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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-3095-16T1

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

ANDREW T. PENDER, a/k/a
DREW PENDER,

Defendant-Appellant.

Submitted April 17, 2018 – Decided April 30, 2018

Before Judges Reisner and Mayer.

On appeal from Superior Court of New Jersey,
Law Division, Cumberland County, Indictment
No. 09-01-0018.

Joseph E. Krakora, Public Defender, attorney
for appellant (Steven M. Gilson, Designated
Counsel, on the brief).

Jennifer Webb-McRae, Cumberland County
Prosecutor, attorney for respondent (Stephen
C. Sayer, Assistant Prosecutor, of counsel and
on the brief).

PER CURIAM

Defendant Andrew T. Pender appeals from a January 23, 2017
order denying his petition for post-conviction relief. We affirm.

Based on overwhelming evidence of his guilt, defendant was convicted of first-degree murder, N.J.S.A. 2C:11-3(a)(1), and associated offenses. He was sentenced to sixty-eight years in prison, sixty years of which was subject to the No Early Release Act, N.J.S.A. 2C:43-7.2.

We affirmed his conviction and sentence on direct appeal, but remanded to correct a typographical error in the judgment of conviction. State v. Pender, No. A-3344-10 (App. Div. March 3, 2014), certif. denied, 220 N.J. 39 (2014). In his direct appeal, defendant did not challenge the denial of his mid-trial request for self-representation. However, in addressing another issue, our opinion noted defendant's request to represent himself - which the judge denied as untimely - and defendant's "pattern of disruptive and disrespectful behavior" during the trial. Pender, slip op. at 16-19.

Defendant raised the self-representation issue, along with several others, in a PCR petition. Judge Robert G. Malestein rejected the self-representation PCR claim in a comprehensive written opinion issued with the January 23, 2017 order denying the petition. On this appeal, defendant raises the same claim in the following point:

DEFENDANT'S CONVICTIONS MUST BE REVERSED
BECAUSE HE WAS DENIED HIS CONSTITUTIONAL RIGHT
OF SELF-REPRESENTATION.

We find no merit in that contention, and we affirm for the reasons stated in Judge Malestein's cogent opinion. No further discussion is warranted here. 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