge merged conviction for death by auto...	Aug. 29, 1989	Case		3 A.2d
Cited by	 162. State v. Grimes 561 A.2d 647, 654 , N.J.Super.A.D. Defendant constable was convicted in the Superior Court, Law Division, Burlington County, of official misconduct, based on his charging to oversee removal of tenants' goods. ...	July 19, 1989	Case		10 A.2d
Cited by	 163. State v. Schubert  561 A.2d 1186, 1192 , N.J.Super.A.D. Defendant was convicted after jury trial in the Superior Court, Law Division, Bergen County, of aggravated arson, and defendant appealed. The Superior Court, Appellate Division,...	July 17, 1989	Case		10 A.2d
Cited by	 164. State v. Jenkins 560 A.2d 1240, 1242 , N.J.Super.A.D. Defendant was convicted in the Superior Court, Law Division, Essex County, of assault and possession of gun for unlawful purpose. On appeal, the Superior Court, Appellate...	June 30, 1989	Case		—
Cited by	165. Hutchins v. Hundley 1991 WL 167036, *4 , D.N.J. Petitioner, William M. Hutchins, pro se, currently incarcerated in Riverfront State Prison, Camden, New Jersey, has filed this application for habeas corpus relief pursuant to 28...	Aug. 22, 1991	Case		12 A.2d
Cited by	166. People of Territory of Guam v. Camacho 1994 WL 728129, *5 , D.Guam A.D. Franklin Borja Camacho appeals his conviction on charges of official misconduct, a misdemeanor, and harassment, a petty misdemeanor. He contends that the Superior Court erred in...	Dec. 05, 1994	Case		10 A.2d
Cited by	167. Matter of Advisory Committee on Professional Ethics Docket No. 22-95 677 A.2d 1100, 1105 , N.J. LEGAL SERVICES - Ethics and Discipline. Debt collections attorneys can endorse checks they receive in their clients' names and deduct attorneys' contingent fees without clients'...	June 13, 1996	Case		—
Cited by	168. State v. Farley 2009 WL 4264355, *8 , N.J.Super.A.D. CRIMINAL JUSTICE - Identification. Trial court was required to reexamine the victim's positive "show-up" identification of the defendant at his residence.	Nov. 20, 2009	Case		11 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	169. State v. Risko 2007 WL 737788, *12 , N.J.Super.A.D. Background: Defendant was convicted in the Superior Court, Law Division, Middlesex County, of fourth-degree possession of a firearm by a person not permitted to have weapons....	Mar. 13, 2007	Case		6 A.2d
Cited by	170. State v. Barden 2007 WL 715686, *2 , N.J.Super.A.D. Defendant Diara Barden appeals from a judgment of conviction and sentence following a jury trial. Defendant was found guilty of first-degree robbery, N.J.S.A. 2C:15-1a(2);...	Mar. 12, 2007	Case		—
Cited by	171. State v. Lewis 2006 WL 1995172, *7 , N.J.Super.A.D. Defendant Samuel Lewis appeals his conviction for one count of second-degree aggravated assault, N.J.S.A. 2C:12-1b(1), and two counts of second-degree child endangerment, N.J.S.A....	July 19, 2006	Case		—
Cited by	172. State v. Evans 2005 WL 3500583, *10+ , N.J.Super.A.D. Following a jury trial, defendant was convicted of aggravated manslaughter, N.J.S.A. 2C:11-4(a)(1), as a lesser included offense of first-degree murder; first degree felony murder,...	Dec. 23, 2005	Case		6 A.2d
Cited by	173. State v. Armbruster 2005 WL 3299421, *3 , N.J.Super.A.D. Defendant Petar N. Armbruster was charged under a Mercer County indictment with aggravated assault, contrary to N.J.S.A. 2C:12-1b(1) (count one); aggravated assault, contrary to...	Dec. 07, 2005	Case		2 A.2d
Cited by	174. State v. Bragg 685 A.2d 488, 492+ , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Other-crimes charge was inadequate and plain error.	Dec. 02, 1996	Case		13 A.2d
Cited by	175. State v. Gallegos 152 P.3d 828, 836 , N.M. CRIMINAL JUSTICE - Joinder and Severance. Trial court's failure to sever indecent exposure charge from criminal sexual contact on a minor charge prejudiced defendant.	Feb. 23, 2007	Case		7 A.2d
Cited by	176. State v. Lipka 817 A.2d 27, 42 , Vt. CRIMINAL JUSTICE - Confrontation. Allowing child witness to testify facing away from defendant deprived defendant of confrontation.	Nov. 01, 2002	Case		2 A.2d
Cited by	177. Gezzi v. State 780 P.2d 972, 983+ , Wyo. Defendant was convicted in the District Court, Laramie County, Edward L. Grant, J., of two counts of immoral or indecent acts with his daughter, and he appealed. The Supreme...	Sep. 27, 1989	Case		6 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 178. State v. Gillispie 26 A.3d 397, 412+ , 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		5 6 13 A.2d
Mentioned by	179. State v. Hamilton 937 A.2d 965, 971 , N.J. CRIMINAL JUSTICE - Evidence. Defendant's prior convictions were unduly prejudicial even though the offenses charged were not the same or similar.	Jan. 16, 2008	Case		—
Mentioned by	180. State v. Lykes 933 A.2d 1274, 1288 , N.J. CRIMINAL JUSTICE - Witnesses. Rule regarding inadmissibility of other crimes evidence did not bar limited impeachment use of defendant's earlier admission.	Nov. 05, 2007	Case		3 A.2d
Mentioned by	 181. State v. Fortin 843 A.2d 974, 1001 , N.J. CRIMINAL JUSTICE - Death Penalty. State must submit aggravating factors to grand jury.	Feb. 03, 2004	Case		—
Mentioned by	 182. State v. Koskovich 776 A.2d 144, 166 , N.J. CRIMINAL JUSTICE - Death Penalty. Combined effect of three penalty phase instructional errors required reversal of death sentence.	June 07, 2001	Case		—
Mentioned by	 183. State v. Harris 716 A.2d 458, 483 , N.J. CRIMINAL JUSTICE - Jury. Empaneling of foreign jury in capital case was proper.	July 30, 1998	Case		10 A.2d
Mentioned by	184. State v. Ramirez 2018 WL 389186, *6 , N.J.Super.A.D. The opinion of the court was delivered by Following a jury trial, defendant was convicted of first-degree aggravated manslaughter, N.J.S.A. 2C:11-4a (count one); first-degree...	Jan. 12, 2018	Case		6 A.2d
Mentioned by	185. State v. Richardson 2017 WL 4456359, *11 , N.J.Super.A.D. The opinion of the court was delivered by Lacking a valid driver's license, defendant was caught giving a false name during a traffic stop for a motor vehicle violation. The...	Oct. 04, 2017	Case		3 A.2d
Mentioned by	186. State v. Grant 2017 WL 2774421, *8 , N.J.Super.A.D. Defendant James E. Grant, Jr. appeals his convictions for the attempted murder of two police officers sitting in their patrol car and weapons charges following a jury trial. Among...	June 27, 2017	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	187. State v. Walker 2017 WL 1056393, *8 , N.J.Super.A.D. On January 9, 2012, a Passaic County grand jury returned a fifteen-count indictment, charging defendant Stanley Walker, Jr. in nine of those counts with first-degree murder,...	Mar. 21, 2017	Case		6 A.2d
Mentioned by	188. State v. Grant 2017 WL 968884, *5 , N.J.Super.A.D. A victim was robbed at knife-point by two men after responding to a Craigslist advertisement for discounted iPads and iPhones. In separate jury trials, defendants Jeremy Grant and...	Mar. 13, 2017	Case		6 A.2d
Mentioned by	189. State v. Bethea 2016 WL 6440654, *4 , N.J.Super.A.D. Defendant appeals from his June 12, 2014 convictions for swindling and cheating at casino gaming, N.J.S.A. 5:12–113(a). We affirm. On August 15, 2013, a craps dealer at the Borgata...	Nov. 01, 2016	Case		6 A.2d
Mentioned by	190. State v. Campbell 2016 WL 4916961, *10 , N.J.Super.A.D. Following a jury trial, defendant Terry E. Campbell was convicted of first-degree attempted murder, N.J.S.A. 2C:5-1 and 2C:11-3(a)(1) (count one); two counts of second-degree...	Sep. 15, 2016	Case		6 A.2d
Mentioned by	191. State v. Prall 2015 WL 11438112, *12 , N.J.Super.A.D. Defendant Tormu Prall was convicted of murder, attempted murder and aggravated arson after a jury found he set fire to the bedroom where his brother and his brother's girlfriend...	Aug. 12, 2016	Case		—
Mentioned by	192. State v. Benbow 2016 WL 3619752, *3 , N.J.Super.A.D. Defendant George Benbow appeals from a November 9, 2012 judgment of conviction for two counts of second-degree sexual assault, N.J.S.A. 2C:14–2(b), and four counts of third-degree...	July 07, 2016	Case		12 A.2d
Mentioned by	193. State v. Williams 2016 WL 3245390, *7 , N.J.Super.A.D. On May 1, 2008, twenty-year-old Arrel Bell was found dead in a park in Trenton. Bell had been shot twice at close range in the back of his head. Following an investigation,...	June 14, 2016	Case		6 A.2d
Mentioned by	194. State v. Gaskins 2016 WL 1637208, *5+ , N.J.Super.A.D. Defendant appeals from his convictions for second-degree conspiracy to distribute cocaine, N.J.S.A. 2C:5–2 and 2C:35–5(a)(1) and (b)(2); third-degree conspiracy to distribute...	Apr. 26, 2016	Case		6 A.2d
Mentioned by	195. State v. Repoli 2016 WL 3661679, *5 , N.J.Super.A.D. Defendant Peter G. Repoli, Jr., appeals from a judgment of conviction entered after a jury found him guilty of impersonating a law enforcement officer, and from his summary...	Apr. 11, 2016	Case		6 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	196. State v. Ramirez 2016 WL 830850, *3 , N.J.Super.A.D. Defendant Manuel Ramirez was present when a co-defendant assaulted and stabbed a victim. Defendant and two co-defendants then fled and the victim later died of his stab wounds. A...	Mar. 04, 2016	Case		6 A.2d
Mentioned by	197. State v. Garrison 2015 WL 5009222, *4 , N.J.Super.A.D. Defendant, Carl J. Garrison, appeals his conviction for aggravated sexual assault, sexual assault, and endangering the welfare of a child. Since we conclude that the court's ruling...	Aug. 17, 2015	Case		—
Mentioned by	198. State v. Rosa 2014 WL 10186979, *11 , N.J.Super.A.D. Defendant Kelvin Rosa appeals from his convictions, after a jury trial, for attempted murder and other crimes, all arising from his shooting of a police officer during a burglary....	Aug. 03, 2015	Case		2 A.2d
Mentioned by	199. State v. Fuller 2014 WL 5460817, *6 , 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		—
Mentioned by	200. State v. Baker 2014 WL 4109430, *5 , N.J.Super.A.D. Defendant James Baker appeals his conviction and sentence for second-degree eluding of a law enforcement officer, N.J.S.A. 2C:29-2(b), based on his fleeing police in his vehicle...	Aug. 22, 2014	Case		6 A.2d
Mentioned by	201. State v. E.R. 2014 WL 3905291, *4 , N.J.Super.A.D. Defendant E.R. was charged under Passaic County Indictment No. 09-09-1077 with first-degree aggravated sexual assault, N.J.S.A. 2C:14-2(a)(1) (count one); second-degree sexual...	Aug. 12, 2014	Case		—
Mentioned by	202. State v. T.M. 2014 WL 3015209, *4 , N.J.Super.A.D. Following multiple jury trials, defendant T.M. was convicted of third-degree criminal restraint, N.J.S.A. 2C:13-2; second-degree endangering the welfare of a child, N.J.S.A....	July 07, 2014	Case		4 A.2d
Mentioned by	203. State v. Little 2014 WL 243113, *8 , N.J.Super.A.D. Defendant Mark A. Little was tried before a jury and found guilty of murder and other offenses. He appeals from the judgment of conviction entered by the trial court on May 21,...	Jan. 22, 2014	Case		6 A.2d
