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September 4, 2024

The Honorable Chief Justice and
Associate Justices
Supreme Court of New Jersey
Richard J. Hughes Justice Complex
Trenton, New Jersey 08625

Re: State v. Shawn M. Fenimore (a/k/a Shawn Fenimore)
Supreme Court Docket No. 089786
App. Div. Docket No. A-2246-22T2

Your Honors:

Defendant's petition for certification should be denied. Petitioners must do more than allege error to establish grounds for certification. They must present a question that is of general public importance that either needs to be settled by this Court, is similar to an issue already before this Court, is in conflict with another decision of the same or higher court, calls for this Court's supervision, or needs to be resolved in the interest of justice. See R. 2:12-4. "Certification will not be allowed on final judgments of the Appellate Division except for special reasons." Ibid.

For certification purposes, "the interest of justice" demands more than



mere error; it requires a result that is “palpably wrong, unfair, or unjust.” Bandel v. Friedrich, 122 N.J. 235, 237 (1991) (quoting Mahony v. Danis, 95 N.J. 50, 52 (1983) (Handler, J., concurring)). The petition must show “an egregious miscarriage of justice” where the “rights of innocent persons” are jeopardized. Mahony, 95 N.J. at 52. Under Rule 2:12-11, this Court’s discretionary review should be limited only to those questions that a petitioner has shown to satisfy the grounds for certification required by Rule 2:12-4. See State v. Breakiron, 108 N.J. 591, 595 (1987) (limiting certification).

No such grounds have been shown here. The Appellate Division correctly affirmed defendant’s convictions for the reasons stated in its unpublished opinion and the State’s Appellate Division brief.

Respectfully submitted,

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