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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-5638-14T1

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

SEAN TALIAFERRO,

Defendant-Appellant.

Submitted January 19, 2017 – Decided September 13, 2017

Before Judges Fuentes and Simonelli.

On appeal from Superior Court of New Jersey,
Law Division, Atlantic County, Indictment No.
05-09-2009.

Sean Taliaferro, appellant pro se.

Christopher S. Porrino, Attorney General,
attorney for respondent (Garima Joshi, Deputy
Attorney General, of counsel and on the
brief).

PER CURIAM

Defendant Sean Taliaferro appeals the May 5, 2015 order of
the Criminal Part denying his pro se motion to correct an illegal

sentence which was imposed by the trial court on August 8, 2008. We affirm.

Defendant was tried before a jury on February 15 and 16, 2006, and convicted of second degree robbery, N.J.S.A. 2C:15-1, third degree receiving stolen property, N.J.S.A. 2C:20-7, and third degree eluding, N.J.S.A. 2C:29-2b. On March 31, 2006, the trial court sentenced defendant to an extended term of seventeen years on the robbery conviction, with an eighty-five percent period of parole ineligibility and five years of parole supervision pursuant to the No Early Release Act, N.J.S.A. 2C:43-7.2. The court imposed a term of five years, with two-and-one-half years of parole ineligibility on the convictions for receiving stolen property and eluding, to run concurrent to each other but consecutive to the seventeen-year term imposed on the robbery.

We affirmed defendant's conviction on direct appeal, but remanded for the trial court to resentence because, in imposing the extended term on the second degree robbery conviction, the judge failed to follow the sentencing procedures set forth in State v. Pierce, 188 N.J. 155, 169 (2006) and State v. Natale, 184 N.J. 458, 466 (2005). State v. Taliaferro, No. A-6012-05 (App. Div. Jan. 11, 2008) (slip op. at 26-28). Specifically, the judge "made no reference and gave no consideration to the bottom of the original term range[.]" Id. at 27. The Supreme Court thereafter

denied defendant's petition for certification. State v. Taliaferro, 195 N.J. 419 (2008).

On August 8, 2008, the trial court followed the procedural guidelines established by the Court in Pierce and Natale and imposed the same sentence. On September 11, 2008, defendant filed a post-conviction (PCR) petition. The PCR court assigned counsel to represent defendant and permitted defendant to file a pro se supplemental brief. Defendant claimed he was denied the effective assistance of counsel both at trial and in his subsequent appeal. On June 25, 2009, the PCR judge found no grounds for relief and denied defendant's petition. In response to defendant's appeal, we affirmed the denial of his PCR petition. After reviewing the record, we concluded that "none of defendant's attorneys was ineffective in his defense." State v. Taliaferro, No. A-2055-09 (App. Div. Feb. 4, 2011) (slip op. at 11). The Supreme Court denied defendant's petition for certification. State v. Taliaferro, 207 N.J. 35 (2011).

The United States District Court of New Jersey thereafter denied defendant's petition for habeas corpus relief. Taliaferro v. Balicki, Civ. No. 11-4714 (D.N.J. Oct. 7, 2013). On June 29, 2014, the Criminal Part denied defendant's pro se motion for a new trial based on alleged newly discovered evidence. We affirmed the Criminal Part's order. State v. Taliaferro, No. A-3056-12

(App. Div. Dec. 5, 2014) (slip op at 12). The Supreme Court denied defendant's petition for certification. State v. Taliaferro, 222 N.J. 15 (2015).

In this appeal, defendant challenges the May 5, 2015 order entered by Judge Bernard E. DeLury, Jr., which denied his pro se motion to correct an illegal sentence. We will not recite the facts that led to defendant's conviction. Instead, we incorporate by reference the factual recitation included in our previous unpublished opinions mentioned herein. Here, defendant raises the following argument.

POINT ONE

TRIAL COURT ERRED WHEN IT DENIED DEFENDANT'S
MOTION TO CORRECT AN ILLEGAL EXTENDED TERM
SENTENCE.

Defendant's argument lacks sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(2). We affirm substantially for the reasons expressed by Judge DeLury in his letter-opinion dated May 5, 2015.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION