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**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3465-20**

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

PAULA A. MIDDLEMAN,

Defendant-Appellant.

Submitted March 28, 2022 – Decided June 7, 2022

Before Judges Sumners and Vernoia.

On appeal from the Superior Court of New Jersey, Law Division, Burlington County, Municipal Appeal No.1-21.

Terrell A. Ratliff, attorney for appellant.

Scott A. Coffina, Burlington County Prosecutor, attorney for respondent (Alexis R. Agre, Assistant Prosecutor, of counsel and on the brief).

PER CURIAM

Defendant Paula A. Middleman appeals from a Law Division order entered after a de novo hearing on the record before the Evesham Township Municipal Court denying her motion to suppress evidence and for dismissal, and finding her guilty of obstruction, N.J.S.A. 2C:29-1(a), and resisting arrest, N.J.S.A. 2C:29-2(a)(1). Based on our review of the record in light of the parties' arguments and the applicable legal principles, we affirm.

I.

On February 19, 2020, defendant was arrested and charged with obstructing administration of law or other governmental function, N.J.S.A. 2C:29-1(a), and resisting arrest, N.J.S.A. 2C:29-2(a)(1), as the result of an incident at her home. At the subsequent municipal court trial, the State presented the testimony of Evesham Township Police Department detective Patrick Hughes. Defendant presented the testimony of Evesham Township police officer Bernard Tighe and played a recording from a body camera worn by one of the officers at the scene.

The evidence revealed that on February 19, 2020, the Evesham Township Police Department received a report of an assault alleged to have occurred two-days earlier, on February 17, at defendant's home. More particularly, defendant's son, who was identified at trial as Marcus Smith, reported that on

February 17 he had an altercation with defendant's grandson, Christopher Smith,¹ at defendant's home. Marcus reported that, during the altercation, Christopher brandished a firearm from within defendant's home, held it out a window, and pointed it at him. Marcus also reported Christopher then "fired a round into the air[,] away from [him]." Marcus further informed the police that when he went to his vehicle, Christopher came out of the house and a "physical altercation" between them "occurred on the front yard[,]" after which Marcus left the property. Marcus reported Christopher resided in defendant's home.

Roughly an hour after receiving this report, detective Hughes and other officers went to defendant's home to investigate Marcus's allegations. Upon their arrival, the officers first knocked on the home's front door and received no response. Detective Hughes could not recall the precise sequence, but he testified that at some point before or after the officers made contact with defendant, Christopher arrived at the home in a vehicle. The officers detained Christopher near his parked vehicle in the driveway and, during the officers' discussion of the alleged incident with him, he denied any use of a weapon during the altercation with Marcus.

¹ Because Marcus Smith and Christopher Smith share a surname, for purposes of clarity we refer to them by their first names. We intend no disrespect in doing so.

The officers first made contact with defendant when she opened a door to her home located next to its garage. Defendant spoke with an officer, exited the home, and walked up the driveway toward the other officers who were speaking with Christopher. Detective Hughes then walked toward the home, and spoke with defendant, explaining the officers were investigating the altercation Marcus reported.

Detective Hughes asked defendant about the altercation. She stated she was not at her home when it began and, when she arrived home, Marcus was in the driveway. Defendant denied any knowledge of the use of a firearm during the altercation, and she reported Marcus "never mentioned a weapon during the incident with [Christopher]." Defendant confirmed Christopher lived in the home with her.

Officer Tighe testified that when he arrived at the scene, another officer was speaking with Christopher in the driveway and detective Hughes was speaking with defendant at the door of the home next to the garage. Officer Tighe went to the door where detective Hughes was speaking to defendant.

Detective Hughes testified defendant did not step out of the doorway while she spoke with him. After defendant told detective Hughes what she knew about the altercation, he explained she could consent to a search of Christopher's

bedroom, and, if she did not consent, the officers would apply for a search warrant. Defendant refused to provide consent for the officers to enter her home.

Detective Hughes told defendant that if the officers could not search the home with her consent, Evesham Township Police Department policy required that he secure the home while the officers applied for a search warrant and defendant could not remain in the home while the application was made unless she was accompanied by an officer. Hughes informed defendant she must wait outside the home while the officers applied for a warrant, and if the warrant application was denied, the officers would leave. He explained the purpose of requiring that she wait outside was to prevent the potential destruction of evidence.

Defendant refused to move from the doorway. On numerous occasions over the ensuing minutes, detective Hughes and officer Tighe informed defendant she could go into her home if one of them accompanied her to ensure no potential evidence related to a firearm would be disturbed. Detective Hughes also repeatedly warned defendant that if she did not allow an officer to accompany her in the house, she was required to exit the home while the officers applied for a search warrant. He further warned her a number of times that if she failed to comply with the order to step out from the doorway to allow them

to secure the home while they applied for a search warrant, she would be arrested for obstruction.

Despite Hughes' repeated warnings, defendant refused to move from the doorway. Detective Hughes then advised defendant she was under arrest for obstruction. After being informed she was under arrest, defendant began to retreat into the home while attempting to close the door behind her. Detective Hughes initially testified he could not tell whether the door was being closed "purposely or not," but later testified defendant tried to shut the door. Detective Hughes characterized defendant's backing away into the home, "as trying to run [a]way."

He and officer Tighe pursued defendant through the doorway and placed her under arrest "approximately eight to ten [feet] into the" home. She "pushed off" as the officers pursued her into the home. Defendant did not "comply completely with . . . [officer] Tighe's orders to put her hands behind her back[.]" Officer Tighe testified defendant resisted arrest by "trying to pull her arms away." Defendant was told "numerous times" to "[s]top resisting" as the officers tried to handcuff her, and "she continued to resist and not comply." After placing defendant under arrest, the officers removed her from the house and placed her in the back of a patrol car.

The officers then "gave [Christopher] a quick rundown as to what occurred and why [defendant] was placed under arrest." Other members of defendant's family arrived at her property following her arrest, and the officers spoke with them about the alleged altercation between Marcus and Christopher to obtain additional information for the search warrant application. A protective sweep of the home was conducted following defendant's arrest to ensure there were no other people inside the house; the sweep confirmed there was no one else inside and it did not result in the seizure of any evidence.

Detective Hughes conferred with an assistant prosecutor, who determined an application for a search warrant would not be made. Detective Hughes testified the assistant prosecutor decided not to apply for the warrant because of inconsistencies in the complainant's account of the altercation, there was no report of a gunshot from others in the neighborhood, and Marcus waited two days to report the incident. Upon learning the assistant prosecutor decided not to apply for the search warrant, detective Hughes immediately informed defendant, who was processed and released.

On October 22, 2020, the municipal court heard what defendant characterized as her motion to suppress and dismiss. There was no evidence seized from defendant or her home, and thus none to suppress. The municipal

court considered the motion as one to dismiss and allowed the State to present its case prior to ruling on the motion. Defendant argued he could not be convicted of obstruction because the officers' repeated directives that she exit the doorway of her home pending the outcome of their search warrant application were unconstitutional under the Court's holding in Brown v. State, 230 N.J. 84 (2017).² Defendant argued Brown prohibited the warrantless entry of a home following the occupant's refusal to consent to a search for a particular

² In Brown, the Court considered the constitutionality of a police entry into a home to secure the home pending an application for a search warrant. 230 N.J. at 89-90. The Court explained that "[i]n a case of true exigency and probable cause, the police can enter a dwelling," id. at 110, but the police may not do so where the exigency is "police-created," id. at 110-111. The Court held that in the absence of exigency and probable cause, police may not enter a home without a warrant but, "if reasonably necessary, may secure the [home] for a reasonable period of time from the outside." Id. at 112. The Court explained "[a] person answering her door and faced with a request by a law enforcement officer for consent to search her home for a specific item has every right to say no and shut the door." Id. at 111. The Court was not required to address the circumstances extant here—where the police did not enter defendant's home and, instead, attempted to secure the home, while at all times remaining outside, by issuing repeated orders that defendant vacate the home while they applied for a search warrant. The Court also was not required to address the issue presented by defendant's appeal—whether defendant's refusal to abide by the officers' orders to remove herself from the doorway and remain outside the home constituted obstruction under N.J.S.A. 2C:29-1(a). We also observe the officers here did not seek to secure defendant's home solely for the purpose of searching for a "specific item," id. at 111, the firearm Marcus reported Christopher fired while inside the home. Detective Hughes testified, and the court found as fact, the officers also sought to secure the home for the broader purpose of securing a crime scene.

piece of evidence suspected to be inside, and defendant asserted "[a] person answering her door and faced with [such] a request from [police] . . . has every right to say no and shut the door" in the absence of exigent circumstances.

The municipal court distinguished Brown, finding the officers here asked defendant to leave her home so they could secure the home as they awaited a search warrant, they arrested defendant for obstruction based on her refusal to comply with the officers' orders, and the officers entered the home only for the purpose of placing a retreating defendant under arrest. The court acknowledged defendant had the right under Brown to refuse the officers' request for consent to search, but the court determined her refusal to exit the home constituted obstruction, the police had the right to enter the home and arrest her for that offense, and defendant resisted the arrest. The court denied the dismissal motion, concluding that because defendant did not have the right to refuse the officers' order that she exit the home, her refusal constituted obstruction.

Defendant's trial continued, with the parties agreeing the testimony and evidence presented during the hearing on the dismissal motion constituted the State's case against defendant. During the continuation of the trial, defendant

called officer Tighe and introduced body camera footage of the interactions with defendant that led to her arrest.³

After the presentation of the evidence, defendant argued again she could not be convicted of the offenses charged because the officers' orders that she exit the doorway of the home and remain outside pending their application for a search warrant were unconstitutional under Brown. The court rejected defendant's argument and found defendant guilty of obstruction and resisting arrest. Defendant appealed from her conviction and sentence to the Law Division.

At the trial de novo in the Law Division, defendant again argued the officers' orders were not lawful and therefore could not support defendant's convictions. The court issued its decision from the bench, first finding both officers testified credibly. The court also found that, at the outset of their interaction with defendant, the officers explained the reason for their presence at her home—stating they sought to speak with her concerning the reported firearm discharge and they asked for consent to search Christopher's bedroom. The court further found that when defendant refused consent, the officers

³ Although the recording was played for the court at trial, it was not moved into evidence. The recording is included in the record on appeal.

informed her it was necessary to secure the home to preserve evidence while they applied for a search warrant.

The court found the officers' effort to secure the home was "necessary to preserve any evidence inside." The court also found defendant "refused to allow officers to secure the home" because she was unwilling to leave the home after being warned her refusal to do so constituted obstruction. The court also found defendant "did not comply with the officers' instructions, and . . . ran [a]way . . . deeper into the house" after she was advised she was under arrest, and defendant "struggled against" the officers when they attempted to handcuff her.

The court found "there was a legitimate concern of the . . . investigating officers to preserve the crime scene, including the firearm" and "[t]he actions of the officers were reasonable . . . to protect . . . defendant, themselves, and others." The court determined defendant was obligated to "comply with the officers' instructions," and if their conduct was unlawful, the "correct course of action" was to "address it later" through filing a complaint with the police department or in a civil rights lawsuit. The court found defendant obstructed "the administration of justice by not leaving the premises while the search warrant was applied for. And also[,] . . . defendant did resist being arrested by

the officers by running away and not submitting to her arrest." The court found defendant guilty of the charges and imposed the same fines, assessment, and penalty as the municipal court.

Defendant appeals from the Law Division's denial of her dismissal motion and from her convictions for obstruction and resisting arrest. Defendant offers the following arguments for our consideration:

POINT I

THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION TO SUPPRESS AND DISMISS BECAUSE THERE WAS NO EXIGENT CIRCUMSTANCES TO JUSTIFY THE WARRANTLESS ENTRY INTO THE APPELLANT'S HOME.

POINT II

EVIDENCE ELICITED AT TRIAL WAS INSUFFICIENT TO SUSTAIN A CONVICTION OF OBSTRUCTION BEYOND A REASONABLE DOUBT[.]

POINT III

EVIDENCE ELICITED AT TRIAL WAS INSUFFICIENT TO SUSTAIN A CONVICTION OF RESISTING ARREST BEYOND A REASONABLE DOUBT.

II.

On an appeal taken from the Law Division's final decision after a trial de novo, "[o]ur review is limited to determining whether there is sufficient credible evidence present in the record to support the findings of the Law Division judge, not the municipal court." State v. Clarksburg Inn, 375 N.J. Super. 624, 639 (App. Div. 2005) (citing State v. Johnson, 42 N.J. 146, 161-62 (1964)). This requires "'consideration of the proofs as a whole,' and not merely those offered by the defendant." State v. Kuropchak, 221 N.J. 368, 383 (2015) (quoting Johnson, 42 N.J. at 162). "Any error or omission shall be disregarded by the appellate court unless it is of such a nature as to have been clearly capable of producing an unjust result." Ibid. (quoting R. 2:10-2).

"[T]o the extent the Law Division or municipal court makes a legal determination, that determination is reviewed de novo." State v. Reece, 222 N.J. 154, 167 (2015). We also review de novo the court's interpretation of "the legal consequences that flow from established facts." Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995).

Defendant challenges her conviction for obstructing the administration of law or other governmental function, N.J.S.A. 2C:29-1(a). A person commits the offense when he or she:

purposely obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by means of flight, intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act.

[N.J.S.A. 2C:29-1(a).]

Defendant argues the evidence does not support her conviction of obstruction. She contends her refusal to comply with the officers' orders to vacate the premises while they applied for a search warrant did not "prevent a public servant from lawfully performing an official function" because the orders were constitutionally invalid.

Contrary to defendant's contention, an individual "is required to cooperate with [an] investigating officer even when the legal underpinning of the police-citizen encounter is questionable." Reece, 222 N.J. at 172. In State v. Crawley, the defendant claimed he could not be convicted of obstruction under N.J.S.A. 2C:29-1 for disobeying an officer's command to stop because the stop was not supported by the constitutionally required reasonable and articulable suspicion of criminal activity. 187 N.J. 440, 449 (2006). The Court rejected the argument, concluding the defendant's refusal to obey a command to stop constituted obstruction under N.J.S.A. 2C:29-1, even if the command did not satisfy

constitutional standards. Id. at 451-52; see also State v. Williams, 192 N.J. 1, 10-11 (2007) (explaining a defendant could be properly convicted of obstruction under N.J.S.A. 2C:29-1(a) for fleeing from an unconstitutional order to stop because he or she is "obliged to submit to the investigatory stop, regardless of its constitutionality").

The Court "construe[d] 'lawfully performing an official function'" under N.J.S.A. 2C:29-1(a) "to mean a police officer acting in objective good faith, under color of law in the execution of his duties." Crawley, 187 N.J. at 460-61. The Court explained that "when a police officer is acting in good faith and under color of his authority, a person must obey the officer's order to stop and may not take flight without violating N.J.S.A. 2C:29-1." Id. at 451-52. The Court also provided an example of an officer's order made in good faith for purposes of the analysis required under N.J.S.A. 2C:29-1(a):

A police officer who reasonably relies on information from headquarters in responding to an emergency or public safety threat may be said to be acting in good faith under the statute. However, a police officer who without any basis arbitrarily detains a person on the street would not be acting in good faith.

[Id. at 461 n.8.]

In Reece, the Court further explained that "once an officer makes his [or her] investigatory intentions clear, and he [or she] is acting under the color of law,

the validity of the underlying police action is inconsequential." 222 N.J. at 172; see also Crawley, 187 N.J. at 459-60 (affirming obstruction conviction where the defendant impeded a stop for which the police lacked the requisite reasonable and articulable suspicion).

Defendant's argument she cannot be convicted of obstructing under N.J.S.A. 2C:29-1(a) is founded solely on the claim the officers' orders, which defendant does not dispute she consistently defied, violated her constitutional rights under the principles explained by the Court in Brown. The argument ignores the holdings in Crawley and Reece that a defendant may be properly convicted of obstructing by defying police orders—even those that violate a defendant's constitutional rights—that are made in good faith under the color of law. Reece, 222 N.J. at 172; Crawley, 187 N.J. at 460-61.

As the Court found in Crawley, "[d]efendant's obligation to comply with [the officers'] command[s] did not depend on how a court at some later time might decide the overall constitutionality of" the officers' actions. 187 N.J. at 443-44. Thus, even assuming the officers otherwise violated defendant's constitutional rights by directing she vacate her home while they applied for the search warrant, where, as here, the "officers acted in good faith and under color

of their authority, defendant violated the obstructing statute," N.J.S.A. 2C29-1(a), by defying their repeated orders to vacate her home. Id. at 444.

We therefore need not address or decide defendant's claim the officers' orders that she step away from the threshold of her home and not re-enter the home while the officers applied for a search warrant violated her constitutional right to be free from unreasonable searches and seizures; resolution of the claim is not essential to a disposition of the issues on appeal. Bell v. Twp. of Stafford, 110 N.J. 384, 389 (1988); see also Donadio v. Cunningham, 58, N.J. 309, 325-26 (1971) (explaining "a court should not reach and determine a constitutional issue unless absolutely imperative in the disposition of the litigation"). Any purported constitutional violation attendant to the officers' orders does not provide a defense to the obstruction charge because the record establishes the officers acted in good faith and under color of law, in the execution of their duties when they directed defendant to vacate her home while they applied for the search warrant. Crawley, 187 N.J. at 451-52; see also Williams, 192 N.J. at 10.

Defendant does not contend the officers were not acting in good faith under color of law when they ordered her to vacate her home. And our review of the evidence presented at the trial established the officers at all times acted in

good faith and under the color of law. In the first instance, the uniformed officers identified themselves as police officers; informed defendant on numerous occasions prior to her arrest they were investigating a report of a shot fired from her home during an altercation; explained they intended to obtain a search warrant for the home; and advised defendant they required her to either vacate the home, or remain in the home accompanied by an officer—an option she had the right to reject—to preserve the crime scene and prevent the destruction of evidence while they applied for a search warrant. The officers' actions, and the other attendant circumstances, made their "investigatory intentions clear" and established they acted under color of law. Reece, 222 N.J. at 172

The officers also acted in good faith in the execution of their duties. The Court has explained that "[a]mong other things, good faith means 'honesty in belief or purpose' and 'faithfulness to one's duty or obligation.'" See Crawley, 187 N.J. at 461 n.8 (quoting Black's Law Dictionary 701 (7th ed. 1999)). Officers act without good faith when they act arbitrarily. Ibid. The officers did not enter defendant's home, and they attempted to secure premises they had reason to believe constituted a crime scene and contained evidence of a crime by directing defendant vacate the home. The officers explained their

investigative purposes to defendant, as well as the reasons for their repeated orders that she step from her doorway and remain outside the home while they applied for the search warrant. They further explained to defendant that their efforts to secure the home pending the search warrant application was in accord with the police department's policies and procedures.⁴ The officers did not act arbitrarily, and we discern no basis to conclude they acted in any manner other than in good faith in their numerous efforts to obtain defendant's compliance with their order to vacate the home. Because the officers acted in good faith in the performance of their duties, the constitutional validity of the officers' orders defendant repeatedly defied offered no defense to the obstruction charge under N.J.S.A. 2C:29-1(a). Reece, 222 N.J. at 172; Crawley, 187 N.J. at 460; see also Williams, 192 N.J. at 11 ("[A] person has no constitutional right to flee from an investigatory stop, 'even though a judge may later determine the stop was unsupported by reasonable and articulable suspicion.'" (quoting Crawley, 187 N.J. at 458)).

Defendant also contends the evidence does not support her conviction for obstruction because she did not commit an "affirmative act," such as the "flight,

⁴ Detective Hughes' testimony the orders that defendant vacate the home pending the search warrant application were in accordance with the Evesham Police Department's policy is not refuted by any evidence presented at trial.

intimidation, force, violence, or physical interference or obstacle, or . . . any independently unlawful act" which N.J.S.A. 2C:29-1(a) includes as an element of obstruction. She relies on State v. Fede, where the Court held N.J.S.A. 2C:29-1(a) "requires as a necessary element an act of affirmative interference." 237 N.J. 138, 148 (2019). Defendant argues her refusal to comply with the officers' orders to vacate the doorway of her home and remain outside pending the search warrant application constituted an entirely passive act that does not support a conviction for obstruction.

In Fede, the Court determined the defendant's refusal to unchain his door's "already-fastened chain lock" to permit officers' entry into his home did not constitute an affirmative act sufficient to support an obstruction conviction. Id. at 149. The Court explained N.J.S.A. 2C:29-1(a) defines obstruction "by reference to how the activity is carried out—including by means of 'physical interference or obstacle[,]'" and a person violates the statute by "'purposely obstruct[ing] . . . the administration of law' . . . through one of the specifically enumerated acts in the statute, through 'physical interference or obstacle,' or through an 'independently unlawful act.'" Id. at 148 (quoting N.J.S.A. 2C:29-1(a)).

The Court found the defendant did not commit the requisite affirmative act supporting a conviction under N.J.S.A. 2C:29-1(a) because he did not create the physical obstacle—the chaining of the door—as "a circumstantial reaction to the officers'" request for entry. Id. at 150. The Court reasoned the defendant did not affirmatively "attempt to create an obstacle to" the officers' entry into his home because he chained the door before he was aware of the officers' need to enter his home, and his refusal to unchain the door was not an affirmative act that created the obstacle—the chained door—that interfered with the officers' performance of their lawful duties. Id. at 150. The Court concluded the defendant therefore did not violate N.J.S.A. 2C:29-1(a). Id. at 151-52.

Defendant's reliance on Fede is unavailing. In Fede, the physical obstacle to the performance of the officers' lawful duties was the chained door, which was in place before the defendant knew the police might seek entry into his apartment. Id. at 150. Thus, the defendant's refusal to unchain the door was not deemed by the Court to have constituted the affirmative act of creating the obstacle to the performance of the officer's duties. Ibid.

In contrast, here, defendant's physical presence in the home alone constituted the obstacle to the performance of the officers' lawful duties. The police ordered defendant's departure from the home to preserve a crime scene

and protect evidence. Defendant's presence in her home created the physical obstacle preventing the officers from satisfying the performance of their lawful duties of securing the home. Her refusal to vacate the home constituted an ongoing affirmative act of presenting an ongoing physical obstacle to the performance on the officer's duties. And, unlike in Fede, defendant's refusal to vacate the home, and her concomitant affirmative act of remaining inside the home, was a direct "circumstantial reaction" to the officers' request. See id. at 150. We are therefore convinced that under the circumstances presented, defendant's refusal to comply with the officers' orders, and her insistence on physically remaining in the home in violation of the orders, constituted affirmative acts of "physical interference or obstacle" for the purpose of preventing the officers from lawfully performing their official functions in violation of N.J.S.A. 2C:29-1(a).

Defendant also argues there was insufficient evidence supporting the court's finding she resisted arrest in violation of N.J.S.A. 2C:29-2(a)(1). She claims there is no evidence she used physical force against the officers or that it was her "conscious object" to resist arrest. We are not persuaded.

"[A] private citizen may not resist an announced arrest by one he knows to be an authorized police officer, even if the arrest is illegal under the particular

circumstances." State v. Brennan, 344 N.J. Super. 136, 145 (App. Div. 2001).

In pertinent part, N.J.S.A. 2C:29-2(a) provides:

(1) . . . a person is guilty of a disorderly persons offense if he purposely prevents or attempts to prevent a law enforcement officer from effecting an arrest.

. . .

It is not a defense to a prosecution under this subsection that the law enforcement officer was acting unlawfully in making the arrest, provided he was acting under color of his official authority and provided the law enforcement officer announces his intention to arrest prior to the resistance.

Under our Criminal Code, a person acts purposely when he or she acts with the "conscious object to engage in conduct of that nature or to cause such a result." N.J.S.A. 2C:2-2(b)(1). Thus, here, the State was required "to prove beyond a reasonable doubt that it was defendant's conscious object to prevent his [or her] arrest." State v. Ambroselli, 356 N.J. Super. 377, 384-85 (App. Div. 2003).

Contrary to defendant's claim, the disorderly persons offense of resisting arrest under N.J.S.A. 2C:29-2(a)(1) for which she was convicted, does not require proof she acted with force or violence. The State was required to prove only she "purposely prevent[ed] or attempt[ed] to prevent a law enforcement officer from effecting an arrest." See Crawley, 187 N.J. at 453. Evidence of

force or violence is required only for a conviction of third-degree resisting arrest under N.J.S.A. 2C:29-2(a)(3). See Reece, 222 N.J. at 172.

There is sufficient credible evidence supporting the court's determination defendant is guilty of the disorderly persons offense of resisting arrest. As the court found, after being advised she was under arrest for obstructing, defendant "ran [a]way from the officers" into her home and physically struggled with the officers when they attempted to place her in handcuffs—even as the officers repeatedly requested she stop "resisting"—for the purpose of preventing her arrest. See Brennan, 344 N.J. Super. at 145. The findings amply support the court's determination defendant committed the disorderly persons offense of resisting arrest under N.J.S.A. 2C:29-2(a)(1).

To the extent we have not expressly addressed any of defendant's arguments, they 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