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Attorney for Defendant

-----X SUPERIOR COURT OF NEW  
THE STATE OF NEW JERSEY, JERSEY, LAW DIVISION -  
ESSEX COUNTY

-against-

CRIMINAL DIVISION

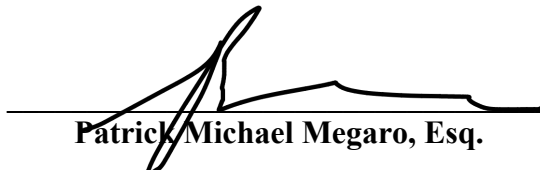
Indictment # 12-09-02358

ALTARIQ COURSEY,

Defendant.

-----X

**MEMORANDUM IN SUPPORT OF BAIL REDUCTION APPLICATION**

  
Patrick Michael Megaro, Esq.

AP Jamel Semper, Esq.  
Essex County Prosecutor  
50 West Market Street  
Newark, New Jersey 07102

Criminal Division Manager  
50 West Market Street  
Newark, New Jersey 07102

## **PRELIMINARY STATEMENT**

This memorandum is submitted in support of the Defendant's request for release on his own recognizance, or in the alternative, to set reasonable bail.

## **BACKGROUND OF CASE**

Defendant is charged in the instant Indictment with Count #1, Possession of a Controlled Dangerous Substance (cocaine), in violation of N.J.S.A. 2C:35-10a(1); Count # 2, Possession of a Controlled Dangerous Substance (5 ounces or more of cocaine) with Intent to Distribute in violation of N.J.S.A. 2C:35-5a(1), (b)((1); Count # 3, Possession of a Controlled Dangerous Substance with Intent to Distribute Within 1000 Feet of a School in violation of N.J.S.A. 2C:35-7, and Count # 5, Possession of Drug Paraphernalia with Intent to Distribute, in violation in violation of 2C:36-3.<sup>1</sup>

Defendant's case is currently pending before this Court following a successful petition for post-conviction relief, and is awaiting retrial.

## **APPLICABLE LAW**

The New Jersey Supreme Court has identified several factors for a court to consider in setting bail. Those factors are set forth in State v. Johnson, 61 N.J. 351 (1972), and include:

- (a) The seriousness of the crime, the likelihood of conviction, the extent of punishment prescribed for the crime;
- (b) The defendant's criminal record and prior history of bail jumping;
- (c) The defendant's reputation and mental condition;
- (d) The length of time defendant has resided in the community;

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<sup>1</sup> Defendant was acquitted at his 2013 trial of Counts # 4 and # 6, both of which were firearms offenses.

- (e) The defendant's family ties and relationships;
- (f) The defendant's employment history;
- (g) The defendant's financial condition;
- (h) Whether any responsible members of the community are willing to vouch for the defendant's reliability;
- (i) Any other factors showing the defendant's lifestyle, community ties or otherwise weighing on the defendant's likelihood of appearing and the general policy against unnecessary sureties and detention.

An examination of the factors militate in favor of the Defendant's release, or in the alternative, setting a low bail.

While the defense concedes that the offenses are serious and that Defendant has a prior criminal record, the defense submits that is outweighed by the other factors. It is worth noting that his last conviction occurred in Georgia in 2005 – approximately 13 years ago. His other convictions were from 1992 and 1997. Counsel is unaware of any bench warrant history, or any track record in failing to appear.

At his sentencing, Defendant submitted several letters of recommendation. These letters established that Defendant enjoys a solid reputation as a husband, father, and small business owner in the community. Indeed, many of these family members have appeared regularly in this Court to show support for the Defendant.

Defendant bought and sold used cars, and also earned a living managing rental properties that he and his wife owned until they were sold after Defendant's conviction in this case. He has maintained continuous employment since he finished school.

There is evidence before this Court that Defendant has strong ties to the community. Defendant has resided in New Jersey his entire life. He was raised in Newark, Essex

County, and almost everyone in his extended family reside in Essex County. Those family members include his brother and his brother's family who reside in Irvington, numerous cousins, aunts and uncles all reside in Newark and Irvington. Defendant is married and has two children, ages 21 and 16, both of whom reside with the Defendant and his wife in Edgewater Park, New Jersey. Defendant has resided at the same home with his family since 2004, which he and his wife own. Prior to that, Defendant lived with his family in Essex County.

### **FINANCIAL MEANS**

Defendant and his family are of modest means. Defendant's wife and extended family members are employed and ready, willing and able to post bail. Defendant's wife is employed full-time as a pharmacy data analyst, and earns a modest living. The marital home is valued at approximately \$215,000.00, with an outstanding mortgage obligation of approximately \$170,000.00. There is a limited amount of equity to post a bond, but more than sufficient. Defendant's family members have pledged assistance, as they rightfully believe that Defendant will continue to honor all obligations to return to Court promptly.

### **HISTORY OF HONORING BAIL ON THIS CASE**

In this case, the trial record establishes that Defendant voluntarily surrendered to the police, accompanied by counsel, on February 1, 2012 when he learned that he was being sought in connection with this case. He never attempted to flee the jurisdiction or evade the authorities.

After he was arrested, this Court set bail in the amount of \$150,000.00 bond only, which was posted on February 2, 2012 by the Defendant's family. Defendant remained at liberty on bond, making all court appearances on this case, until October 17, 2013, when

he was found guilty and bail was revoked. Since he already has a track record of honoring such obligations, there is no reason to believe that if Defendant were admitted to bail, he would not honor his obligation to return to court when directed to do so.

**CONCLUSION**

Based upon the foregoing, Defendant's substantial community ties, good character and respect in the community, combined with his track record in returning to court, entitle him to release, or in the alternative, bail.

**WHEREFORE**, based upon the foregoing, it is respectfully requested that this Court either release the Defendant on his own recognizance, or in the alternative, set a reasonable bail with a bond alternative consistent with the foregoing facts and circumstances.

Should this Court grant such relief, the Defendant understands that he must be amenable to this Courts mandates and directives.

Dated: August 15, 2018

  
PATRICK MICHAEL MEGARO


**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via United States Postal Service regular mail and by e-filing service on August 15, 2018 upon:

AP Jamel Semper, Esq.  
Essex County Prosecutor  
50 West Market Street  
Newark, New Jersey 07102

Criminal Division Manager  
50 West Market Street  
Newark, New Jersey 07102

Hon. Michael Ravin, J.S.C.  
Criminal Division Manager  
50 West Market Street  
Newark, New Jersey 07102

  
PATRICK MICHAEL MEGARO