Mentioned by	204. State v. Manderville 2013 WL 4821237, *19 , N.J.Super.A.D. Defendant Corey Manderville was indicted along with Lawrence "Reds" Willis and Michael Jay Coombs (a/k/a "Rico") on multiple charges arising from the robbery and shooting death of...	Sep. 11, 2013	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	205. State v. Romeo 2013 WL 4503364, *12, 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		4 A.2d
Mentioned by	206. State v. Moore 2013 WL 238169, *5, N.J.Super.A.D. A Camden County Grand Jury returned a multi-count indictment charging defendant Earl T. Moore with various offenses against the victim, Dewey Marshall. Following a jury trial,...	Jan. 23, 2013	Case		—
Mentioned by	207. State v. Hermalyn 2012 WL 3000334, *7, N.J.Super.A.D. By leave granted, the State appeals from a September 1, 2011 order of the trial court, dismissing with prejudice count twenty-three of a multi-count indictment against defendant...	July 24, 2012	Case		—
Mentioned by	208. State v. Grant 2012 WL 3000346, *6, N.J.Super.A.D. Following a four day trial in January 2008, a jury convicted defendant Lamont Grant of third-degree aggravated assault, N.J.S.A. 2C:12-1b(7); disorderly persons simple assault,...	July 24, 2012	Case		—
Mentioned by	209. State v. White 2012 WL 2735591, *10+, N.J.Super.A.D. Following a fifteen-day jury trial, defendant Natasha White was convicted of the disorderly persons offense of criminal mischief, N.J.S.A. 2C:17-3a, amended down from the third...	July 10, 2012	Case		2 A.2d
Mentioned by	210. State v. Belen 2012 WL 2579528, *6+, N.J.Super.A.D. By leave granted, the State of New Jersey appeals from an order of the Law Division granting defendants Fred Belen and Alexander Lara's motion to sever certain counts from a...	July 05, 2012	Case		2 A.2d
Mentioned by	211. State v. Davis 2012 WL 2009258, *13+, N.J.Super.A.D. These back-to-back appeals stem from the joint trial of defendants Darryl Davis and Quantis L. Goode, where they were convicted of, among other things, the January 7, 2007 murders...	June 06, 2012	Case		2 3 A.2d
Mentioned by	212. State v. Araiza-Nava-Avila 2012 WL 1231888, *4+, N.J.Super.A.D. Defendant Jesus A. "Chaparro" Araiza-Nava-Avila appeals a judgment of conviction entered on October 9, 2009. After a jury trial, he was convicted of the first two counts of...	Apr. 13, 2012	Case		—
Mentioned by	213. State v. Castillo 2011 WL 2535271, *5, N.J.Super.A.D. Tried to a jury, defendant Juan Castillo was convicted of murder, N.J.S.A. 2C:11-3(a)(1), unlawful possession of a weapon, N.J.S.A. 2C:39-5(d), and possession of a weapon for an...	June 28, 2011	Case		6 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	214. <u>State v. Vargas</u> 2010 WL 5392738, *6, N.J.Super.A.D. Defendant Angel Vargas appeals from his conviction and sentence after trial by jury on charges of armed robbery, conspiracy, and aggravated assault. We affirm. On September 10,...	Nov. 19, 2010	Case		—
Mentioned by	215. <u>State v. Foglia</u> 1 A.3d 703, 717, N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Defendant's testimony could not be attacked through specific instances of defendant's bad conduct.	July 16, 2010	Case		12 A.2d
Mentioned by	216. <u>State v. Hester</u> 2011 WL 13844, *9, N.J.Super.A.D. After execution of a personal search warrant upon defendant, Darryl Hester, failed to disclose drugs, but a residential search warrant, executed upon the residence of Theresa...	Mar. 18, 2010	Case		6 A.2d
Mentioned by	217. <u>State v. Salter</u> 2009 WL 4981169, *7, 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		7 A.2d
Mentioned by	218. <u>State v. Nance</u> 2008 WL 5170165, *3, N.J.Super.A.D. Following a jury trial, defendant Floyd Nance III was convicted of third-degree possession of cocaine, a controlled dangerous substance (CDS), N.J.S.A. 2C:35-10a(1); third-degree...	Dec. 11, 2008	Case		—
