

**NOT FOR PUBLICATION WITHOUT THE  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-2990-15T2

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

MARIO MADRIGAL,

Defendant-Appellant.

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Submitted May 23, 2017 – Decided August 2, 2017

Before Judges Gilson and Sapp-Peterson.

On appeal from the Superior Court of New  
Jersey, Law Division, Atlantic County,  
Indictment No. 96-05-0882.

Joseph E. Krakora, Public Defender, attorney  
for appellant (Suzannah Brown, Designated  
Counsel, on the brief).

Damon G. Tyner, Atlantic County Prosecutor,  
attorney for respondent (Mario C. Formica,  
Chief Assistant Prosecutor, of counsel and on  
the brief).

PER CURIAM

Defendant appeals from a February 22, 2016 order denying his  
petition for post-conviction relief (PCR). The trial court,

without conducting oral argument, denied his petition. The court found that the petition, filed more than seven years following his March 23, 2007 conviction, was time-barred pursuant to Rule 3:22-12. The court additionally found that in the absence of the time bar, defendant's petition failed to establish a prima facie case in support of post-conviction relief.

In State v. Parker, the Court held that

when the trial judge does reach the determination that the arguments presented in the papers do not warrant oral argument, the judge should provide a statement of reasons that is tailored to the particular application, stating why the judge considers oral argument unnecessary. A general reference to the issues not being particularly complex is not helpful to a reviewing court when a defendant later appeals on the basis that the denial of oral argument was an abuse of the trial judge's discretion.

[Ibid.]

Here, the PCR court failed to include any explanation for declining to afford defendant oral argument. We are therefore constrained to reverse and remand the matter to the trial court for a statement of reasons, tailored to this matter, explaining why oral argument is unnecessary; or alternatively, for reconsideration of the petition after entertaining oral argument.

Ibid.

Reversed and remanded for further proceedings consistent with  
this opinion. We do not retain jurisdiction.

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



CLERK OF THE APPELLATE DIVISION