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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-2565-13T2

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

CHRISTOPHER N. JONES,

Defendant-Appellant.

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Submitted June 2, 2016 – Decided March 22, 2017

Before Judges Fuentes and Kennedy.

On appeal from Superior Court of New Jersey,  
Law Division, Atlantic County, Docket No. 12-  
12-2654.

Joseph E. Krakora, Public Defender, attorney  
for appellant (John V. Molitor, Designated  
Counsel, on the brief).

James P. McClain, Atlantic County Prosecutor,  
attorney for respondent (Brett Yore, Assistant  
Prosecutor, of counsel and on the brief).

Appellant filed a pro se supplemental brief.

The opinion of the court was delivered by

FUENTES, P.J.A.D.

An Atlantic County grand jury indicted defendant Christopher N. Jones, charging him with third degree resisting arrest, N.J.S.A. 2C:29-2a(3)(a); fourth degree obstruction of the administration of law, N.J.S.A. 2C:29-1a and b; fourth degree inflicting harm upon a dog owned or used by a law enforcement agency, N.J.S.A. 2C:29-3.1b; fourth degree unlawful possession of a defaced handgun, N.J.S.A. 2C:39-3d; second degree unlawful possession of a handgun without a permit, N.J.S.A. 2C:39-5b; and second degree possession of a handgun following a prior conviction on drug-related charges, N.J.S.A. 2C:39-7.

Defendant was tried before a jury over a five-day period beginning on July 15, 2013, and ending on July 19, 2013. The jury found defendant guilty of third degree resisting arrest and fourth degree obstruction of the administration of law, and acquitted defendant on the remaining charges of the indictment. Based on his criminal history, the trial judge granted the State's motion to sentence defendant to a discretionary extended term on the conviction for third degree resisting arrest. See N.J.S.A. 2C:44-3. The judge found aggravating factors N.J.S.A. 2C:44-1a (3), (6), (8), and (9). The judge did not find any mitigating factors. Applying the well-known standards for imposing an extended term in State v. Dunbar, 108 N.J. 80 (1987), the trial court sentenced defendant to a term of nine years, with four and one half years

of parole ineligibility. The court also imposed the mandatory fines and penalties.

In this appeal, defendant alleges the trial court erred in the following respects: (1) by failing to order a psychiatric evaluation to determine his competency to stand trial; (2) by failing to provide the jury with a verdict sheet that included the option of finding him guilty of a lesser included offense; (3) by permitting the prosecutor to impeach his testimony without properly sanitizing his prior criminal convictions; (4) by allowing the prosecutor to improperly bolster the veracity of the police officers' testimony; and (5) by imposing an excessive sentence.

We reject these arguments and affirm. We derive the following facts from the record developed before the trial court.

At approximately 6 p.m. on August 21, 2012, Hamilton Township Police Sergeant Gregory Ciambrone was driving north on Route 50 in a marked police car, when he noticed a black Mercedes Benz parked on the shoulder of the road. The driver, a woman, was outside the vehicle. The passenger, later identified as defendant, was seated inside. Ciambrone activated his vehicle's overhead emergency lights and stopped to determine whether the apparently stranded motorist and her passenger required assistance. At Ciambrone's request, the driver produced her driving credentials.

When Ciambrone asked defendant for identification, defendant told him his name was Camad Jones.

At this point, Ciambrone explained to defendant and the driver that he smelled burnt and raw marijuana. He asked if they had any marijuana in the vehicle. Both responded, "[N]o." Ciambrone called his police dispatcher and requested a backup unit to respond to the scene. Hamilton Township Police Sergeants Christopher Robell and Timothy Graczyk responded. According to Ciambrone, the driver signed a consent form authorizing the police officers to search her vehicle.

Graczyk helped Ciambrone search the Mercedes Benz while Robell approached the passenger side where defendant was seated. Robell testified that while speaking with defendant, he "detect[ed] the odor of raw and burnt marijuana coming from the vehicle." Although defendant said he did not have any identification with him, he told Robell his name was "Camad Navon Jones[.]" He provided an address and date of birth, but said he did not know his social security number. According to Robell, defendant appeared "very, very nervous." He kept his sunglasses on while he responded to Robell's questions and did not look directly in the officer's eyes.

