

SALEM COUNTY PROSECUTOR'S OFFICE



KRISTIN J. TELSEY
PROSECUTOR

Fenwick Building
87 Market Street
P.O. Box 462
Salem, New Jersey 08079
(856) 935-7510, EXT. 8333
FAX (856) 935-8737

JONATHAN M. FLYNN
FIRST ASSISTANT PROSECUTOR

JAMES H. GILLESPIE IV
ACTING CHIEF OF COUNTY DETECTIVES

December 23, 2024

Mr. Richard F. Klineburger, III, Esq.
Klineburger & Nussey
38 North Haddon Avenue
Haddonfield, NJ 08033

Mr. Matthew V. Portella, Esq.
The Law Office of Matthew V. Portella, LLC
25 Chestnut Street, Suite 2
Haddonfield, NJ 08033

Case: State v. Sean M. Higgins
P/G / Indictment #: SLM 24-547 / 24-12-00400-I
Re: Initial Plea Offer

Dear Counsel:

Please allow this letter to serve and the State's initial plea offer in the above case. Earlier in the month, Mr. Higgins was indicted on two counts of first degree Aggravated Manslaughter, two counts of second degree Reckless Vehicular Homicide, one count of fourth degree Tampering with Physical Evidence, and one count of second degree Leaving the Scene of a Fatal Accident for the events that took place on August 29, 2024. The State has reviewed the discovery received to date and evaluated the potential strengths and weaknesses of the case and balancing all of that with Mr. Higgins' exposure if found guilty at trial the following is the State's offer: in exchange for pleas to both Aggravated Manslaughter charges and the lone count of Leaving the Scene of a Fatal Accident the State would recommend a sentence of fifteen years in the New Jersey State Prison on each of the Aggravated Manslaughter charges to run concurrent to each other. Mr. Higgins would have to serve eighty-five percent of those sentences before being eligible for parole, pursuant to N.J.S.A. 2C:43-7.2. The State would also recommend a five year term of imprisonment for the plea to the charge of Leaving the Scene of a Fatal Accident. Pursuant to N.J.S.A. 2C:11-5.1, that sentence would have to be served consecutive to the other terms of incarceration. Your client would also have to plead guilty to the offense of Driving While Under the Influence at sentencing. The State would agree to the mandatory minimum

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finer and penalties, for that offense. Finally, the State would seek restitution for the replacement costs of an Apple Watch, the bicycles, and funeral expenses.

Thank you for your consideration in this matter. Should you have any questions, please contact me at (856)339-8635.

Respectfully,

A handwritten signature in black ink that reads "Michael Mestern". The signature is written in a cursive style with a long, sweeping underline.

Michael Mestern
Assistant Prosecutor

(To be executed on day of Arraignment/Initial Case Disposition Conference)

Superior Court of New Jersey
Law Division, Criminal Part
Cumberland/Gloucester/Salem vicinage

State of New Jersey

Indictment Number: 24-12-00400-1

Prosecutor's Number: 24000547

vs.

Sean M. Higgins
(Defendant)

(Check appropriate event)

Arraignment/ Initial

Case Disposition Conference Order

Status: Jail Monetary Bail Pretrial Release

Arraignment date: January 7, 2025.

Initial Case Disposition Conference (ICDC) date: 2/4, 2025.

As a result thereof, it is hereby **ORDERED**:

1. Plea Offer: Terms of plea agreement offered by the State:
See attached December 23, 2024 plea offer letter from the State

Aggregate 3545 MSP - 30425 MRA

2. Discovery: State: All Discovery has been provided.

The following Discovery is to be provided:

State v. Heisler documents supporting the lab reports; unredacted reports containing witnesses' contact info.; a list of all potential witnesses who have contacted the State with their contact information; defense examination of

Defense: No Discovery has been provided.

All Discovery has been provided.

The following Discovery is to be provided:

Grand Jury transcript once received; witness list; expert and investigative reports

All Discovery shall be completed no later than: _____, 20____.

3. Co – Defendant Status: N/A

Original: Court File Pink: Prosecutor Gold: Defense Counsel Copy: Criminal Division

Form Promulgated via Directive # 33-17 (12/18/2017), CN 12030

Drug Court name changed to Recovery Court - January 2022

4. **Motion:** With the exception of Sands/Brunson, all **Dispositive** motions shall be heard prior to the imposition of the plea cutoff and execution of the **Trial Memo**.

Dispositive Motions: Motion to dismiss the indictment/1st degree counts; suppression of BAC results

Non-Dispositive Motions: Motion(s) to compel discovery; Miranda motion to exclude defendant's statements; motion to excluded State's motor vehicle crash report

5. All motions must be filed no later than _____, 20__.
 The State's brief must be filed no later than _____, 20__.
 The Defense brief must be filed no later than _____, 20__.

6. **Hearings on motions in this case shall be conducted as follows:**

Dispositive Motions on _____, 20__, at _____ AM or _____ PM

Non-Dispositive Motions immediately before trial on _____, 20__, at _____ AM or _____ PM

7a. Did defense counsel discuss with the defendant their immigration status, the potential consequences of a guilty plea or conviction and their right to seek legal advice on their immigration status. (*State v. Nunez-Valdez*, 200 N.J. 129 (2009))? Yes No

7b. Did defense counsel discuss with the defendant whether they are mandated for sentencing to recovery court pursuant to *N.J.S.A. 2C:35-14.2* or wishes to voluntarily apply for recovery court pursuant to *N.J.S.A. 2C:35-14*? Yes No

8. The parties shall next appear and be ready for the:
 Initial Case Disposition Conference on _____, 20__.
 Final Case Disposition Conference on _____, 20__.
 Discretionary Case Disposition Conference on _____, 20__.

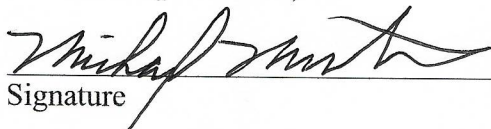
9 **Plea Cut Off Date:** _____, 20__.

10. The State confirms that the defendant has been fingerprinted and the case is properly reflected on the defendant's criminal history (CCH). Yes No

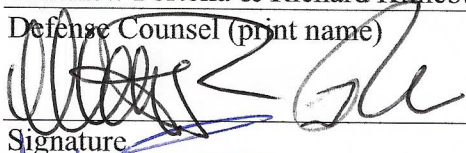
A Failure to Appear on the Date and Time Specified Herein Will Result in the Issuance of a Bench Warrant, the Forfeiture of any Monetary Bail, and/or Review of Conditions of Pretrial Release.

11. Other: Mr. Higgins' vehicle and the bicycles; the defense reserves the right to supplement its discovery requests

Michael Mesterow
Prosecutor (print name)


Signature

Matthew Portella & Richard Klineburger
Defense Counsel (print name)


Signature
Honorable , J.S.C.