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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-0508-15T2

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

MARK L. TOMPKINS,

Defendant-Appellant.

Telephonically argued March 15, 2017 – Decided May 19, 2017

Before Judges Espinosa and Suter.

On appeal from the Superior Court of New Jersey, Law Division, Essex County, Indictment No. 03-03-0893.

Mark L. Tompkins, appellant, argued the cause pro se.

Lucille M. Rosano, Special Deputy Attorney General/Acting Assistant Prosecutor, argued the cause for respondent (Carolyn A. Murray, Acting Essex County Prosecutor, attorney; Ms. Rosano, of counsel and on the brief).

PER CURIAM

Defendant appeals from the denial of his second petition for post-conviction relief (PCR) without an evidentiary hearing and

presents the following argument for our consideration in this appeal:

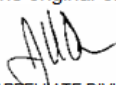
THE MATTER SHOULD BE REMANDED TO THE LAW DIVISION FOR A FULL HEARING ON THE DISMISSAL AND SUBSEQUENT TRIAL ON THE CHARGE WHICH WAS DISMISSED, WHICH VIOLATED THE DOUBLE JEOPARDY CLAUSES OF CONSTITUTIONS OF NEW JERSEY AND THE UNITED STATES.

We permitted defendant to supplement his oral argument in writing. In his written submission, he reiterated his position that the dismissal of a matter in municipal court barred subsequent prosecution on double jeopardy grounds. We are unpersuaded by the arguments advanced on appeal, at argument and in this latest submission.

In a cogent and comprehensive written opinion, Judge Martin G. Cronin addressed the procedural history of this case, the claims presented by defendant, the procedural bars to the claims presented by Rules 3:22-4(a), 3:22-4(b), 3:22-5, and 3:22-12(a)(2), and the substantive lack of merit to these claims. We agree that defendant's claims lack sufficient merit to require additional discussion, R. 2:11-3(e)(2), and affirm, substantially for the reasons set forth in Judge Cronin's written decision.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION