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LETTER IN LIEU OF FORMAL PETITION FOR CERTIFICATION

ON BEHALF OF DEFENDANT - PETITIONER

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

Re: State v Dana Kearney
Supreme Court Docket No.
App. Div. Docket No. A- 2638-22

Honorable Chief Justice and Associate Justices:

This letter is submitted in lieu of a formal petition for certification resulting from the Appellate Division opinion dated September 18, 2024, which affirmed the denial of defendant's petition for post-conviction relief.

Defendant relies upon his Appellate Division brief and appendix.

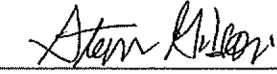
As the Appellate Division noted at page 8 of its opinion:

His specific claim that his trial counsel was per se compromised because a prosecution witness paid his defense counsel's fees has not previously been the subject of a published opinion in our State.

Now is the time for the New Jersey Supreme Court to address this novel issue.

Respectfully submitted,

JENNIFER N. SELLITTI
Public Defender
Attorney for Defendant-
Petitioner
BY:


STEVEN M. GILSON
Designated Counsel

CERTIFICATION

I certify that this petition presents substantial questions and is filed in good faith and not for purposes of delay.

Dated: September 20, 2024


STEVEN M. GILSON
Designated Counsel