

**NOT FOR PUBLICATION WITHOUT THE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-4426-17T2**

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

MICHAEL RICKS,

Defendant-Appellant.

Submitted May 1, 2019 – Decided May 17, 2019

Before Judges Nugent and Reisner.

On appeal from Superior Court of New Jersey, Law
Division, Essex County, Indictment No. 96-04-1271.

Michael Ricks, appellant pro se.

Theodore N. Stephens, II, Acting Essex County
Prosecutor, attorney for respondent (Matthew E.
Hanley, Special Deputy Attorney General/Acting
Assistant Prosecutor, of counsel and on the brief).

PER CURIAM

Defendant Michael Ricks appeals from an April 19, 2018 order denying his motion for a new trial. We affirm substantially for the reasons stated by Judge Mark S. Ali in his letter opinion issued with the order. We add these comments.

We previously outlined the history of this case in our sua sponte order affirming the denial of defendant's fourth petition for post-conviction relief. State v. Ricks, No. A-2223-14 (App. Div. Jan. 21, 2016). In summary, defendant and several co-defendants were convicted of felony murder in 1997, in connection with the shooting death of a drug dealer. Defendant was sentenced to thirty years in prison without parole.


Defendant's current appeal focuses on Victor Parker, who testified against defendant and co-defendant Darius Murphy, pursuant to a plea agreement. Defendant contends that in 2016, during an evidentiary hearing on Murphy's new trial motion, Parker admitted that his trial testimony against Murphy was a fabrication. Defendant argues that Parker's admission, that he lied about Murphy at the trial, warrants granting defendant a new trial. That argument is without merit. Judge Alfonse J. Cifelli denied Murphy's new trial motion, finding Parker's testimony incredible and completely unreliable. We affirmed Judge Cifelli's order denying the motion. State v. Murphy, No. A-4346-16 (App.

Div. Nov. 21, 2018), certif. denied, 236 N.J. 484 (2019). Defendant is not entitled to a new trial based on Parker's non-credible testimony purporting to exculpate Murphy.

Based on his arguments about Parker, defendant also contends that his trial counsel was ineffective and he was entitled to an evidentiary hearing on that claim. Those contentions are without 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