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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0446-15T4

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

RONALD BURNS,

Defendant-Appellant.

Submitted March 28, 2017 – Decided April 12, 2017

Before Judges Reisner and Sumners.

On appeal from the Superior Court of New Jersey, Law Division, Burlington County, Indictment No. 00-07-0531.

Joseph E. Krakora, Public Defender, attorney for appellant (Steven M. Gilson, Designated Counsel, on the brief).

Robert D. Bernardi, Burlington County Prosecutor, attorney for respondent (Jennifer Paszkiewicz, Assistant Prosecutor, of counsel and on the brief).

Appellant filed a pro se supplemental brief.

PER CURIAM

Defendant Ronald Burns appeals from an August 5, 2015 order denying his motion for a new trial.¹ We affirm for the reasons stated by the motion judge in his letter opinion dated July 2, 2015.

The history and pertinent trial evidence was detailed in the motion judge's opinion and in our prior opinions and can be summarized here. Defendant, a drug dealer, was accused of directing his seventeen-year-old cousin, Tony Felder, to kill a rival drug dealer, Ronald Patterson, Jr. In 2002, defendant was convicted of murder and related offenses, and was sentenced to life in prison. We reversed the conviction on direct appeal, but the Supreme Court reinstated it. State v. Burns, No. A-6273-01 (App. Div. May 11, 2006), rev'd, 192 N.J. 312 (2007). Defendant's first PCR petition was denied, and we affirmed the denial. State v. Burns, No. A-1098-10 (App. Div. June 4, 2012), certif. denied, 213 N.J. 396 (2012). Defendant then moved for a new trial, based on an alleged Brady² violation and newly discovered evidence. The motion judge rejected those claims.

On this appeal, defendant presents the following issue:

DEFENDANT'S CONVICTIONS MUST BE REVERSED
BECAUSE THE STATE SUPPRESSED FAVORABLE AND
MATERIAL EVIDENCE, THEREBY VIOLATING DUE
PROCESS.

¹ The order characterizes the application as a petition for post-conviction relief, however, the motion was styled as one for a new trial.

² Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963).

He raises the following additional issues in a pro se supplemental brief:

POINT I: APPELLANT SUPPLEMENTS WITH CONSTITUTIONAL VIOLATIONS OF DUE PROCESS AND EQUAL PROTECTION OF THE LAWS THAT REQUIRES REVERSAL OF THE CONVICTION TO PROCEED ON NEW TRIAL SO THAT THE JUDGMENT BE "AMENDED" TO A NEW JUDGMENT OF ACQUITTAL, BECAUSE MR. BURNS IS ACTUALLY INNOCENT OF THE CRIMES CONVICTED OF (Partially raised below).

A. Reversal is required of the conviction since Appellant was deprived of a fair trial, who is Actually innocent.

POINT II: MOTION FOR NEW TRIAL ORDER SHOULD BE GRANTED DUE TO NEWLY DISCOVERED EVIDENCE TO "DEFEND LIFE AND LIBERTY" AS GUARANTEED BY N.J. CONST. (1949) ART I, PAR. 1; U.S. CONST. AMEND XIV § 1 TOWARDS ACQUITTAL DUE TO ACTUAL INNOCENCE (Partially raised below).


Defendant's appellate contentions are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(2). However, we add the following brief comments.

According to defendant, the alleged Brady violation consisted of the State's failure to disclose that Felder received a favorable plea agreement relating to 1997 drug charges. However, the drug case was resolved almost a year before the Patterson murder occurred and clearly was not a factor in Felder's willingness to

testify at defendant's trial. Further, the jury was made aware of the fact that Felder received a favorable plea agreement on the charges he was facing for shooting Patterson. Information about Felder's 1997 plea agreement would have made no difference to the outcome of defendant's murder trial.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION