

**NOT FOR PUBLICATION WITHOUT THE  
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-2944-15T4

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

CARLOS ALVES,

Defendant-Appellant.

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Submitted October 18, 2017 – Decided March 12, 2018

Before Judges Fuentes and Koblitz.

On appeal from Superior Court of New Jersey,  
Law Division, Essex County, Indictment No.  
99-10-03250.

Carlos Alves, appellant pro se.

Robert D. Laurino, Acting Essex County  
Prosecutor, attorney for respondent (LeeAnn  
Cunningham, Special Deputy Attorney General/  
Acting Assistant Prosecutor, on the brief).

PER CURIAM

Defendant Carlos Alves was tried before a jury and convicted  
of murder, N.J.S.A. 2C:11-3(a)(1). On March 16, 2001, the trial  
court sentenced defendant to a term of thirty years imprisonment

without parole. On direct appeal, this court affirmed defendant's conviction and sentence. State v. Alves, No. A-4355-00 (App. Div. 2003). The Supreme Court denied defendant's petition for certification. State v. Alves, 178 N.J. 455 (2004).

On November 17, 2015, defendant filed a pro se motion in the Law Division, Criminal Part, seeking reversal of his conviction. Judge Alfonse J. Cifelli denied defendant's motion in a letter-opinion dated December 24, 2015. As Judge Cifelli explained, defendant's motion is procedurally barred pursuant to Rule 3:22-5 because the claims of alleged legal errors committed by the trial judge were previously considered and rejected by this court on direct appeal.

Defendant now appeals from Judge Cifelli's decision raising the following arguments:

POINT I

THE COURT CONFUSED THE MOTION TO SUPPRESS INVESTIGATION STATEMENT WITH DEFENDANT'S ARGUMENT OF VIOLATION OF THE CODE OF PROFESSIONAL CONDUCT FOR INTERPRETERS TRANSLITERATORS AND TRANSLATORS.

POINT II

THE COURT ERRED IN BARRING THE FACT THAT THE ASSISTANT PROSECUTOR PROVIDE THE JURY HIS UNPROVEN STATEMENTS AND OPINIONS AS FACT IN HIS SUMMATION.

POINT III

THE COURT ERRED IN CATEGOUZING [SIC]  
DEFENDANT'S PETITION AS A MOTION TO CORRECT  
AN ILLEGAL SENTENCE.

The State argues defendant's appeal should be dismissed because Judge Cifelli did not enter an order denying defendant's motion. See R. 2:2-3(a). Although the State's argument is technically correct, we have opted to consider Judge Cifelli's December 24, 2015 letter-opinion as the functional equivalent of a final order under these circumstances. Defendant's arguments lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(2). We affirm substantially for the reasons expressed by Judge Cifelli.

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION