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May 6, 2015

The Honorable Ernest M. Caposela, A.J.S.C.  
Passaic County Courthouse  
77 Hamilton Street  
Paterson, New Jersey 07505

**Re: State of New Jersey v. Demetrick Williams**  
**Accusation No. 08-09-0843-A**

Dear Judge Caposela:

Please accept this letter brief in lieu of a formal submission in support of Defendant Demetrick Williams's application for the amendment of the Judgment of Conviction (J.O.C.) with respect to the matter referenced above. His J.O.C., which is attached hereto as Exhibit A, erroneously reflects a conviction pursuant to N.J.S.A. 2C:24-4b(3). He pleaded guilty to a violation of N.J.S.A. 9:6-3.

On September 9, 2008, Mr. Williams pleaded guilty before Your Honor, to the only count of Accusation 08-09-0843-A, which is attached hereto as Exhibit B, charging him with fourth degree child abuse and neglect in violation of N.J.S.A. 9:6-3. The Waiver of Indictment, which is attached hereto as Exhibit C, reflects the same charge. The plea paperwork, which is attached hereto as Exhibit D, lists Accusation 08-09-0843-A as "Child Abuse and Neglect" in the fourth degree with a maximum sentence of eighteen (18) months, but fails to list the statute citation. It should be noted that N.J.S.A. 2C:24-4b(3), which is listed on the J.O.C. as the final charge, cannot be a fourth degree crime. It should also be noted that the plea form calls for a

probationary sentence, which would be impermissible if Mr. Williams had pleaded guilty to N.J.S.A. 2C:24-4b(3).

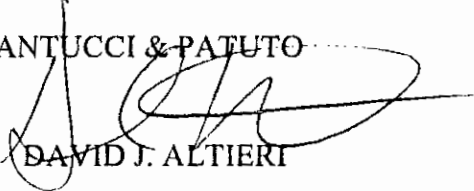
Mr. Williams was sentenced on February 27, 2009 to two (2) years of non-custodial probation. On June 7, 2010, this Court signed an Order, which is attached hereto as Exhibit E, directing that Mr. Williams be discharged early from probation based on the fact that he was "fully cooperative... maintained employment, paid his fines and remained out of trouble." It should be noted that the Early Discharge Order reflects a fourth degree charge as well.

Based on the materials provided, it is clear that a clerical error occurred on Mr. Williams's J.O.C. in that it indicates that his final charges were in violation of N.J.S.A. 2C:24-4b(3). As a result of the foregoing, I would ask that his J.O.C. be amended to reflect that his final charges were, in fact, in violation of N.J.S.A. 9:6-3.

Respectfully submitted,

GALANTUCCI & PATUTO

BY:

  
DAVID J. ALTIERI

cc: Office of the Passaic County Prosecutor  
Demetrick Williams