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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-2777-14T2

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

JOSE CARRANZA, a/k/a
JOSE LACHIRA,

Defendant-Appellant.

Submitted February 9, 2017 – Decided April 17, 2017

Before Judges Lihotz and Whipple.

On appeal from Superior Court of New Jersey,
Law Division, Essex County, Indictment No. 08-
09-2688.

Joseph E. Krakora, Public Defender, attorney
for appellant (Michele C. Buckley, Designated
Counsel, on the brief).

Carolyn A. Murray, Acting Essex County
Prosecutor, attorney for respondent (Jane
Deaterly Plaisted, Special Deputy Attorney
General/Acting Assistant Prosecutor, of
counsel and on the brief).

PER CURIAM

Defendant Jose Carranza appeals from an October 22, 2014 Law Division order denying his petition for post-conviction relief (PCR). On appeal, defendant argues:

POINT I.

THE PCR COURT IMPROPERLY DENIED MR. CARRANZA'S PETITION FOR POST-CONVICTION RELIEF SINCE MR. CARRANZA HAD ESTABLISHED THAT HE DID NOT RECEIVE EFFECTIVE ASSISTANCE AT TRIAL.

A. Counsel improperly coerced, and used family members to pressure, Mr. Carranza to not testify at trial in violation of his Sixth Amendment right to testify in his own defense.

B. Trial counsel failed to adequately investigate or prepare for trial where counsel failed to use an interpreter when meeting Mr. Carranza.

POINT II.

MR. CARRANZA DID NOT RECEIVE EFFECTIVE ASSISTANCE OF APPELLATE COUNSEL WHERE COUNSEL FAILED TO CHALLENGE THE EXCESSIVE CONSECUTIVE SENTENCE GIVEN IN THIS CASE. (Not raised below).

Following review of the pleadings and arguments advanced, in light of the record and applicable law, we affirm substantially for the reasons recited in the October 22, 2014 written opinion of Judge Michael L. Ravin.

Tried by a jury, defendant was convicted of numerous offenses, including four counts of robbery and three counts of felony murder in the schoolyard shooting deaths of three Newark college students,

for which he was sentenced to an aggregate term of 155 years. In an unpublished opinion, this court affirmed defendant's convictions and sentence. State v. Carranza, No. A-4139-11 (App. Div. Nov. 6, 2013). Defendant's timely PCR petition was denied, following an evidentiary hearing held on August 20, 2014. This court granted defendant's motion to file appeal as within time on February 26, 2015.

Defendant maintains Judge Ravin, who also served as the trial judge, erroneously denied his PCR petition, which he believes established he received ineffective assistance of trial counsel. Defendant admitted he was at the scene of the murders, but did not participate in any crimes. At trial, defendant initially told the judge he wanted to testify and agrees counsel explained the "pros and cons of testifying." The issue was not finalized that day. The following day, counsel explained defendant's position changed and he decided not to testify.

In his PCR petition, defendant suggests "by using his family," particularly his mother, counsel "coerced" him to refrain from testifying on his own behalf. Defendant also argues counsel "did not adequately investigate" or properly use an interpreter to fully prepare his defense.

As recited in Judge Ravin's opinion, the record belies defendant's contentions, which we conclude lack merit. R. 2:11-

3(e)(2). At trial, questioned by counsel on his decision whether to testify, defendant stated after thinking about the issue and speaking with his family, he decided against taking the stand. Judge Ravin engaged in further inquiry with defendant on his change of heart. In that colloquy, defendant repeatedly stated no one forced or coerced him to change his mind, stating, he "took some time" and "made [his] own choice." Moreover, the judge found defendant's testimony presented during the evidentiary hearing incredible. Defendant testified he lied at trial when examined regarding his decision not to testify and when he stated counsel fully informed him and provided him with copies of the State's evidence against him.


Also testifying was defense counsel. He related his legal advice on whether defendant should testify and stated he counseled defendant the State's evidence supported defendant's involvement in the crimes, and would be used to impeach defendant if he took the stand. Judge Ravin found defense counsel's testimony, as to the developed defense, his trial preparation, and strategy, credible.

Following our review, we find no error. Judge Ravin grounded his factual findings on substantial, credible evidence from the trial and evidentiary hearing records. Further, he properly

recited and applied the law. We have no reason to interfere with the October 22, 2014 order.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION