

**NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION**

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-2089-15T2

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

MARTIN L. BASKERVILLE,

Defendant-Appellant.

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Submitted October 18, 2017 – Decided November 15, 2017

Before Judges Koblitiz and Suter.

On appeal from Superior Court of New Jersey,  
Law Division, Bergen County, Indictment No.  
88-04-0524.

Nancy C. Ferro, attorney for appellant (Ms.  
Ferro, on the brief).

Gurbir S. Grewal, Bergen County Prosecutor,  
attorney for respondent (Ian C. Kennedy,  
Assistant Prosecutor, of counsel and on the  
brief).

PER CURIAM

Defendant Martin L. Baskerville appeals from an November 2,  
2015 order awarding him, with the consent of the State, 1,693 days  
of credit on his 1993 conviction for the 1987 crimes of first-

degree armed robbery, N.J.S.A. 2C:15-1, fourth-degree aggravated assault on a police officer, N.J.S.A. 2C:12-1(b)(5)(a), and fourth-degree resisting arrest, N.J.S.A. 2C:29-2. He appeals from the denial of his request for a reduced sentence. We affirm.

In between his arrest and his trial on the New Jersey charges, defendant was convicted of murder in New York State. After his New Jersey trial, he was sentenced to twenty years in prison consecutive to the lengthy sentence imposed in New York. Defendant unsuccessfully appealed his New York conviction, People v. Baskerville, 234 A.D.2d 35 (N.Y. App. Div. 1996), and appealed his conviction in New Jersey as well. See State v. Baskerville, Nos. A-5050-11, A-2151-12 (App. Div. Oct. 23, 2014) (slip op. at 1-3) (containing a history of defendant's prior New Jersey litigation) (certif. denied, 223 N.J. 271 (2015)).

On this appeal, defendant argues:

THE TRIAL COURT ERRED IN REFUSING TO GRANT DEFENDANT'S APPLICATION TO RECONSIDER DEFENDANT'S SENTENCE AND RE-SENTENCE HIM TO THE PRESUMPTIVE TERM OF FIFTEEN YEARS AND RUN THE SENTENCE CONCURRENT TO HIS NEW YORK SENTENCE TO CORRECT THE GRAVE INJUSTICES WHICH HAVE BEEN INFLICTED ON DEFENDANT.

Defendant argues that because he was given jail credit in New Jersey for the day that the New York murder was committed, and is therefore not guilty of the New York murder, New Jersey should equitably change his sentence to allow his immediate release. We

have previously determined that defendant's application for a concurrent sentence was without sufficient merit to warrant discussion in a written opinion, pursuant to Rule 2:11-3(e)(2). Id. at 4.

Defendant maintains that New York was unwilling to accept the documentation of defendant's incarceration in New Jersey. New Jersey has no jurisdiction to review a New York conviction, nor does defendant point to legal authority for modifying a sentence imposed more than twenty years ago "in the interest of justice" due to a purportedly wrongful conviction in another jurisdiction.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION