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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-3668-14T3

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

FUQUAN KHALIF,

Defendant-Appellant.

Argued telephonically June 1, 2017 –
Decided June 28, 2017

Before Judges Alvarez and Manahan.

On appeal from the Superior Court of New
Jersey, Law Division, Essex County, Indictment
No. 91-01-0437.

Fuquan Khalif, appellant, argued the cause pro
se.

Arielle E. Katz, Deputy Attorney General,
argued the cause for respondent (Christopher
S. Porrino, Attorney General, attorney; Daniel
I. Bornstein, Deputy Attorney General, of
counsel and on the brief).

PER CURIAM

Defendant Fuquan Khalif appeals from an order denying a motion
to correct an illegal sentence. On appeal, defendant raises the
following arguments:

POINT I

PCR COUNSEL WAS INEFFECTIVE WHEN [THROUGHOUT] THE ENTIRE APPEAL PROCESS[] HE NEVER WAS AVAILABLE TO ASSIST WITH ANY OF THE [DEFENDANT'S] DEFENSE.

POINT II

THE PCR COURT COMMITTED PLAIN ERROR WHEN IT PROCEDURALLY BARRED [DEFENDANT'S] MOTION TO CORRECT AN ILLEGAL SENTENCE [] SIMPLY BECAUSE [DEFENDANT] ATTACKED OTHER PARTS OF HIS SENTENCE THAT WERE "ILLEGAL"[] IN VIOLATION OF HIS RIGHTS UNDER THE FOURTEENTH AMENDMENT OF DUE PROCESS OF THE LAW.

Defendant further raises the following points in his reply brief:

POINT I

THE STATE'S CONTENTION TO BAR [DEFENDANT] UNDER R. 3:22-5 WOULD BE TO FURTHER VIOLATE HIS XIV AMENDEMENT AND ABDICATE THE COURT'S RESPONSIBILITY TO UPHOLD THE CONSTITUTION.

POINT II

THE SENTENCING COURT COMMITTED "PLAIN ERROR" WHEN IT DID NOT PRODUCE THE DEFENDANT FOR AN ORDERED REMAND IN 1995 ALSO IN VIOLATION OF R. 3:16.

POINT III

IN REPLY TO POINT II OF THE STATE'S BRIEF ON [INEFFECTIVE] ASSISTANCE OF COUNSEL.

POINT IV

THE SENTENCING COURT COMMITTED "PLAIN ERROR" WHEN IT VIOLATE[D] THE STANDING LAW OF EX POST FACTO, BY (1) HAVING A "HEARING"[] (2) BY

SENTENCING [DEFENDANT] TO ANY EXTENDED TERMS
UNDER A NEW STATUTE.

We have considered the arguments raised by defendant in light of the record, the extensive procedural history, including prior challenges to his sentence, and the written decision dated February 25, 2015, of Judge Alfonse J. Cifelli, and conclude the arguments lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(2).

This is defendant's fifth appeal stemming from his conviction. Suffice it to state, on May 8, 1992, defendant was sentenced to life imprisonment plus forty years subject to a fifty-year parole disqualifier as a result of guilty verdicts rendered by a jury on charges of first-degree attempted murder, second-degree burglary, second-degree aggravated assault, second-degree possession of a weapon for an unlawful purpose, and murder. His convictions were affirmed, State v. Khalif, No. A-0553-92 (App. Div. Jan. 23, 1995), and certification was denied April 27, 1995. State v. Khalif, 140 N.J. 327 (1995). Defendant subsequently filed five unsuccessful petitions for PCR. The Law Division denied each petition for PCR, and we affirmed.¹

¹ On November 12, 2014, defendant filed the subject motion to correct an illegal sentence, which he alternatively referenced as a PCR.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION