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RAYMOND V. KING
MEMBER NJ AND PA BARS

MARK G. KITRICK

JOHN J. JACKSON, III
CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY

JEFFREY J. McWEENEY
NATIONAL ACADEMY OF ELDER LAW
ATTORNEYS

MICHAEL A. MALIA
MEMBER NJ, PA AND NY BARS
LL.M. IN TRIAL ADVOCACY
CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY

ATTORNEYS AT LAW

635 DUQUESNE BOULEVARD
PO BOX 547
BRICK, NEW JERSEY 08723
732-920-8383
MAIN FAX: 732-920-8885

Real Estate Department Fax: 732-477-1304
www.kkjlawfirm.com

KEVIN F. SHEEHY

ALBERT J. PLUEDDEMANN
OF COUNSEL
MEMBER MI BAR

MICHAEL D. SCHALLER
OF COUNSEL

July 24, 2013

Mr. David A. Miller
66 G Street
Seaside Park, New Jersey 08752

**REF: State v. David A. Miller
Indictment No. 12083544**

Dear Mr. Miller:

This correspondence is being provided to apprise you of a few matters regarding your criminal matter. As your appointed stand-by counsel, my role is to be available to you should you have any questions or need assistance as a *pro se* defendant. If you do have any questions for me, please contact me at the office number listed on the letterhead, or e-mail me at mschaller@kkjlawfirm.com.

Yesterday at a pre-trial conference, Mr. Chowdhry, the Ocean County Prosecutor assigned to your matter, placed an offer on the record. The offer required you to plead guilty to a 2nd degree charge of N.J.S.A. 2C:29-2b (eluding), and in exchange the State would ask for a seven year prison sentence. You rejected that offer. Mr. Chowdhry expressed on the record the State would be willing to consider a counter-offer. You expressed a desire to have a trial.

In my conversations with Mr. Chowdhry, I believe the State would be willing to entertain a counter-offer that would require you to plead guilty to a 3rd degree charge of 2C:29-2b, avoid any incarceration and be sentenced to a term of probation or possibly enter into pre-trial intervention. It may also include fines and a period of license suspension. I believe it would be in your best interest to make a counter-offer and engage in plea negotiations as you are being charged with a serious crime that could result in your being sentenced to up to 10 years of incarceration if you are found guilty. You advised me you do not want to make a counter-offer or consider any further plea negotiations. I strongly encourage you to consider and enter into such negotiations.

At the hearing on July 22, 2013, you had certain correspondence and a compact disk that you wanted delivered to Mr. Chowdhry as part of the discovery process. You provided me with those materials, and I have made a copy for my files as well as sent the originals to Mr. Chowdhry (a copy of that cover letter is enclosed). On July 23, 2013, you dropped off copies of additional discoverable materials at my office that you believe consist of prior discovery you submitted to Mr. Chowdhry. As of this writing, I have not had time to review that material.

Enclosed herein is a pretrial memorandum that must be submitted at the next scheduled pre-trial conference on August 26, 2013. If you need assistance in completing the memorandum, please let me know.

A handwritten signature in black ink, appearing to read "Michael D. Schaller". The signature is fluid and cursive, with the first name being the most prominent.

Michael D. Schaller