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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-1108-16T4

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

VICTOR M. ONGERA,

Defendant-Appellant.

Submitted April 24, 2018 – Decided May 4, 2018

Before Judges Reisner and Gilson.

On appeal from the Superior Court of New Jersey, Law Division, Camden County, Indictment Nos. 14-09-2717, 14-12-3932, and 15-07-1989.

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

Mary Eva Colalillo, Camden County Prosecutor, attorney for respondent (Kevin J. Hein, Assistant Prosecutor, of counsel and on the brief).

PER CURIAM

Defendant Victor M. Ongera appeals from his conviction for fourth-degree resisting arrest, N.J.S.A. 2C:29-2(a)(2), for which

he was sentenced to one year in prison. On this appeal defendant presents the following point of argument:

POINT I: EVEN WHEN VIEWED IN THE LIGHT MOST FAVORABLE TO THE PROSECUTION, THE EVIDENCE DID NOT ESTABLISH BEYOND A REASONABLE DOUBT THAT MR. ONGERA RESISTED ARREST BY FLIGHT; THE MOTION FOR A JUDGMENT OF ACQUITTAL SHOULD HAVE BEEN GRANTED AND THE VIOLATION OF PROBATION VACATED.

After reviewing the trial record in light of the applicable standard of review, we affirm for the reasons stated by the trial judge in denying the motion on April 14, 2016. Defendant's argument is without merit and warrants no further discussion beyond the following brief comments. See R. 2:11-3(e)(2).

The State's only witness, a police officer, testified that, while in his police uniform, he approached defendant, told him that he was under arrest, and asked defendant to turn around so that the officer could handcuff him. Defendant said, "No, sir," moved past the officer, and took off running. The officer gave chase, yelling at defendant to stop. Defendant did not stop, but continued running. The officer eventually gave up the pursuit after defendant scaled a fence. Under the well-established standard set forth in State v. Reyes, 50 N.J. 454, 458-59 (1967), the trial court properly denied defendant's motion for a directed verdict of acquittal at the close of the State's evidence.

Affirmed.

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

A handwritten signature in black ink, appearing to be 'JMA', written over the text 'CLERK OF THE APPELLATE DIVISION'.

CLERK OF THE APPELLATE DIVISION