Mentioned by	219. <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		3 A.2d
Mentioned by	220. <u>State v. D.K.</u> 2008 WL 3539935, *5, N.J.Super.A.D. These appeals, which we have calendared back to back, arise from a single indictment that resulted in two trials. The indictment charged defendant D.K., a police officer, with...	Aug. 15, 2008	Case		—
Mentioned by	221. <u>State v. Gatson</u> 2007 WL 3196298, *3, N.J.Super.A.D. Defendant, Daniel Gatson, was convicted by a jury on two counts of third-degree receipt of stolen property, N.J.S.A. 2C:20-7. Since one stolen item was a .357 magnum handgun, and...	Nov. 01, 2007	Case		6 A.2d
Mentioned by	222. <u>State v. Guarderas</u> 2006 WL 2128907, *5, N.J.Super.A.D. Background: Defendant was convicted in the Superior Court, Law Division, Mercer County, of numerous drug-related offenses. Defendant appealed. Holdings: The Superior Court,...	Aug. 01, 2006	Case		6 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	223. <u>State v. Rehkamp</u> 2006 WL 941861, *6, N.J.Super.A.D. Defendant Joseph Rehkamp appeals from a final judgment of conviction and sentence. We affirm the multiple convictions but remand for merger and reconsideration of defendant's...	Apr. 13, 2006	Case		6 A.2d
Mentioned by	224. <u>State v. Black</u> 2006 WL 587790, *4, N.J.Super.A.D. Defendant James Black raped his former girlfriend at knifepoint on January 15, 1995 and murdered her on February 20, 1995. He was indicted for crimes arising out of the two...	Mar. 13, 2006	Case		6 A.2d
Mentioned by	225. <u>State v. Drew</u> 891 A.2d 621, 627, N.J.Super.A.D. CRIMINAL JUSTICE - Counsel. Trial court did not violate defendant's right to a fair trial by terminating his right to self-representation.	Feb. 03, 2006	Case		10 A.2d
Mentioned by	226. <u>State v. T.C.</u> 789 A.2d 173, 183+, N.J.Super.A.D. CRIMINAL JUSTICE - Child Endangerment. Prosecutor could proceed under either endangering children statute or cruelty statute.	Feb. 04, 2002	Case		12 13 A.2d
Mentioned by	227. <u>State v. Chavies</u> 785 A.2d 1, 13+, N.J.Super.A.D. CRIMINAL JUSTICE - Homicide. Trial judge's charge to jury stating that act of homicide permitted jury to draw inference that defendant's "purpose was to take life" constituted...	Nov. 09, 2001	Case		6 A.2d
Mentioned by	228. <u>State v. DeCree</u> 778 A.2d 1119, 1124, N.J.Super.A.D. GOVERNMENT - Public Officials. School security guard's participation in kickback scheme was not official misconduct.	Aug. 02, 2001	Case		10 A.2d
Mentioned by	229. <u>State v. Hackett</u> 733 A.2d 554, 567, N.J.Super.A.D. CRIMINAL JUSTICE - Obscenity and Pornography. Defendant could be prosecuted for both lewdness and endangering welfare of children.	July 26, 1999	Case		12 A.2d
Mentioned by	230. <u>State v. Alvarez</u> 723 A.2d 91, 96, N.J.Super.A.D. CRIMINAL JUSTICE - Weapons. Defendant could stipulate to status element of crime of possession of weapon by convicted person.	Feb. 05, 1999	Case		12 A.2d
Mentioned by	231. <u>State v. Crumb</u> 704 A.2d 952, 967, N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Ethnic hatred writings of murder defendant were admissible to show motive.	Dec. 24, 1997	Case		2 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 232. <u>Dunn v. Borough of Mountainside</u> 693 A.2d 1248, 1257 , N.J.Super.A.D. GOVERNMENT - Police. Police officer had duty to disclose his sexual assault on plaintiff such that his failure to do so equitably tolled statute of limitations on plaintiff's...	May 27, 1997	Case		—
Mentioned by	 233. <u>State v. Bowser</u> 688 A.2d 1060, 1067 , N.J.Super.A.D. CRIMINAL JUSTICE - Evidence. Admission of material in codefendant's out-of-court confession inculcating armed robbery defendant violated confrontation clause.	Jan. 31, 1997	Case		12 A.2d
