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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-0976-16T1

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

ALONZO G. BROWN,

Defendant-Appellant.

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Submitted February 26, 2018 – Decided March 15, 2018

Before Judges Sabatino and Rose.

On appeal from Superior Court of New Jersey,  
Law Division, Warren County, Indictment No.  
05-12-0440.

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

Richard T. Burke, Warren County Prosecutor,  
attorney for respondent (Kelly Anne Shelton,  
Assistant Prosecutor, on the brief).

PER CURIAM

Defendant Alonzo Brown appeals from an August 30, 2016 order  
dismissing his petition for post-conviction relief ("PCR")  
following an evidentiary hearing. Defendant claims his former

plea counsel was ineffective by allegedly promising that his sentence would not exceed twenty years, and by failing to submit character witness letters, and his medical records to the court in mitigation of his sentence. We affirm substantially for the reasons expressed by Judge John H. Pursel in his thorough written opinion. We add the following brief remarks.

On July 25, 2006, defendant pled guilty before Judge Pursel to aggravated manslaughter, attempted murder and weapons offenses for the shooting death of his former girlfriend, and maiming of her boyfriend. On December 1, 2006, defendant was sentenced in accordance with a negotiated plea agreement to an aggregate thirty-year custodial sentence with an eighty-five percent period of parole ineligibility pursuant to the No Early Release Act, N.J.S.A. 2C:43-7.2.

On September 16, 2008, we denied defendant's appeal, which was limited to the sentence imposed. State v. Brown, A-6426-06 (App. Div. Sept. 16, 2008). On December 15, 2008, the Supreme Court denied certification. State v. Brown, 197 N.J. 259 (2008).

On November 29, 2011, defendant filed a pro se PCR petition. Counsel was appointed to represent defendant and, on June 11, 2013, the trial court granted a plenary hearing. Judge Pursel conducted a two-day hearing in February and March 2016. Defendant

was the sole witness to testify at the hearing. The judge also reviewed the video recording of defendant's plea hearing. The judge denied PCR on August 30, 2016. This appeal followed.

On appeal, defendant argues:

POINT I

DEFENDANT WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL ENTITLING HIM TO [PCR] AND AN EVIDENTIARY HEARING.

(A) Trial counsel was ineffective for having misinformed defendant as to his penal exposure thereby causing the defendant to enter a guilty plea which was not knowing and voluntary in nature.

POINT II

COUNSEL WAS INEFFECTIVE FOR FAILING TO MITIGATE DEFENDANT'S SENTENCE BY NOT PROVIDING ALL [OF] DEFENDANT'S CHARACTER LETTERS AND MEDICAL RECORDS FOR CONSIDERATION BY THE TRIAL COURT AT SENTENCING.

POINT III

DEFENDANT IS ENTITLED TO WITHDRAW HIS PLEA BECAUSE THE NATURE AND STRENGTH OF HIS CLAIM OUTWEIGH THE STATE'S INTEREST IN PRESERVING THE PLEA.

Our review of a PCR claim after a court has held an evidentiary hearing "is necessarily deferential to [the] PCR court's factual findings based on its review of live witness testimony." State v. Nash, 212 N.J. 518, 540 (2013); see also State v. O'Donnell, 435 N.J. Super. 351, 373 (App. Div. 2014) ("If

a court has conducted an evidentiary hearing on a petition for PCR, we necessarily defer to the trial court's factual findings."). Where an evidentiary hearing has been held, we should not disturb "'the PCR court's findings that are supported by sufficient credible evidence in the record.'" State v. Pierre, 223 N.J. 560, 576 (2015) (citations omitted). We review any legal conclusions of the trial court de novo. Nash, 212 N.J. at 540-41; State v. Harris, 181 N.J. 391, 419 (2004).

In Judge Pursel's well-reasoned written opinion, he soundly recognized defendant's claims lacked merit. Having reviewed the video recording of defendant's plea, and considered his testimony at the PCR hearing, the judge concluded "[d]efendant understood the terms of the plea deal and that trial counsel could not make any guarantees regarding the possibility of a reduced sentence."

Further, although defendant claims his plea counsel failed to submit six to eight character letters to the sentencing court on his behalf, Judge Pursel found it was undisputed that plea counsel had submitted twenty such other letters for the court's consideration. In any event, the judge found the additional character letters "would [not] have influenced the result of the proceeding."

Finally, defendant admitted the medical reports he claimed in his PCR petition were not submitted to the trial court were, in fact, attached to his pre-sentence report.

For these reasons, and pursuant to our deferential standard of review, we conclude Judge Pursel correctly dismissed defendant's PCR petition. As such, defendant's arguments are without sufficient merit to warrant further discussion in this written opinion. R. 2:11-3(e)(2).

Affirmed.

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



CLERK OF THE APPELLATE DIVISION