

<p>STATE OF NEW JERSEY, Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SEAN M. HIGGINS, Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY COUNTY OF SALEM LAW DIVISION – CRIMINAL PART</p> <p>INDICTMENT No.: 24-12-400-I</p> <p>MOTION FOR DISCOVERY (Plea Offers)</p>
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To: First Assistant Prosecutor, Jonathan M. Flynn & AP, Michael R. Mestern
Salem County Prosecutor's Office
(Via Electronic Filing)

PLEASE TAKE NOTICE that on a date and time to be determined by the Court, the undersigned attorneys for the above captioned Defendant, shall make an application before a Judge of the Superior Court of New Jersey, Salem County, for an Order compelling the Plea Offers in all other Salem County Reckless Vehicular Homicide and Aggravated Manslaughter Cases from January 2021 through the present. Same request if proper pursuant to Pursuant to **N.J. Ct. R. 3:13-3** and *Brady v. Maryland*, 373 U.S. 83 (1963).

The undersigned requests oral argument. Brief to be supplied upon receipt of a Scheduling Order.

The State has made an initial plea offer of essentially thirty five years state prison in the matter at bar.¹ This offer is greatly out of the range of other plea offers made in Salem County over the past few years and it seems that the State is improperly enhancing same due to the publicity surrounding the matter at bar. For example over the past few years the following similar cases have been resolved by a plea bargain with the State:

In November of 2021, under a plea agreement with the Salem County Prosecutor's Office, Superior Court Judge Linda Lawhun sentenced David M. Thomas to seven years in state prison on a second-degree vehicular homicide charge. He was sentenced to concurrent terms of four years each on three third-degree assault by auto charges and a one-year term for fourth-degree assault by auto. Mr. Thomas killed another motorist, while three of his passengers and the driver of the first vehicle struck were injured. An open alcohol container was found in Thomas' vehicle and he stated at the scene that "he had been consuming alcoholic beverages just prior to operating the vehicle," according to an affidavit of probable cause. Thomas' blood alcohol concentration was measured at 0.156%, nearly double the legal limit of 0.08%, and surveillance video from several locations on Hook Road showed Thomas' vehicle traveling "at an extremely high rate of speed" before the crash.

In December of 2024, under a plea agreement with the Salem County Prosecutor's Office, Superior Court Judge Michael Silvanio sentenced Deandra L Brown Palmer to seven years, with

¹ It should be noted that this verbal offer differs from the written offer of December 23, 2024 wherein Assistant Prosecutor Mestern made an offer of twenty years but later stated same was a "typographical error."

a requirement that he serve 85% of that time. Deandra L. Brown Palmer admitted drinking several shots of alcohol and smoking marijuana before getting behind the wheel. He was driving westbound on Shirley Road in Upper Pittsgrove when he passed a car in front of him and hit a bicyclist on the eastbound shoulder of the roadway. Brown Palmer's blood alcohol content was measured at 0.22%, Brown Palmer pleaded guilty in October of 2024 to a single second-degree count of death by auto in return for a seven-year prison sentence. He also pleaded guilty to a charge of driving while intoxicated. Brown Palmer, kept driving after striking the cyclist with his car, then made a U-turn and drove back through the crash scene, again without stopping. Witnesses called 911 and a police officer tried to stop the car, but Brown Palmer continued driving and made another U-turn, heading back on westbound Shirley Road, authorities said. The driver of a fire truck saw the pursuit and parked his truck across the roadway, prompting Brown Palmer to stop. Police then discovered he had a 3-year-old child in the backseat. During an interview with police, Brown Palmer admitted consuming five or six shots of vodka and whiskey and smoking an unknown amount of marijuana about 30 minutes before driving.

These are only two of the matters undersigned counsel are aware of with regard to the same charges yet glaringly more egregious facts and circumstances². The information requested is proper and in the interest of justice.

Respectfully Submitted,
Co-Counsel for Defendant, Sean M. Higgins:

Dated: February 4, 2025

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² Counsel is also aware of the December 2021 matter of Stephen M. Karwowski who killed a motorist wherein he had a B.A.C. of .122 and was traveling at a speed of approximately 113 mph before the crash and 70 mph at the moment of impact.