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June 23, 2025

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

Re: State v. French G. Lee
Docket No. 090662

Your Honors:

Please accept this letter in lieu of a more formal opposition to the State's petition for certification.

There is no need to review the Appellate Division's decision reversing Mr. Lee's convictions. Mr. Lee received six years in prison for the crime of entering the open window of a closed pizzeria and taking \$168 in change. Mr. Lee served over two years in prison for that crime before the Appellate Division reversed his convictions due to three separate issues that fatally undermined the fairness of his trial. The case should end here.

The Appellate Division's understanding that the State needs to prove the reliability of any forensic evidence, rather than having the courts merely

assume it, was correct. To be clear, there has never been a testimonial hearing about the reliability of fingerprint evidence in New Jersey. Determining the reliability of evidence the State uses at trial through such a hearing is not a waste of taxpayer money, as the State argues. To the contrary, it is more fiscally prudent course of action, given the expense of incarcerating people for years based on such evidence. And that's all the Appellate Division required in this case: for the proponent of the evidence to prove its reliability.

However, as an unpublished decision, State v. Lee will be sending no reverberations throughout the State. And given the number of errors identified by the Appellate Division, Mr. Lee's convictions would not stand even if this Court did review his case. Mr. Lee should not have to suffer the uncertainty and anxiety of this ongoing case just so this Court can review the sound, non-precedential decision of the Appellate Division. The State's petition for certification should be denied.

Respectfully submitted,

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