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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0347-16T4

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

MICHAEL S. HETZEL,

Defendant-Appellant.

Submitted June 6, 2017 – Decided July 18, 2017

Before Judges Fisher and Vernoia.

On appeal from the Superior Court of New
Jersey, Law Division, Atlantic County,
Indictment No. 14-05-1100.

Joseph E. Krakora, Public Defender, attorney
for appellant (Lon Taylor, Assistant Deputy
Public Defender, of counsel and on the brief).

Christopher S. Porrino, Attorney General,
attorney for respondent (Arielle E. Katz,
Deputy Attorney General, of counsel and on the
brief).

PER CURIAM

Defendant appeals the sentence imposed by the court following
his entry of guilty pleas to second-degree robbery, N.J.S.A. 2C:15-
1(a)(2), and second-degree unlawful possession of a handgun,

N.J.S.A. 2C:39-5(b). More particularly, defendant challenges the court's denial of his request for the award of jail credits for time he spent while released from pretrial custody in the Home Electronic Detention System (HEDS) program administered by the Atlantic County Justice Facility (ACJF).¹ We affirm.

Defendant was arrested in April 2014 for crimes arising from a bank robbery. He was in custody in the ACJF from April 11, 2014, to April 17, 2015, and again on May 4, 2015. On May 4, 2015, he was released from custody and placed in the HEDS program.

While in the program, defendant was subject to home confinement and electronic monitoring. He was allowed to visit his son at a hospital in Pennsylvania and at two rehabilitation facilities in New Jersey, and travel to his attorney's offices and any recommended treatment facilities. He was also permitted to seek employment and attend his court appearances.

On March 22, 2016, defendant pleaded guilty to second-degree robbery and unlawful possession of a handgun. Prior to his sentencing, he filed a motion requesting an award of jail credits for the time he spent in the HEDS program. Judge Michael J. Donohue

¹ The Atlantic County Justice Facility is otherwise known as the Atlantic County jail and is administered by the Atlantic County Department of Public Safety.

heard argument on the motion and issued a written decision and order denying defendant's request for the jail credits.

A few weeks later, defendant was sentenced to four years on the second-degree robbery charge² subject to the requirements of the No Early Release Act, N.J.S.A. 2C:43-7.2, and a concurrent term of five years for second-degree unlawful possession of a handgun with a three and one-half year parole ineligibility period under the Graves Act, N.J.S.A. 2C:43-6.2. The court did not award defendant jail credits for time spent in the HEDS program. This appeal followed.

On appeal, defendant argues:

POINT I

THE DENIAL OF JAIL CREDITS TO [DEFENDANT] FOR OVER A YEAR OF CONFINEMENT TO HIS RESIDENCE ON A PRE-TRIAL HOME ELECTRONIC DETENTION SYSTEM ("HEDS" PROGRAM) WAS ERRONEOUS SINCE THE CONFINEMENT WAS MORE AKIN TO JAIL THAN OTHER PRE-TRIAL CONDITIONAL RELEASES.

We find defendant's argument is without sufficient merit to warrant discussion in a written opinion, R. 2:11-3(e)(2), and affirm substantially for the reasons expressed in Judge Donohue's comprehensive and well-reasoned written opinion.

Affirmed.

² In accordance with the plea agreement, defendant was sentenced on his second-degree robbery conviction to a term appropriate for a third-degree offense. See N.J.S.A. 2C:44-1(f)(2).

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION