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February 26, 2008

Charles D. Cottle #0714841  
Camden County Correctional Facility  
P.O. Box 90431  
Camden, NJ 08102

RE: State v. Charles D. Cottle  
Comp./ Ind. No. W-07-012483-0408  
**P.D. File No. 1004282506**

Dear Mr. Cottle:

By now you have received a copy of your discovery in your matter. You are charged under the indictment with possession of a controlled dangerous substance and possession of a controlled dangerous substance with the intent to distribute. The second count of the indictment charges you with having drugs for sale in excess of one ounce but less than five ounces. This is a crime of the second degree. It carries with it an ordinary sentence of between five to ten years. Unfortunately, you have three prior convictions two of which are for the distribution of narcotics. You have a distribution of narcotics conviction from September 29, 2003 as well as convictions for possession with the intent to distribute drugs within 1000 feet of a school zone and possession of a hand gun on November 5, 2004. That means you are subject to a mandatory extended drug sentence on this charge should you be convicted. That essentially means that you will be looking at a maximum sentence of between ten and twenty years in New Jersey Stat Prison of which a period of parole and eligibility will be attached. The maximum period of parole and eligibility can be as much as 10 years.

In reviewing the discovery, the officers allege that they observed you and the co-defendant sitting on the front steps at 1309. They also indicate that a white male drove up to that location and approached the shorter of the two black males at 1309 which would apparently be Mr. Saulter. After he received currency he is allege to have directed the white male to you. The officers allege they saw you complete the transaction by transferring a small object to him. Upon attempting to move in and arrest you they say they saw you pick up a black plastic bag which you discarded on the porch of 1309 as you and your co-defendant fled into 1309. They confiscated 190 bags of cocaine and \$1046 from your co-defendant. The original pre-indictment plea offer was a 5 year sentence 32 months

without parole. I think you should reconsider taking that offer in light of the discovery we now have. If you have any interest in trying to minimize your exposure in this case I will discuss with the prosecutor the possibility of getting that initial re-offered to you prior to the March 10<sup>th</sup> court date. I do not think you should let this matter come down to a trial. Any trial would essentially be the police officers testimony vs you and your co-defendant's testimony. Given the fact that you and your co-defendant both have prior criminal histories, this case is likely to come down to a finding of guilt against you and your co-defendant.

Let me have your thoughts.

Thank you.

Very truly yours,

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PATRICK E. MALLOY, Esquire  
Assistant Deputy Public Defender

PEM/mh