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August 26, 2025

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

Re: State v. Jakil Bryant
Docket No. 090910

Your Honors:

Please accept this letter on behalf of defendant-respondent Jakil Bryant in opposition to the State's petition for certification. Mr. Bryant relies on his appellate briefs and the opinion of the Appellate Division. The State is seeking review of the Appellate Division's well-reasoned opinion, applying well-established law, holding that exigent circumstances did not exist to justify the warrantless search of a backpack that was locked inside a police car. Mr. Bryant urges this Court to deny the State's petition as it does not meet any of the grounds for certification under Rule 2:12-4.

Moreover, the petition should be denied for an additional reason. Although the Appellate Division correctly held that there were no exigent

circumstances present in this case, the Appellate Division left undecided several critical issues that would obviate any need to reach the question of exigent circumstances. Namely, as argued in Mr. Bryant's Appellate Division brief and reply, the police here arrested the car's passenger when they approached her at gunpoint, ordered her to stop, handcuffed her behind her back, seized her backpack, and locked her – still handcuffed – in the back of a police car. This arrest was wholly illegal because it was not supported by probable cause; police had no idea who this passenger was and had no reason to suspect her of any criminal activity. The passenger's statement – made while she was handcuffed and locked inside a police car – that the backpack contained a weapon was a fruit of her illegal arrest. That statement was the sole basis for any probable cause to search the backpack.

Exigent circumstances alone are insufficient to justify a warrantless search; police need both probable cause and exigency. This Court should deny the State's petition because the Appellate Division's ruling on exigency is a correct application of well-established law. However, if this Court disagrees, then it should remand to the Appellate Division to decide the necessary predicate issues of the legality of the passenger's arrest and whether police had probable cause that the backpack contained a weapon. The resolution of those key issues could obviate any need to address the existence of exigent circumstances. In

sum, the petition should be denied, or in the alternative, the matter remanded to the Appellate Division.

Respectfully submitted,

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