Robell asked the police dispatcher to perform a computer check of defendant's personal information. When Robell told

defendant that the information did not match any particular individual, defendant told Robell he was "a sovereign citizen and he [did not] recognize our government or our laws." Robell noticed defendant appeared to be manipulating an object in his pants, which caused him to suspect that defendant may have been concealing contraband or weapons on his person. When Ciambrone and Graczyk began searching the vehicle pursuant to the driver's consent, Robell ordered defendant to submit to a pat-down search. Defendant refused to comply.

Robell asked Ciambrone to approach the passenger side of the Mercedes and try to convince defendant to submit to a pat-down search. According to Ciambrone, defendant remained unwilling to comply and at one point used his cellphone, ostensibly to call his attorney. Ciambrone testified he and his fellow officers allowed defendant "a lot of leeway because we knew if . . . he didn't get out of the vehicle by himself, we would have to put . . . our hands on him to remove him from the vehicle." However, defendant remained defiant.

In response to the prosecutor's questions at trial, Ciambrone described what occurred next:

Q. Did [defendant] . . . [at] any time in that course of conduct . . . provide any explanation to you as to why he was refusing?

A. Yeah. He said that he's not governed by the rules of our government; he's a sovereign citizen; he doesn't have to listen to what we have to say.

. . . .

Q. You're telling us that eventually the conversation got to a point where you made a declaration to Mr. Jones?

A. Yeah. And at that point, it was like lightning. He went over the center of the vehicle, went out the driver's side door, which I had left open because I was going to search the vehicle and then I went around and talked to him. And he ran across the street and was getting hit by a car, or cars, I should say, and ran into the woods.

Q. Were you able to stop him as he was going into the street?

A. No.

Robell ordered defendant to stop running or he would be compelled to release his K-9 officer, Kota. Defendant did not heed the warning and continued to flee. Kota pursued defendant through the woods. They ran through blueberry fields and eventually reached a sandy path. At this point, as Kota was about to reach defendant, Robell saw defendant turn around and "kick[] [Kota] in his chest." As Robell described it, defendant's kick prevented Kota from making "a full apprehension[,]" and Kota "was only able to get his teeth on [defendant's] denim jeans." Robell described defendant's kick as "a punt fashion kick . . . straight

under [Kota's] chest." Despite being momentarily distracted by defendant's aggression, Kota quickly recovered and apprehended defendant by "his right calf/ankle area." Even at this point, defendant continued to struggle and resist. Robell had to tackle defendant to prevent him from fleeing. Ciambrone arrived thereafter and placed defendant in handcuffs.

Defendant testified on his own behalf at trial. He admitted he refused to comply with Ciambrone's command to submit to a pat-down search of his person. He also admitted to running away from the scene and ignoring the officers' commands to stop. However, he claimed he ran only after the officers threatened to assault him.

Against these facts, defendant raises the following arguments:

POINT I

THIS COURT SHOULD REVERSE THE LAW DIVISION'S DECISION TO DENY A COMPETENCY EVALUATION.

POINT II

THE VERDICT SHEET FAILED TO GIVE THE JURY THE OPPORTUNITY TO FIND THE DEFENDANT GUILTY OF A LESSER INCLUDED OFFENSE (NOT RAISED BELOW).

POINT III

THE TRIAL COURT PERMITTED THE PROSECUTOR TO INTRODUCE INADMISSIBLE EVIDENCE ABOUT THE DEFENDANT'S CRIMINAL HISTORY.

POINT IV

PROSECUTORIAL MISCONDUCT DENIED THE DEFENDANT  
A FAIR TRIAL (NOT RAISED BELOW).

POINT V

THE DEFENDANT'S SENTENCE IS EXCESSIVE.

We are satisfied that none of these arguments present sufficient grounds to warrant reversal of defendant's conviction. The principal issue raised by defendant concerns his own competency to stand trial. It is well settled that trial judges, not experts, must make the final competency determinations under N.J.S.A. 2C:4-4. State v. Moya, 329 N.J. Super. 499, 506 (App. Div. 2000). Although defendant's misconduct was more than sufficient to test the limits of any experienced jurist's patience, the judge concluded defendant did not suffer from any kind of mental illness or cognitive impairment.

The record shows that throughout his multiple court appearances, defendant was consistently disrespectful to the trial judge, intentionally obstreperous during court proceedings, and flagrantly indifferent to the decorum and civility expected from those present in a courtroom. The trial judge made specific findings that defendant's behavior was not caused by a discernable mental illness. The trial judge found, and the record supports, that defendant knowingly failed to take advantage of multiple



opportunities to refrain from engaging in this contumacious conduct. The judge based his determination on his own observations and interactions with defendant, and his findings tracked the standard codified in N.J.S.A. 2C:4-4b.

Defendant's courtroom antics were deliberate acts; they were part of a tactical campaign of misconduct to frustrate the adjudicative process into submission. As the trial judge noted, when defendant testified on his own behalf, he was calm, rational, and deliberate. However, at the conclusion of his presentation to the jury, his Dr. Jekyll composure reverted once again to Mr. Hyde. Despite the trial judge's best efforts, defendant remained steadfastly defiant and undeterred, leaving the judge with no other recourse but to remove him from the courtroom a number of times as part of an ultimately futile effort to deter his misconduct. The judge acknowledged this point at the sentencing hearing:

As a result of the defendant's obstructive behavior, he had to be removed from various pretrial proceedings, jury selection and portions of his trial so that the proper peace and decorum could be kept in the courtroom. And he had to be removed additionally today so that the proper peace and decorum could be kept in the courtroom.

By my best estimate, the defendant was forcibly removed from the courtroom because of his insulting and obstructive behavior on well over ten occasions.

We conclude the trial judge acted with remarkable restraint and composure under the circumstances.

We next address defendant's argument attacking the format of the verdict sheet. The jury found defendant guilty of third degree resisting arrest under N.J.S.A. 2C:29-2a(3)(a). The verdict sheet read as follows:

The Defendant, Christopher N. Jones, on or about the 21st of August, 2012, in the Township of Hamilton, County of Atlantic[,] and within the jurisdiction of this [c]ourt, did purposely prevent a law enforcement officer, to wit: Sgt. Christopher Robell, of the Hamilton Township Police Dept., from effecting a lawful arrest by using or threatening to use physical force or violence against Sgt. Christopher Robell, or another[,] against the peace of this State, the government and dignity of the same.

At the charge conference, defense counsel did not request modification of the verdict sheet to incorporate a lesser included offense. However, the trial judge instructed the jury that it could find defendant guilty of resisting arrest as a disorderly persons offense under N.J.S.A. 2C:29-2a(1). Although the verdict sheet should have included this option, we conclude this error does not warrant reversing defendant's conviction. The evidence that defendant used physical force to resist arrest was uncontroverted. Indeed, defendant acknowledged his use of physical force to prevent being placed in handcuffs when he

testified in his own defense. Under these circumstances, we discern no legal justification to overturn the jury's verdict.

Defendant's remaining arguments lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(2). We add only the following brief comments. With respect to defendant's argument in Point III, defendant himself created the risk of a possible misapplication of N.J.R.E. 609 when he failed to answer the prosecutor's questions in a responsive manner. Moreover, the judge's properly worded instructions to the jury counteracted any possible prejudice. In addition, the prosecutor's summation to the jury did not improperly bolster the testifying police officers' credibility. Finally, the trial court's sentence properly applied the pertinent aggravating factors, as well as the standards for imposing an extended term under N.J.S.A. 2C:44-3 and Dunbar, supra, 108 N.J. 80, as modified by State v. Pierce, 188 N.J. 155, 163-70 (2006).

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION