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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-2516-15T1

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

IBN MALIK RICKETT,

Defendant-Appellant.

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Argued October 11, 2017 — Decided December 28, 2017

Before Judges Fuentes and Manahan.

On appeal from Superior Court of New Jersey,  
Law Division, Atlantic County, Indictment No.  
13-12-3176.

Joshua D. Sanders, Assistant Deputy Public  
Defender, argued the cause for appellant  
(Joseph E. Krakora, Public Defender, attorney;  
Amira Scurato, of counsel and on the brief).

Jennifer E. Kmiecik, Deputy Attorney General,  
argued the cause for respondent (Christopher  
S. Porrino, Attorney General, attorney;  
Jennifer E. Kmiecik, of counsel and on the  
brief).

PER CURIAM

Defendant Ibn Malik Rickett was indicted by an Atlantic County Grand Jury on December 10, 2013 and charged with second degree unlawful possession of a firearm, N.J.S.A. 2C:39-5(b), fourth degree possession of a defaced firearm, N.J.S.A. 2C:39-3(d), and third degree receiving stolen property, N.J.S.A. 2C:20-7. On April 21, 2014, defendant pled guilty to second degree unlawful possession of a firearm, a Graves Act offense,<sup>1</sup> and the State agreed to dismiss the remaining charges. On July 11, 2014, the court sentenced defendant to a term of five years, with three and one half years of parole ineligibility. Defendant appealed his sentence under the summary proceedings codified in Rule 2:9-11. This court affirmed defendant's sentence, including "the trial court's order denying defendant's appeal from the prosecutor's denial of a Graves Act waiver[.]" State v. IBN Rickett, Docket No. A-5943-13 (App. Div. Jan. 13, 2015).

On September 14, 2015, defendant moved to withdraw his guilty plea, arguing he was entitled to immunity under the gun amnesty

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<sup>1</sup> Pursuant to the Graves Act, N.J.S.A. 2C:43-6(c), any person convicted of unlawful possession of a firearm under N.J.S.A. 2C:39-5(b), shall be sentenced to a term of imprisonment. The Graves Act also requires that the term of imprisonment shall include a minimum term of parole ineligibility of one-third to one-half of the sentence imposed by the court or three years, whichever is greater. Ibid. Here, the prosecutor rejected defendant's petition for a waiver of the mandatory minimum sentence. See N.J.S.A. 2C:43-6.2.

law enacted in 2013. L. 2013, c. 117. This law enabled people to dispose of guns they possessed illegally "for a period of not more than 180 days from the effective date of the act." L. 2013, c. 117. Judge Bernard E. DeLury denied defendant's motion in a comprehensive and well-written letter-opinion dated December 10, 2015.

Defendant now appeals raising the following arguments:

POINT I

MR. RICKETT WAS CONVICTED OF CONDUCT THAT DID NOT CONSTITUTE A CRIME AT THE TIME, THUS HIS CONVICTION IS ILLEGAL AND SHOULD BE VACATED.

A. The Plain Language of the Amnesty Law Establishes that Defendant Committed No Crime on October 9, 2013.

B. Mr. Rickett was Precluded from Complying with the Terms of the Amnesty Law Following his Unlawful Arrest on October 9, 2013.

We reject these arguments and affirm substantially for the reasons expressed by the Supreme Court in State v. Harper, 229 N.J. 228 (2017).

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION