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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-2166-17T2**

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

IAN LEMON,

Defendant-Appellant.

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Submitted February 13, 2019 – Decided April 11, 2019

Before Judges Currier and Mayer.

On appeal from Superior Court of New Jersey, Law  
Division, Atlantic County, Indictment No. 05-01-0116.

Ian Lemon, appellant pro se.

Damon G. Tyner, Atlantic County Prosecutor, attorney  
for respondent (John J. Santoliquido, Assistant  
Prosecutor, of counsel and on the brief).

PER CURIAM

In 2005, defendant Ian Lemon was convicted on numerous charges,  
including attempted murder, robbery, aggravated assault and weapons offenses.

He was sentenced to an aggregate term of fifty-four years of incarceration. Defendant must serve forty-two years, three months, and nineteen days prior to becoming eligible for parole.

Defendant moved for reconsideration of his sentence in 2017. The trial judge denied the motion on October 17, 2017, finding it was time-barred under Rule 3:21-10.


On appeal, defendant argues the sentencing judge "suggested" defendant could apply for resentencing, the motion required oral argument, and the time period to reconsider a sentence under Rule 3:21-10 should be enlarged. After reviewing these contentions in light of the applicable principles of law, we affirm.

Rule 3:21-10(a) requires a motion to reduce or change a sentence be filed no later than sixty days after the date of the judgment of conviction. Defendant filed his motion more than twelve years after his judgment of conviction. This time period cannot be enlarged or relaxed. R. 1:3-4(c).

Defendant's remaining arguments lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(2).

Affirmed.

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

  
CLERK OF THE APPELLATE DIVISION