

Patrick Michael Megaro, Esq.  
Halscott Megaro, P.A.  
33 East Robinson Street, Suite 210  
Orlando, Florida 32801  
(o) 407-255-2164  
(f) 855-224-1671  
pmegaro@halscottmegaro.com  
Florida Bar ID # 738913  
New Jersey Bar ID # 3634-2002  
New York Bar ID # 4094983  
North Carolina Bar ID # 46770  
Texas Bar ID # 24091024  
Washington Bar ID # 50050

-----X  
THE STATE OF NEW JERSEY,

-versus-

ALTARIQ COURSEY,

Defendant.

-----X

ESSEX COUNTY  
SUPERIOR COURT  
CRIMINAL DIVISION

**DEFENDANT'S REPLY BRIEF**

**PURSUANT TO RULE 3:22**

Indictment # 12-09-02358

Defendant, ALTARIQ COURSEY, by and through undersigned counsel, hereby replies to the State's letter brief submitted on January 3, 2017.

**ARGUMENT IN REPLY**

In the State's procedural history, it cited arbitrary areas it believed trial counsel's representation was proficient, and even described his cross examination as "astute." (State's brief p. 4). It did not mention that in opening statements, trial counsel ripped the Indictment in front of the jury in an attempt at histrionics only to be scolded by the trial court in front of the jury; called the State's expert a "marvelous expert;" did not speak with witnesses he called in advance of trial or review

documents he introduced; and argued facts not in evidence in summation leading the trial court to instruct the jury that as a matter of law, no such testimony existed. (See Defendant's Petition generally).

The State conceded that trial counsel's representation was insufficient. (State's brief p. 6, 8). The State argued Coursey failed to meet the second prong of Strickland because trial counsel's errors were not the "proximate cause" of Coursey's conviction. (State's brief p. 6). It argued the State's case was "overwhelming and incontrovertible." (State's brief p. 6).

To show prejudice, the Defendant must show there is "a 'reasonable probability' - a probability 'sufficient to undermine confidence in the outcome'- that the result of his trial would have been different had his counsel effectively represented him at trial." State v. Pierre, 223 N.J. 560, 588 (N.J. 2015) (citing Strickland v. Washington, 466 U.S. 668, 694 (1984)); State v. Fritz, 105 N.J. 42, 52 (1987). Not only did trial counsel conduct himself in such a way that destroyed his credibility, Coursey's credibility, and the credibility of his defense, but **he assisted the State in proving its case by introducing evidence to support the State's theory.**

The State's only theory was that Coursey resided at 90 Fuller Place and therefore the drugs found there belonged to him. In its letter brief, it argued the jurors reached a verdict of guilty

because they relied on documents found that belonged to Coursey and on Detective Meyers' observation of him at the residence. (State's brief p. 6-7). The State's brief does not mention that the Lexis/Nexis report that trial counsel introduced as evidence demonstrated that Coursey resided at 90 Fuller Place. Trial counsel elicited testimony from Meyers that the Lexis/Nexis search he conducted indicated that Coursey resided at 90 Fuller Place and even asked Meyers to read from the report. (3T:64-67). The State's supposed "overwhelming evidence" was circumstantial. The evidence trial counsel introduced to support the State's theory was the only direct evidence that Coursey resided at the house.

The State also argued that even though trial counsel was not aware of the contradiction between Tinney's testimony and the insurance quote, that evidence was not the proximate cause of the jury's verdict. Not only was trial counsel not aware of the contradiction, but he had never met Tinney prior to trial, and he had never even viewed the document. He had no idea what she would say or what the document contained. He did not have enough information to be aware of a possible contradiction prior to trial.

Tinney's testimony showed the jury that a twenty (20) year friend of Coursey, called to testify by the defense, was a liar and destroyed the Defense theory that his car was only at 90 Fuller Place temporarily. She testified that the car was left at the house so she could buy it, and she had already obtained quotes

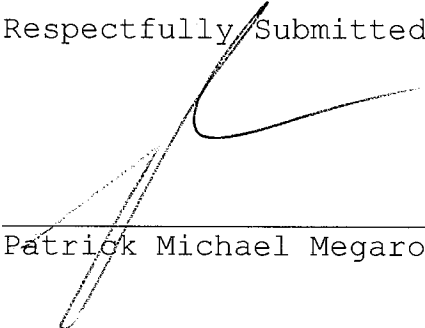
from Bolinger insurance, but she could not purchase the car because the police already had it impounded. (4T:15). The documents she brought to court were introduced by the prosecution to demonstrate she did not attempt to get the quotes until eleven (11) months after the car was seized by law enforcement. (4T:49). The documents proved she was a liar and showed the jury the Defense was willing to conjure up false evidence.

In its brief, the State argues the jury reached its verdict solely based upon Meyer's observations and the documents found in the residence. It did not account for the fact that trial counsel lied to the jury thereby destroying his own credibility, caused his own witness to get caught in a lie, extinguishing a Defense theory, and contributed evidence to support the State's theory.

Coursey was prejudiced and cheated out of a fair trial by his lawyer, the only person who was there to advocate for him. Trial counsel's poor representation would have resulted in a different outcome for Coursey. Based upon the foregoing reasons, Coursey urges this Court to reverse his convictions and grant him a new trial.

Dated: January 9 2017

Respectfully Submitted,



---

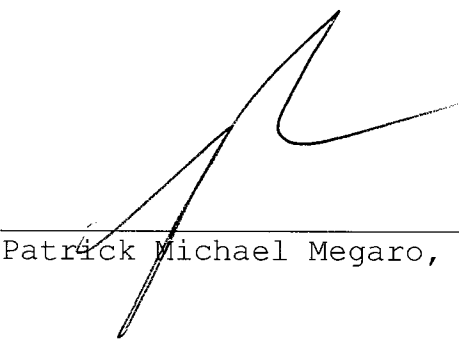
Patrick Michael Megaro, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that 2 copies of the foregoing Brief were served upon the following parties on January 9 2017, via United States Postal Service:

Essex County Prosecutor  
50 West Market Street  
Newark, New Jersey 07102

Theresa Angela Blair, Esq.  
Office of the Attorney General  
PO Box 080  
Trenton, New Jersey 08625-0080



---

Patrick Michael Megaro, Esq.