Mentioned by	 234. <u>State v. Loftin</u>  670 A.2d 557, 567+ , N.J.Super.A.D. Jury. Rule which limited defendant's posttrial interviews of jurors did not violate free speech or fair trial rights.	Jan. 12, 1996	Case		5 A.2d
Mentioned by	235. <u>State v. Hicks</u> 661 A.2d 1300, 1304 , N.J.Super.A.D. Evidence. Sentencing information may be presented to jury to impeach defendant, at the discretion of the trial court, when the defendant's convictions have been sanitized.	July 17, 1995	Case		—
Mentioned by	 236. <u>State v. Ellis</u> 656 A.2d 25, 31 , N.J.Super.A.D. Double Jeopardy. Guilty plea in New York court for same kidnapping was admissible in New Jersey kidnapping prosecution, and prosecution was not barred by double jeopardy.	Apr. 05, 1995	Case		10 A.2d
Mentioned by	 237. <u>State v. Hinds</u> 650 A.2d 350, 356 , N.J.Super.A.D. Official Misconduct. Defendant should not have been convicted of official misconduct as accomplice or conspirator based on wrongful conduct of police officer in his private...	Dec. 02, 1994	Case		10 A.2d
Mentioned by	238. <u>State v. Ortiz</u> 601 A.2d 735, 737 , N.J.Super.A.D. Defendant was convicted of drug distribution offenses by the Superior Court, Law Division, Atlantic County, and he appealed. The Superior Court, Appellate Division, Michels,...	Jan. 17, 1992	Case		7 A.2d
Mentioned by	239. <u>State v. Slattery</u> 571 A.2d 1314, 1322 , N.J.Super.A.D. Defendant was convicted in the Superior Court, Law Division, Ocean County, of sexual assault, and he appealed. The Superior Court, Appellate Division, Baime, J.A.D., held that:...	Mar. 15, 1990	Case		—
Mentioned by	240. <u>Green v. Warren</u> 2013 WL 6865420, *5+ , D.N.J. Petitioner Al-Quaadir Green ("Petitioner"), a prisoner currently confined at New Jersey State Prison in Trenton, New Jersey, has submitted a petition for a writ of habeas corpus...	Dec. 20, 2013	Case		6 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	241. <u>Burgos v. Ricci</u> 2012 WL 933205, *6 , D.N.J. Petitioner Angelo Burgos, a prisoner currently confined at New Jersey State Prison in Trenton, New Jersey, has submitted a petition for a writ of habeas corpus pursuant to 28...	Mar. 19, 2012	Case		5 A.2d
Mentioned by	242. <u>Torres v. Ricci</u> 2010 WL 99268, *7+ , D.N.J. CRIMINAL JUSTICE - Joinder and Severance. Joinder of three charges against defendant was not prejudicial since the other incidents would have been admissible as other crimes.	Jan. 06, 2010	Case		6 A.2d
Mentioned by	243. <u>Lee v. Cathel</u> 2006 WL 2023193, *8 , D.N.J. Petitioner Ralph W. Lee, a prisoner currently confined at New Jersey State Prison, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The...	July 13, 2006	Case		12 A.2d
Mentioned by	244. <u>State v. Todd</u> 2005 WL 3369892, *14 , N.J.Super.A.D. A jury found Robert T. Todd guilty on three counts of third degree burglary, N.J.S.A. 2C:18-2, and one count of theft, N.J .S.A. 2C:20-3(a). The judge denied Todd's new trial...	Dec. 13, 2005	Case		—
—	245. <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	—	6 A.2d
—	246. <u>Jones on Evidence--Civil and Criminal s 17:9, "Purpose"</u> The prosecutor has the initial burden of specifying the purpose (other than the forbidden "bad person" or "propensity" inference) for which the evidence is offered. It is not...	2017	Other Secondary Source	—	—
—	247. <u>Jones on Evidence--Civil and Criminal s 17:102, In general</u> Courts frequently emphasize the importance of a limiting instruction in striking a proper balance between the legitimate probative value of extrinsic act evidence and the risk of...	2017	Other Secondary Source	—	12 A.2d
—	248. <u>Jones on Evidence--Civil and Criminal s 17:103, Contents of the instruction: In general</u> The purpose of a limiting instruction is to tell the jury the particular issue or issues on which they may use the evidence and, where advisable, the ways in which it cannot use...	2017	Other Secondary Source	—	6 A.2d
—	249. <u>Jones on Evidence--Civil and Criminal s 17:6.31, New Jersey</u> N.J. R. Evid. 404(b) (N.J.R.E. 404(b)) provides: (b) Other Crimes, Wrongs, or Acts. Except as otherwise provided by Rule 608(b), evidence of other crimes, wrongs, or acts is not...	2017	Other Secondary Source	—	6 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
—	250. <u>New Jersey Model Criminal Charges NON 2C CHARGES, PROOF OF OTHER CRIMES, WRONGS, OR ACTS (N.J.R.E. 404(b))</u> New Jersey Model Criminal Charges The State has introduced evidence that the defendant [Describe the evidence of other crimes, wrongs, or acts offered by the State.] Normally, such evidence is not permitted under...	2007	Other Secondary Source	—	2 A.2d
—	251. <u>New Jersey Pleading and Practice Forms s 93:8, Contents of jury instructions</u> After the presentation of evidence and closing statements, the trial court must instruct the jury in an understandable fashion as to its function in relation to the legal issues...	2017	Other Secondary Source	—	6 A.2d
—	252. <u>19 N.J. Prac. Series s 1:123, Scope of appellate review-Sentence in a criminal action</u> N.J. Prac. Series If a judgment of conviction is reversed for error in, or for excessiveness or leniency of, the sentence, the appellate court may impose such sentence as should have been imposed or...	2017	Other Secondary Source	—	—
—	253. <u>1A N.J. Prac. Series R 2:10-2, 2:10-2. Notice of Trial Errors</u> N.J. Prac. Series 1. This is a single rule applying to both criminal and civil and to judicial and administrative appeals, and replacing the more particularized provisions of the source rules with...	2017	Other Secondary Source	—	12 A.2d
—	254. <u>1A N.J. Prac. Series R 3:13-3, 3:13-3. Discovery and Inspection</u> N.J. Prac. Series This rule as originally adopted was identical to the source rule. This rule was virtually rewritten by the amendment of June 29, 1973. While many provisions of the former rule...	2017	Other Secondary Source	—	10 A.2d
—	255. <u>2B N.J. Prac. Series N.J.R.E. 105, Limited Admissibility</u> N.J. Prac. Series The first sentence of Rule 105, which replaces N.J.Evid.R. 6, is identical to Fed.R.Evid. 105. The second sentence has no analogue either in the 1967 New Jersey rules or the...	2017	Other Secondary Source	—	6 12 A.2d
—	256. <u>2B N.J. Prac. Series N.J.R.E. 404, Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes; Evidence</u> N.J. Prac. Series Rule 404 generally follows Fed.R.Evid. 404 and replaces N.J.Evid.R. 46, 48, and 55. It also incorporates a portion of N.J.Evid.R. 47. Paragraph (a) of Rule 404 is almost identical...	2017	Other Secondary Source	—	9 10 12 A.2d
—	257. <u>31 N.J. Prac. Series s 13:39, Consequences of failure of defense to provide discovery</u> N.J. Prac. Series Although it is said that the trial judge has the discretion to exclude evidence proffered by the defendant because of the failure of the defense to provide timely discovery of that...	2016	Other Secondary Source	—	12 A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
—	258. 32 N.J. Prac. Series s 21:57, The prosecutor should, if possible, save evidence of "other bad acts" committed by the defendant for rebuttal N.J. Prac. Series Except when a defendant raises the defense of entrapment, evidence that the defendant committed "other bad acts" (i.e. crimes, wrongs or other acts other than those at issue...	2016	Other Secondary Source	—	3 A.2d
