



Judgment of Conviction & Order for Commitment

Superior Court of New Jersey, MERCER County

State of New Jersey**v.**Last Name
DIALLOFirst Name
ELHAJJMALMiddle Name
M

Also Known As

Date of Birth
07/25/2002SBI Number
9149816Date(s) of Offense
11/07/2021

Date of Arrest

PROMIS Number
22 000831-001Date Ind / Acc / Complt Filed
05/04/2023

Original Plea

☐ Not Guilty☐ Guilty

Date of Original Plea

Adjudication By



Guilty Plea



Jury Trial Verdict



Non-Jury Trial Verdict



Dismissed / Acquitted

Date: 05/15/2023

☐ Sealed (N.J.S.A. 2C:52-5.2)

Original Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
23-05-00523-I	1	CONSPIRACY - AGREE/ENGAGE IN CONDUCT CONSTITUTE A CRIME	2C:5-2A(1)	3
		THEFT BY UNLAWFUL TAKING/DISPOSITION-MOVEABLE PROPERTY	2C:20-3A	
23-05-00523-I	2	THEFT BY UNLAWFL TAKNG-MOVABLE PROP VAL \$500-\$74999 ETC	2C:20-3A	3
23-05-00523-I	3	EMPLOYING JUVENILE IN COMM OF CRIME-3RD DEGREE CRIME	2C:24-9A	2
23-05-00523-I	4	CONSPIRACY - AGREE/ENGAGE IN CONDUCT CONSTITUTE A CRIME	2C:5-2A(1)	3
		BURGLARY-ENTERING STRUCTURE ETC.	2C:18-2A(1)	
23-05-00523-I	5	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3
(Cont...)				

Final Charges

Ind / Acc / Complt	Count	Description	Statute	Degree
23-05-00523-I	5	BURGLARY-ENTERING STRUCTURE ETC-NO BI/UNARMED	2C:18-2A(1)	3

Sentencing Statement

It is, therefore, on 07/21/2023 **ORDERED** and **ADJUDGED** that the defendant is sentenced as follows:

Count 5, 3rd Degree - The defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period of THREE (3) YEARS FLAT.

Defendant is to submit to DNA Testing.

This sentence is to run concurrent to the sentence imposed on 23-05-000157-A; and, concurrent to any sentences imposed in Middlesex, Essex, Bergen, and Ocean counties.

All fines and penalties are collectible through the Department of Corrections.

Any/all remaining counts/charges are dismissed.

☐ It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Total Custodial Term
003 Years 00 Months 000 DaysInstitution Name
CARE COMMISS/CORRTotal Probation Term
00 Years 00 Months

DEDR (N.J.S.A. 2C:35-15 and 2C:35-5.11)		Additional Conditions																			
A mandatory Drug Enforcement and Demand Reduction (DEDR) penalty is imposed for each count. (Write in number of counts for each degree.) ☐ DEDR penalty reduction granted (N.J.S.A. 2C:35-15a(2)) <table style="width:100%;"> <tr> <th style="width:30%;"></th> <th style="width:30%; text-align: center;">Standard</th> <th style="width:30%; text-align: center;">Doubled</th> </tr> <tr> <td>1st Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>2nd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>3rd Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>4th Degree</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> </tr> <tr> <td>DP or Petty DP</td> <td style="text-align: center;">_____ @ \$</td> <td style="text-align: center;">_____ @ \$</td> </tr> </table> Total DEDR Penalty \$ _____ ☐ The court further ORDERS that collection of the DEDR penalty be suspended upon defendant's entry into a residential drug program for the term of the program. (N.J.S.A. 2C:35-15e)			Standard	Doubled	1st Degree	_____ @ \$	_____ @ \$	2nd Degree	_____ @ \$	_____ @ \$	3rd Degree	_____ @ \$	_____ @ \$	4th Degree	_____ @ \$	_____ @ \$	DP or Petty DP	_____ @ \$	_____ @ \$	☒ The defendant is hereby ordered to provide a DNA sample and ordered to pay the costs for testing of the sample provided (N.J.S.A. 53:1-20.20 and N.J.S.A. 53:1-20.29). ☐ The defendant is hereby sentenced to community supervision for life (CSL) if offense occurred before 1/14/04 (N.J.S.A. 2C:43-6.4). ☐ The defendant is hereby sentenced to parole supervision for life (PSL) if offense occurred on or after 1/14/04 (N.J.S.A. 2C:43-6.4). ☐ The defendant is hereby ordered to serve a _____ year term of parole supervision, pursuant to the No Early Release Act (NERA), which term shall begin as soon as the defendant completes the sentence of incarceration (N.J.S.A. 2C:43-7.2). ☐ The court imposes a Drug Offender Restraining Order (DORO) (N.J.S.A. 2C:35-5.7h). DORO expires _____ ☐ The court continues/imposes a Sex Offender Restraining Order (SORO) if the offense occurred on or after 8/7/07 (Nicole's Law N.J.S.A. 2C:14-12 or N.J.S.A. 2C:44-8). ☐ The court imposes a Stalking Restraining Order (N.J.S.A. 2C:12-10.1). ☐ The defendant is prohibited from purchasing, owning, possessing, or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun (N.J.S.A. 2C:25-27c(1)).	
	Standard	Doubled																			
1st Degree	_____ @ \$	_____ @ \$																			
2nd Degree	_____ @ \$	_____ @ \$																			
3rd Degree	_____ @ \$	_____ @ \$																			
4th Degree	_____ @ \$	_____ @ \$																			
DP or Petty DP	_____ @ \$	_____ @ \$																			
Forensic Laboratory Fee (N.J.S.A. 2C:35-20) _____ Offenses @ \$ _____		Total Lab Fee \$ _____																			
VCCO Assessment (N.J.S.A. 2C:43-3.1)																					
Counts	Number	Amount																			
5	1 @	\$ 50.00																			
	@	\$																			
	@	\$																			
	@	\$																			
Total VCCO Assessment \$		50.00																			
Vehicle Theft / Unlawful Taking Penalty (N.J.S.A. 2C:20-2.1)																					
Offense		Mandatory Penalty \$ _____																			
Offense Based Penalties																					
Penalty		Amount \$ _____																			
Other Fees and Penalties																					
Law Enforcement Officers Training and Equipment Fund Penalty (N.J.S.A. 2C:43-3.3) ☒ \$ 30.00		Safe Neighborhoods Services Fund Assessment (N.J.S.A. 2C:43-3.2) ☒ 1 Offenses @ \$ 75.00 Total: \$ 75.00																			
Probation Supervision Fee (N.J.S.A. 2C:45-1d) ☐ \$ _____		Statewide Sexual Assault Nurse Examiner Program Penalty (N.J.S.A. 2C:43-3.6) ☐ _____ Offenses @ \$ _____ Total \$ _____																			
Transaction Fee (N.J.S.A. 2C:46-1.1) ☐ _____																					
Domestic Violence Offender Surcharge (N.J.S.A. 2C:25-29.4) ☐ \$ _____		Certain Sexual Offenders Surcharge (N.J.S.A. 2C:43-3.7) ☐ \$ _____																			
Fine \$ _____		Sex Crime Victim Treatment Fund Penalty (N.J.S.A. 2C:14-10) ☐ \$ _____																			
Restitution Joint & Several \$ _____ ☐		Total Financial Obligation \$ 155.00																			
☐ Entry of Civil Judgment for court-ordered financial assessment (N.J.S.A. 2C:52-5.2)																					
Details																					
Findings Per N.J.S.A. 2C:47-3																					
☐ The court finds that the defendant's conduct was characterized by a pattern of repetitive and compulsive behavior. ☐ The court finds that the defendant is amenable to sex offender treatment. ☐ The court finds that the defendant is willing to participate in sex offender treatment.																					
License Suspension																					
☐ CDS / Paraphernalia (N.J.S.A. 2C:35-16) ☐ Waived ☐ Auto Theft / Unlawful Taking (N.J.S.A. 2C:20-2.1) ☐ Eluding (N.J.S.A. 2C:29-2) ☐ Other																					
Number of Months		☐ Non-resident driving privileges revoked																			
Start Date		End Date																			
Details																					
Driver's License Number		Jurisdiction																			
If the court is unable to collect the license, complete the following: Defendant's Address																					
City		State	Zip																		
Date of Birth	Sex	Eye Color																			
	☐ M ☐ F																				

[illegible]

AGGRAVATING FACTORS

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3. The risk that the defendant will commit another offense.

6. The extent of the defendant's prior criminal record and the seriousness of the offenses of which he/she has been convicted.

9. The need for deterring the defendant and others from violating the law.

MITIGATING FACTORS

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14. The defendant was under 26 years of age at the time of the commission of the offense.

The Court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors.

This was a negotiated plea agreement between the prosecutor and the defendant. The Court finds the negotiated sentence to be within the authorized range and in accordance with the law. To be fair and in the interests of justice, the Court will impose the recommended sentence in accordance with the plea agreement. Reasons for sentence weighed and stated on the record.

Attorney for Defendant at Sentencing JACQUELIN A HIGUERUELA	Public Defender ☒ Yes ☐ No
Prosecutor at Sentencing LAURA KOTARBA	Deputy Attorney General ☐ Yes ☒ No
Judge at Sentencing Robert Lytle	
Judge (Signature) /s Robert Lytle	Date 08/15/2023

Continuation

ORIGINAL CHARGES (Cont.)

Ind / Acc / Compl	Count	Description	Statute	Degree
23-05-00523-I	6	EMPLOYING JUVENILE IN COMM OF CRIME-3RD DEGREE CRIME	2C:24-9A	2