



County of Passaic

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Passaic County Prosecutor's Office

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February 12, 2016

Honorable Miguel A. de la Carrera, J.S.C.
New Courthouse
77 Hamilton Street
Paterson, New Jersey 07505

Re: Petition for Expungement -- Demetrick Williams
EXP. 493-15

Dear Judge de la Carrera:

Please accept this letter expressing the State's objection to the above-referenced petition. The petitioner seeks expungement of conviction for N.J.S.A. 9:6-3 from a 2/28/2008 arrest. Petitioner was sentenced on 2/27/2009 to a two-year probationary term. Petitioner's criminal history also includes a disorderly persons conviction for N.J.S.A. 2A:170-77.8, stemming from a 4/20/1997 arrest.

Petitioner's conviction has not satisfied the 10-year waiting period normally applicable to indictable convictions. The waiting period begins only after completion of probation/custodial sentence, payment of fines, and satisfaction of any other obligations imposed by the sentence. Petitioner's 2/28/2008 arrest will not be eligible for expungement until 6/7/2020. N.J.S.A. 2C:52-2, -3.

Petitioner has submitted some evidence to try and establish eligibility under the shorter 5-year waiting period under N.J.S.A. 2C:52-2. In this regard, petitioner must demonstrate that expungement is in the public interest based on 1) the nature of the offense, 2) the petitioner's character and conduct since the conviction, and 3) the absence of any subsequent convictions. See In re Kollman, 210 N.J. 557 (2012); I.M.O. the Expungement of Marino Lobasso, 423 N.J.Super. 475 (App.Div.2012); In re G.R., 395 N.J.Super. 428, 433-34 (App.Div.), certif. denied, 193 N.J. 275 (2007); State v. Merendino, 293 N.J.Super. 444, 451 (App.Div.1996).

The documents petitioner has submitted reference Exhibits D, E, F, G, H, I, and J. However, Exhibits D through J were not include in the expungement packet. The State submits that without this information, eligibility for the shorter waiting period cannot be fairly evaluated.

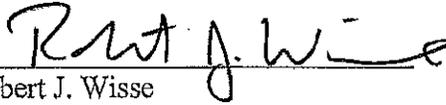
Additionally, petitioner's indictable conviction renders the disorderly persons conviction ineligible at this time. N.J.S.A. 2C:52-3, 2C:52-4. Thus, under the current law, petitioner's 4/20/1997 arrest is not eligible for expungement.

If petitioner wishes to supply additional documentation or to file an amended petition, she/he **must serve copies of the documents** upon the Court, this Office, the New Jersey State Police, and any other interested parties as required by N.J.S.A. 2C:52-10. The State does not oppose a 45 day adjournment for this purpose.

Very truly yours,

CAMELIA M. VALDES
PASSAIC COUNTY PROSECUTOR

By:


Robert J. Wisse
Assistant Prosecutor

RJW/sa

c: David Altieri, Esq.