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State of New Jersey
OFFICE OF THE PUBLIC DEFENDER

Appellate Section
JOSEPH J. RUSSO, ESQ.
Appellate Deputy/Assistant Public Defender
31 Clinton Street, 9th Floor, P.O. Box 46003
Newark, New Jersey 07101
Tel. 973-877-1200 · Fax 973-877-1239

JOSEPH E. KRAKORA
Public Defender

March 30, 2020

Honorable Chief Justice and
Associate Justices of the
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625

Re: State v. Edwin Andujar
Supreme Court Docket No. 084167
App. Docket No. A-0930-17T1

Honorable Justices:

Please accept this letter in lieu of a more formal brief in opposition to the State's petition for certification in the above-referenced matter. In support of his opposition to the State's petition, defendant-respondent Edwin Andujar relies on the Appellate Division's cogent decision, as well as the appellate brief filed on his behalf.

The Appellate Division's decision in this matter properly recognized that the trial judge had no more cause after the record check than he had before the record check to exclude F.G. from the jury. While the State's decision to arrest F.G. outside the courtroom made him unavailable, he was eligible for jury duty. As the Appellate Division noted, the judge's credibility determination was "well within the considerable discretion afforded the court in such matters." State v. Andujar, 2020 N.J. Super. LEXIS 23 (February 24, 2020), at *33. The State presents no substantial issue for certification, and its petition should be denied.

Respectfully submitted,

JOSEPH E. KRAKORA
Public Defender
Attorney for Defendant-Respondent

BY: /s/ John Douard

JOHN DOUARD
Assistant Deputy Public Defender
Attorney I.D. 001872002