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April 3, 2020

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

Re: State v. Edwin Andujar  
Docket No. 84,167

Honorable Justices:

Please accept this letter in lieu of a more formal reply brief in support of the State's petition for certification. See R. 2:12-8. Two points in defendant's letter in opposition to the petition require a response at this stage.

First, it is factually inaccurate to say 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." It was the results of the record check that made it known, for the first time, that F.G. had hidden his domestic violence arrest history from the court and counsel. That information was not before the court prior to the record check because F.G. had not disclosed it, despite being asked during voir dire whether he had been accused of any crime or offense other than a minor motor vehicle offense. See (3T13 to 17; Pa8).

Second, it was not "the State's decision to arrest F.G. outside the courtroom [that] made him unavailable." Rather, the defense conceded F.G.'s unavailability given his open warrant. See (5T48-19 to 49-22; 5T68-4 to 12). The discussion about F.G.'s arrest was subsequent to that concession. See (5T68-4 to 12). Additionally, physical availability was not the sole reason for that concession, despite what defendant currently claims. The fact that

defendant is unwilling to acknowledge F.G.'s blatant dishonesty regarding his own domestic violence does not erase it from history.

This, in conjunction with F.G.'s open warrant, further precluded F.G. from jury service - and, most importantly, is the reason that the trial judge's initial credibility finding was proven inaccurate. Thus, it was not the State's "decision" to execute an open warrant that finally excluded F.G. from service; it was F.G.'s own decision to act without candor.

For these reasons, as well as those set forth in the State's petition for certification, the State respectfully requests that this Court grant the State's petition and ultimately reverse the Appellate Division's judgment.

Respectfully submitted,

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