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SUPREME COURT  
OF NEW JERSEY

**State of New Jersey**  
**OFFICE OF THE PUBLIC DEFENDER**

**Appellate Section**

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**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**JOSEPH E. KRAKORA**  
*Public Defender*

September 17, 2014

Honorable Chief Justice and Associate Justices  
Supreme Court of New Jersey  
PO Box 970  
Trenton, NJ 08625

**FILED**

SEP 17 2014

*Mark Heany*  
CLERK

Re: State v. Stephen F. Scharf,  
App. Div. No. A-1580-11T4


Your Honors:

Please accept this letter in lieu of a more formal response on behalf of the defendant-respondent Stephen Scharf to the State's petition for certification in the above case. In urging that the petition be denied, defendant relies on the opinion below and his Appellate Division brief, but he reserves the right to request the opportunity to file a supplemental brief if certification is granted.

Defendant urges that certification be denied because the unpublished Appellate Division opinion is a well-reasoned application of the relevant case law. The sheer volume of damaging inadmissible hearsay which was admitted at defendant's murder trial improperly tainted the verdict. This was not a close call on appeal.

The Appellate Division opinion properly recognizes that the hearsay evidence testified to by five witnesses in the case was utterly inadmissible, and the State's petition presents no substantial issue of law for certification. The petition should be denied.

Respectfully submitted,



STEPHEN W. KIRSCH  
Assistant Deputy Public Defender

cc: Catherine A. Foddai, Assistant Bergen Co. Prosecutor