

Rachuba

2

ORIGINAL



Judgment of Conviction

Superior Court of New Jersey, CUMBERLAND County

State of New Jersey

v.

Last Name
VARGAS

First Name
ALFRED

Middle Name

Also Known As

Date of Birth
03/11/1965

SBI Number
227435C

Date(s) of Offense
11/30/2010

Date of Arrest
12/18/2013

PROMIS Number
13 003328-001

Date Ind / Acc / Complt Filed
05/28/2014

Original Plea
 Not Guilty Guilty

Date of Original Plea
07/14/2014

Adjudication By Guilty Plea Jury Trial Verdict Non-Jury Trial Verdict Dismissed / Acquitted Date: 02/17/2015

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
14-05-00435-I	1	AGG CRIM SEX CONTACT	2C:14-3A	3
14-05-00435-I	2	ENDANGER WELFARE CHILD-DUTY	2C:24-4A	2
14-05-00435-I	3	CRIM SEX CONTACT PER 2C:14-2C	2C:14-3B	4
14-05-00435-I	4	ENDANGER WELFARE CHILD-DUTY	2C:24-4A	3

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
14-05-00435-I	AMENDED 1	CRIM RESTRAINT-RISK OF SBI	2C:13-2A	3

Sentencing Statement

It is, therefore, on 04/02/2015 **ORDERED and ADJUDGED** that the defendant is sentenced as follows:
 Ct. 1: Defendant is sentenced to probation for a period of 1 year. As a condition of probation, defendant must undergo a psycho-sexual evaluation and comply with any recommendations regarding treatment, counseling, or the like, and any aftercare treatment, if required, including any recommendations for substance abuse. Defendant is responsible for the cost of the evaluation. Megans Law applies. No contact with the victims M.M. and E.W. SORO dismissed. Probation may be transferred to Camden County. Fines and fees: \$15 per month probation supervision fee; \$50 VCCB penalty; \$800 SSANE; \$75 SSNA penalty; \$30 LEOFA; \$750 SCVTF. All monetary obligations are payable through probation at the rate of \$140 per month beginning within 30 days. Defendant to provide a DNA sample at the direction of probation and pay the required costs. Cts. 2, 3 & 4 are dismissed. Defendant is given jail credit of 3 days.

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

Total Custodial Term 000 Years 00 Months 000 Days	Institution Name	Total Probation Term 01 Years 00 Months
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DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)

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

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

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

Total DEDR Penalty \$ _____

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

Forensic Laboratory Fee (N.J.S.A. 2C:35-20) Offenses @ \$ _____	Total Lab Fee \$ _____
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Additional Conditions

The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20).

The defendant is hereby sentenced to community supervision for life. (If offense occurred before 1/14/04) (N.J.S.A. 2C:43-6.4)

The defendant is hereby sentenced to parole supervision for life. (If offense occurred on or after 1/14/04) (N.J.S.A. 2C:43-6.4).

The defendant is hereby ordered to serve a _____ year term of parole supervision, which term shall begin as soon as defendant completes the sentence of incarceration. (N.J.S.A. 2C:43-7.2).

The court imposes a restraining order pursuant to DORA. (N.J.S.A. 2C:35-5.7(h)). Restraining Order expires _____

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

Counts	Number	Amount
1	1 @	\$ 50.00
	@	\$ _____
	@	\$ _____
	@	\$ _____

Total VCCA Assessment \$ 50.00

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

The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior.

The court finds that the defendant is amenable to sex offender treatment.

The court finds that the defendant is willing to participate in sex offender treatment.

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

Offense	Mandatory Penalty \$ _____
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License Suspension

CDS / Paraphernalia (N.J.S.A. 2C:35-16) Waived

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

Eluding (N.J.S.A. 2C:29-2)

Other _____

Offense Based Penalties

Penalty	Amount \$ _____
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Number of Months _____ Non-resident driving privileges revoked

Other Fees and Penalties

Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) <input checked="" type="checkbox"/> \$ 30.00	Safe Neighborhood Services Fund Assessment (N.J.S.A. 2C:43-3.2) <input checked="" type="checkbox"/> 1 Offenses @ \$ 75.00 Total: \$ 75.00
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Start Date _____ End Date _____

Probation Supervision Fee (N.J.S.A. 2C:45-1d) <input checked="" type="checkbox"/> \$ 15.00	Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) <input checked="" type="checkbox"/> 1 Offenses @ \$ 800.00 Total \$ 800.00
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Details _____

Transaction Fee (N.J.S.A. 2C:46-1.1) <input type="checkbox"/>	Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) <input type="checkbox"/> \$ _____
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Driver's License Number	Jurisdiction
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Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) <input type="checkbox"/> \$ _____	Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) <input checked="" type="checkbox"/> \$ 750.00
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If the court is unable to collect the license, complete the following:
Defendant's Address _____

Fine \$ _____	Restitution \$ _____	Total Financial Obligation \$ 1,705.00
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City	State	Zip
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Details
All monetary obligations are payable through probation at the rate of \$140 per month beginning within 30 days.

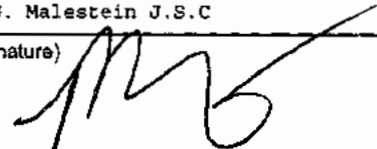
Time Credits		
Time Spent in Custody R. 3:21-8 Date: From - To 12/18/2013 - 12/20/2013 - - - - - - - Total Number of Days 3	Gap Time Spent in Custody N.J.S.A. 2C:44-5b(2) Date: From - To - - - - Total Number of Days _____ Rosado Time Date: From - To - - - - Total Number of Days _____	Prior Service Credit Date: From - To - - - - - - - Total Number of Days _____

Statement of Reasons - Include all applicable aggravating and mitigating factors

AGGRAVATING FACTORS
6. The extent of the defendant's prior criminal record and the seriousness of the offenses of which he/she has been convicted.
9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS
7. The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense.
10. The defendant is particularly likely to respond affirmatively to probationary treatment.
12. The willingness of the defendant to cooperate with law enforcement authorities.

PLEA AGREEMENT TERMS:
1C. This was a negotiated plea agreement between the prosecutor and the defendant. The Court is to determine the length and terms of probation. There is a presumption of reasonableness as to all other terms. It appears appropriate under all the facts and circumstances and, in the interests of justice the Court will impose the recommended sentence.
6. A period of probation with its various conditions should be sufficient to deter this type of conduct and to satisfy the interest of justice.
43. There is no presumption for or against incarceration for a 3rd degree crime since this is a first offense in these circumstances.
The mitigating factors preponderate over the aggravating factors when weighed qualitatively.

Form Prepared By DENISE BENCKERTFRANK	Preparer Telephone Number (856) 453-4664
Attorney for Defendant at Sentencing ROBERT J LUTHER	Public Defender <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Prosecutor at Sentencing ROSINA RACHUBA	Deputy Attorney General <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Judge at Sentencing Robert G. Malestein J.S.C	
Judge (Signature) 	Date 4/10/15