

**NOT FOR PUBLICATION WITHOUT THE  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-2372-16T3

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

LEON FITZPATRICK,

Defendant-Appellant.

---

Submitted January 29, 2018 – Decided February 22, 2018

Before Judges Ostrer and Rose.

On appeal from Superior Court of New Jersey,  
Law Division, Monmouth County, Indictment No.  
96-02-0165.

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

Christopher J. Gramiccioni, Monmouth County  
Prosecutor, attorney for respondent (Mary R.  
Juliano, of counsel and on the brief; Vanessa  
L. Coleman, Legal Assistant, on the brief).

PER CURIAM

Defendant Leon Fitzpatrick appeals from a December 16, 2016 order denying his petition for post-conviction relief. Defendant maintains he received ineffective assistance from his plea

counsel, and should be allowed to withdraw his guilty plea. Judge David F. Bauman entered the order and rendered a comprehensive oral decision.

On appeal, defendant argues:

POINT I

THIS COURT SHOULD REVERSE THE TRIAL COURT'S DECISION TO ENFORCE THE FIVE-YEAR TIME BAR.

POINT II

THIS COURT SHOULD REVERSE THE TRIAL COURT'S DECISION TO DENY DEFENDANT'S PETITION FOR POST-CONVICTION RELIEF AND REMAND THE MATTER FOR AN EVIDENTIARY HEARING.

POINT III

THIS COURT SHOULD REVERSE THE TRIAL COURT'S DECISION TO DENY DEFENDANT'S MOTION TO WITHDRAW HIS GUILTY PLEA.

We conclude that defendant's arguments are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(2). We affirm for the reasons set forth by Judge Bauman in his thorough and well-reasoned oral decision.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION