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APPROVAL OF THE APPELLATE DIVISION**

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-0671-16T1

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

LAWRENCE BROWN,

Defendant-Appellant.

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Submitted November 29, 2017 — Decided December 18, 2017

Before Judges Koblitz and Manahan.

On appeal from Superior Court of New Jersey,  
Law Division, Hudson County, Indictment Nos.  
11-09-1558 and 11-10-1686.

Joseph E. Krakora, Public Defender, attorney  
for appellant (Monique Moyse, Designated  
Counsel, on the brief).

Esther Suarez, Hudson County Prosecutor,  
attorney for respondent (Frances Tapia Mateo,  
Assistant Prosecutor, on the brief).

PER CURIAM

Defendant Lawrence Brown appeals from the June 29, 2016 order  
denying his petition for post-conviction relief (PCR) after a two-

day evidentiary hearing. We affirm substantially for the reasons expressed in Judge Mark J. Nelson's written opinion.

Defendant pled guilty to two counts of first-degree robbery, N.J.S.A. 2C:15-1. In accordance with his plea agreement, he was sentenced on April 26, 2013, to two terms of thirteen years in prison with an eighty-five percent parole disqualifier pursuant to the No Early Release Act, N.J.S.A. 2C:43-7.2. Those sentences were to be served concurrent to each other and to a federal sentence defendant was then serving. New Jersey filed a detainer against defendant in the federal prison, which he asserts restricts the conditions of his federal incarceration. Defendant claimed in his PCR petition that his plea counsel had promised him he would serve his sentence in the state prison system.

Both defendant, who appeared telephonically, and plea counsel testified at the PCR hearing. Plea counsel testified that, after extensive consultation with federal defense counsel, defendant was sentenced in federal court first to ensure that the state sentences were served concurrent to the federal sentence. Judge Nelson found credible plea counsel's sworn testimony that he did not tell defendant he would serve his sentence in state prison. The judge did not find defendant's contrary testimony to be believable.


Defendant argues on appeal:

MR. BROWN IS ENTITLED TO RELIEF ON HIS CLAIM  
THAT HIS ATTORNEY RENDERED INEFFECTIVE  
ASSISTANCE OF COUNSEL.

"Appellate courts should defer to trial courts' credibility findings that are often influenced by matters such as observations of the character and demeanor of witnesses and common human experience that are not transmitted by the record." State v. Locurto, 157 N.J. 463, 474 (1999). In reviewing claims of ineffectiveness, courts apply a strong presumption that defense counsel "rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Strickland v. Washington, 466 U.S. 668, 690 (1984). Judge Nelson's findings are well-supported by the record as well as his thoughtful opinion.

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION