SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2124-16T1

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

DAVID L. DIXON,

Defendant-Appellant.

Submitted March 6, 2018 – Decided March 22, 2018

Before Judges Fisher and Fasciale.

On appeal from Superior Court of New Jersey, Law Division, Atlantic County, Indictment Nos. 15-01-0229, 16-01-0198 and 16-02-0260.

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

Damon G. Tyner, Atlantic County Prosecutor, attorney for respondent (Nicole L. Campellone, Assistant Prosecutor, of counsel and on the brief).

PER CURIAM

Defendant appeals from his convictions for third-degree possession of a controlled dangerous substance (CDS) with intent

to distribute within 1000 feet of a school, N.J.S.A. 2C:35-7; third-degree eluding, N.J.S.A. 2C:29-2(b); and third-degree possession of CDS, N.J.S.A. 2C:35-10(a)(1).

A police officer observed a Jeep driving in the wrong direction on a one-way street in front of the police department. The officer stopped the Jeep, approached the front passenger side, and observed defendant in the passenger seat. She asked the driver for his credentials, but the driver, who was nervous and avoiding eye contact, did not have his driver's license. The driver exited the Jeep after back-up police arrived, and another officer saw multiple wax paper folds filled with suspected heroin scattered on the seat and front floor. The police then arrested the driver, who consented to a search of the Jeep, which did not uncover more drugs.

A detective, who knew defendant from prior narcotics investigations, asked him to step out of the Jeep. One of the officers asked defendant how much money he had in his possession. Defendant, who was standing at the back of the Jeep, replied that he had $25. The police later, after the driver confirmed he purchased drugs in the amount consistent with the amount of money in defendant's possession, arrested defendant, conducted a search incident to the arrest, and located heroin in defendant's pants.

On appeal, defendant argues:

> BECAUSE THE IMPROPER QUESTIONING OF DEFENDANT WITHOUT MIRANDA[4] WARNINGS ONCE HE CLEARLY WAS NOT FREE TO LEAVE THE AREA OF THE STOP REVEALED THE CRITICAL INFORMATION THAT LED POLICE TO FORMALLY ARREST DEFENDANT, AND TAKE HIM TO HEADQUARTERS, WHERE THEREAFTER HEROIN WAS DISCOVERED ON HIS PERSON, THE MOTION TO SUPPRESS THE HEROIN THAT WAS DISCOVERED SHOULD HAVE BEEN GRANTED.

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[4] Miranda v. Arizona, 384 U.S. 436 (1966).

Defendant essentially maintains that he was in custody when the police asked him how much money he had in his possession. As a result, he argues the judge erred by denying his motion to suppress. We conclude that defendant's argument on appeal is without sufficient merit to warrant further discussion in a written opinion. R. 2:11-3(e)(2). We affirm substantially for the reasons set forth by Judge Michael J. Blee in his thorough and well-reasoned decision.

Affirmed.