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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-2481-14T3

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

RONALD RICE,

Defendant-Appellant.

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Submitted March 7, 2017 - Decided March 29, 2017

Before Judges Reisner and Koblitz.

On appeal from the Superior Court of New  
Jersey, Law Division, Union County, Indictment  
No. 90-07-1267.

Joseph E. Krakora, Public Defender, attorney  
for appellant (Tamar Lerer, Assistant Deputy  
Public Defender, of counsel and on the brief).

Christopher S. Porrino, Attorney General,  
attorney for respondent (Sarah Lichter, Deputy  
Attorney General, of counsel and on the  
brief).

PER CURIAM

In 1993, defendant Ronald Rice was convicted of first-degree robbery and associated weapons offenses. Based on his three prior Graves Act convictions, defendant was sentenced for the 1993

conviction to a mandatory extended term of life imprisonment with a twenty-five year parole bar. Defendant now appeals from an October 8, 2014 order denying his motion to correct an illegal sentence.

On this appeal, defendant presents the following points of argument:

THE EXTENDED TERM IN THIS CASE, WHICH WAS AUTHORIZED ON THE BASIS OF JUDICIAL FACT-FINDING REGARDING THE DEFENDANT'S PRIOR RECORD, VIOLATES THE NEW JERSEY CONSTITUTION AND CONSTITUTES AN ILLEGAL SENTENCE. N.J. CONST. ART. 1, ¶¶ 1, 9, AND 10.

A. The Statutory Regime

B. The Constitutional Rights To Notice And Trial By Jury Require That Any Fact That Increases The Penalty For A Crime Beyond The Prescribed Statutory Maximum Be Charged In The Indictment And Found By A Jury Beyond A Reasonable Doubt.


C. There Is No Basis To Except The Fact Of A Prior Conviction From The Requirements Of The New Jersey Constitution.

We find no merit in defendant's arguments, which are contrary to long-established precedent permitting a sentencing court to impose an enhanced sentence based on a defendant's prior criminal convictions, without submitting that issue to a jury. See Apprendi v. New Jersey, 530 U.S. 466, 490, 120 S. Ct. 2348, 2362-63, 147 L. Ed. 2d 435, 455 (2000); State v. Natale, 184 N.J. 458, 481-82 (2005). As an intermediate appellate court, we cannot accept

defendant's invitation to depart from that precedent, and would not do so if we could. See Lake Valley Assocs., LLC v. Twp. of Pemberton, 411 N.J. Super. 501, 507 (App. Div.), certif. denied, 202 N.J. 43 (2010).

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION