

ASSOCIATION OF CRIMINAL DEFENSE LAWYERS OF NEW JERSEY
AMICUS CURIAE PARTICIPATION LIST (N.J. SUPREME COURT)

EVIDENCE

State v. Danny Lazo

Docket No. 66,199

Certification granted September 23, 2010

Ruth Bove Carlucci, A.D.P.D.

Jennifer Mara for amicus curiae ACDL-NJ

Whether the trial court erred in admitting into evidence a **prior arrest photo** of defendant and the testimony of a police officer about that photo and the officer's inclusion of a different photo of a different photo of defendant in the array?

INEFFECTIVE ASSISTANCE OF COUNSEL

State v. Frensel Gaitan

Docket No. 67,613

Petition granted (State) May 19, 2011

Mark H. Friedman, A.D.P.D.

Jeffrey Mandel for amicus curiae ACDL-NJ

Whether the recent decisions in Padilla v. Kentucky, 559 U.S. ___, 130 S. Ct. 1473, 176 L. Ed. 2d 284 (2010), and State v. Nuñez-Valdéz, 200 N.J. 129 (2009), should apply to this noncitizen defendant's argument, raised for the first time in his post-conviction relief (PCR) petition, that his attorney failed to discuss with him the deportation consequences of his guilty plea?

SEARCH AND SEIZURE

State v. Shareef Edwards

Docket No. 67,889

Leave to Appeal granted (State) May 12, 2011

John G. Koufos, Designated Counsel

Michael Sullivan for amicus curiae ACDL-NJ

Whether the "**community caretaker**" doctrine permitted police to enter an apartment without a warrant and without consent by the occupant based solely upon an anonymous tip that someone carrying a gun was "beating up on" the occupant, who herself denied that there was any such problem going on?

State v. Carlton Harris

Docket No. 67,929

Leave to appeal granted (State) May 19, 2011

John S. Furlong
Alison Brill for amicus curiae ACDL-NJ

Whether weapons seized during the execution of a search warrant issued under the Prevention of Domestic Violence Act (PDVA), N.J.S.A. 2C:25-17 to -35, admissible in a criminal prosecution? Whether firearms seized pursuant to a **PDVA warrant** are inadmissible in evidence in a criminal prosecution If the State does not initiate a criminal investigation of underlying criminal acts along with presenting probable cause of PDVA violations? Whether two handguns identified in the PDVA warrant and not clearly illegal per se were inadmissible in the criminal prosecution because they did not satisfy the **plain view test**?

State v. Alnesha Minittee and Darnell Bland

Docket No. 66,771

Certification granted (State) January 27, 2011

Michael J. Confusione, Designated Counsel, for Minittee

Stephen W. Kirsch, A.D.P.D., for Bland

Peter Gallagher for amicus curiae ACDL-NJ

Was this **warrantless search of the vehicle** allegedly used in an armed robbery unconstitutional pursuant to State v. Pena-Flores, 198 N.J. 6 (2009), and did defendant Bland have **standing** to challenge the search because he had been an occupant before the police seized the vehicle?

SENTENCING - MISCELLANEOUS

State v. Roy Friedman

Docket No. 66,332

Certification and cross-certification granted October 7, 2010

Susan Green, D.P.D. II

Alison Perrone for amicus curiae ACDL-NJ

Whether **parole supervision periods imposed pursuant to NERA** must be served concurrently when the custodial NERA sentences are imposed consecutively? Whether the plea agreement provision that **prohibited defense counsel from advocating for concurrent sentences violate defendant's right to counsel** and due process of law?

State v. Buddy Randolph

Docket No. 67,218

Certification granted March 31, 2011

Alyssa Aiello, A.D.P.D.

Jeffrey S. Mandel for amicus curiae ACDL-NJ

Where defendant's sentence was remanded for reconsideration under State v. Yarbough, 100 N.J. 627 (1985), for the sentencing court to

explain its decision imposing consecutive terms, did the court **err in refusing to consider evidence of defendant's post-conviction rehabilitation efforts?**