—	259. 55 N.J. Prac. Series s 7:44, Supporting authorities-Exclusion of crime evidence, generally N.J. Prac. Series State v. Burden, 393 N.J. Super. 159, 922 A.2d 844 (App. Div. 2007) (Rule 404(b) prohibits introduction of evidence of past acts of misconduct as a basis for an inference that...	2017	Other Secondary Source	—	3 A.2d
—	260. 55 N.J. Prac. Series s 7:59, Motion to exclude evidence of prior felony conviction N.J. Prac. Series This case involves a civil action for damages arising from an incident that occurred on January 1, 2002, in which the plaintiff's left arm was badly mauled by the defendant's "pit...	2017	Other Secondary Source	—	3 A.2d
—	261. 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	—	6 A.2d
—	262. CONVICTION BY PRIOR IMPEACHMENT 96 B.U. L. Rev. 1977 , 2036 L1-2Introduction . L31978 I. Prior Conviction Impeachment. 1982 A. Prior Conviction Impeachment Under the Federal Rules of Evidence. 1982 B. Prior Conviction Impeachment as...	2016	Law Review	—	—
—	263. THE PUBLIC OFFICIAL ROLE OF THE NOTARY 31 J. Marshall L. Rev. 651 , 702 [T]he court will take judicial notice of the seals of notaries public, for they are officers recognized by the commercial law of the world. - United States Supreme Court, 1883. The...	1998	Law Review	—	—
—	264. "THERE'S NO SUCCESS LIKE FAILURE/ AND FAILURE'S NO SUCCESS AT ALL": EXPOSING THE PRETEXTUALITY OF KANSAS V. HENDRICKS 92 Nw. U. L. Rev. 1247 , 1277 I have spent my entire legal career thinking about the insanity defense. I have represented defendants who pled insanity, both successfully and unsuccessfully, and those who were...	1998	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	265. PROCEDURAL RULES GOVERNING THE ADMISSIBILITY OF EVIDENCE 54 Okla. L. Rev. 513 , 552+ Evidence rules are inextricably intertwined with procedure. Far from being a "brooding omnipresence," evidence rules lie dormant until activated by the procedural requirement of...	2001	Law Review	—	—
—	266. EVIDENCE -ADMISSIBILITY OF OTHER CRIMES-EVIDENCE OF PRIOR CHILD MOLESTATION IS INADMISSIBLE WHEN NEITHER ABSENCE OF INTENT NOR THE DEFENSE OF MISTAKE ARE GENUINELY AT ISSUE-NEW JERSEY V. G.V., 162 N.J. 252, 744 A.2D 137 30 Seton Hall L. Rev. 1324 , 1326+ In 1985, G.V., the defendant, started to molest his six-year-old daughter, Laura . See New Jersey v. G.V., 162 N.J. 252, 255, 744 A.2d 137, 139 (2000). During these sexual...	2000	Law Review	—	3 A.2d
—	267. CRIMINAL LAW-OTHER-CRIME EVIDENCE-IMPROPER ADMISSION OF OTHER-CRIME EVIDENCE, WHEN INDEPENDENT, OVERWHELMING EVIDENCE OF DEFENDANT'S GUILT EXISTS, CONSTITUTES HARMLESS ERROR-STATE v. MARRERO, 148 N.J. 469, 691 A.2D 293 (27 Seton Hall L. Rev. 1717 , 1720 On Friday, August 26, 1988, defendant Adam Marrero (Marrero) met and gave a ride to F.C., the alleged victim. See State v. Marrero, 148 N.J. 469, 474, 691 A.2d 293, 295 (1997). ...	1997	Law Review	—	3 A.2d
—	268. NEW JERSEY'S OTHER-CRIMES RULES AND THE EVIDENCE COMMITTEE'S ABROGATION OF ALMOST TWO HUNDRED YEARS OF JUDICIAL PRECEDENT 24 Seton Hall L. Rev. 394 , 446+ The introduction of extrinsic evidence of a defendant's other crimes, wrongs and acts is one of the most important and controversial means of proof in the resolution of criminal...	1993	Law Review	—	3 6 12 A.2d
—	269. P 59,485 FRANK HILL ET AL, PLAINTIFFS-RESPONDENTS-CROSS-APPELLANTS V NEW JERSEY DEPARTMENT OF CORRECTIONS COMMISSIONER WILLIAM FAUVER ET AL, DEFENDANTS-APPELLANTS-CROSS-RESPONDENTS AND COMMUNICATIONS WORKERS OF AMERICA, Labor & Employment Law Frank Hill et al, Plaintiffs-Respondents-Cross-Appellants v New Jersey Department of Corrections Commissioner William Fauver et al, Defendants-Appellants-Cross-Respondents and...	2001	Other Secondary Source	—	6 A.2d