

SUPREME COURT OF NEW JERSEY

State v. Rangel

213 N.J. 500 (2013) · Decided April 29, 2013

SUMMARY

The New Jersey Supreme Court interpreted the phrase "aggravated assault on another" in N.J.S.A. 2C:14-2(a)(3), holding that "another" refers to a person other than the sexual-assault victim. The Court concluded that interpreting the phrase to include the victim would render the severe-personal-injury requirement in subsection (a)(6) redundant. It affirmed the dismissal of the aggravated-sexual-assault and attempted aggravated-sexual-assault convictions and remanded for resentencing on the remaining convictions.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Justice Albin; Chief Justice Rabner; Justice LaVecchia; Justice Hoens; Justice Patterson; Judge Cuff (temporarily assigned)
JURISDICTION	New Jersey
DECIDED	April 29, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State petitioned for certification after the Appellate Division reversed Rangel's convictions for first-degree aggravated sexual assault and second-degree attempted aggravated sexual assault under N.J.S.A. 2C:14-2(a)(3).
STANDARD OF REVIEW	The court independently interpreted the criminal statute as a question of law, beginning with the statutory text and considering the statute as a whole.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of New Jersey
PARTIES	State of New Jersey v. Erie Clemente Rangel

TOPICS

- statutory interpretation
- plain meaning rule
- rule of lenity
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the phrase "aggravated assault on another" in N.J.S.A. 2C:14-2(a)(3) refers to the sexual-assault victim, a third person, or both.
2. Whether Rangel could be convicted of aggravated sexual assault and attempted aggravated sexual assault under N.J.S.A. 2C:14-2(a)(3) when the aggravated assault was committed against the sexual-assault victim.
3. Whether the remaining convictions required resentencing after the aggravated-sexual-assault convictions were dismissed.

HOLDINGS

1. The phrase "on another" refers to a person other than the sexual-assault victim. It does not encompass an aggravated assault committed against the victim.
2. The aggravated-sexual-assault and attempted aggravated-sexual-assault convictions predicated on N.J.S.A. 2C:14-2(a)(3) cannot stand because the aggravated assault was directed at the sexual-assault victim rather than a third person.
3. The remaining convictions were not disturbed, but Rangel had to be resentenced on all remaining convictions, including the sexual-assault conviction that had previously merged into the dismissed aggravated-sexual-assault conviction.

KEY QUOTATIONS

"We conclude that, based on the statute's plain language and a textual reading of the statute as a whole, the phrase "on another" refers to someone other than the victim." (at 503)

"The Legislature knew how to use the word "victim" to make the precise point it intended to convey. Words make a difference." (at 514)

"We affirm the judgment of the Appellate Division dismissing the convictions for first-degree aggravated sexual assault, N.J.S.A. 2C:14-2(a)(3), and second-degree attempted aggravated sexual assault, N.J.S.A. 2C:5-1(a)(3) and N.J.S.A. 2C:14-2(a)(3)." (at 516)

FACTUAL BACKGROUND

In the early morning of April 22, 2007, an eighteen-year-old victim was walking home when Rangel pursued and attacked her. He repeatedly punched her, causing facial injuries, a nasal bone fracture, swelling, and a head injury, then removed her clothing and began sexual contact before police arrived. The victim missed school and could not participate in physical education for the remainder of the school year.

PROCEDURAL HISTORY

A Morris County grand jury indicted Rangel on aggravated sexual assault, attempted aggravated sexual assault, sexual assault, aggravated assault, and obstructing the administration of justice. After the State's case, the trial

court denied Rangel's motion for judgment of acquittal on the aggravated-sexual-assault charge, and the jury convicted him on all counts. The trial court imposed sentence, including a twenty-year NERA term for aggravated sexual assault and a consecutive seven-year NERA term for aggravated assault. The Appellate Division reversed the convictions predicated on N.J.S.A. 2C:14-2(a)(3), entered judgments of acquittal on those charges, and remanded for resentencing. The Supreme Court of New Jersey affirmed the Appellate Division and remanded for resentencing on the remaining convictions.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The trial court must resentence Rangel on all remaining convictions, including the second-degree sexual-assault conviction that had merged into the dismissed aggravated-sexual-assault conviction, consistent with the opinion.

CASES CITED

- State v. Rangel, 422 N.J. Super. 1, 3, 9-12, 25 A.3d 1183 (App. Div. 2011)
- State v. Cole, 120 N.J. 321, 322, 576 A.2d 864 (1990)
- State v. Adams, 227 N.J. Super. 51, 54, 61, 545 A.2d 798 (App. Div.), certif. denied, 113 N.J. 642, 552 A.2d 167 (1988)
- State v. Gelman, 195 N.J. 475, 482, 950 A.2d 879 (2008)
- DiProspero v. Penn, 183 N.J. 477, 492-93, 874 A.2d 1039 (2005)
- Burnett v. County of Bergen, 198 N.J. 408, 424-25, 968 A.2d 1151 (2009)
- State v. Hudson, 209 N.J. 513, 542, 39 A.3d 150 (2012)
- State v. Haliski, 140 N.J. 1, 9, 656 A.2d 1246 (1995)
- Franklin Tower One, L.L.C. v. N.M., 157 N.J. 602, 613, 725 A.2d 1104 (1999)
- State in the Interest of M.T.S., 129 N.J. 422, 439-40, 609 A.2d 1266 (1992)
- United States v. Bass, 404 U.S. 336, 348, 92 S. Ct. 515, 523, 30 L. Ed. 2d 488, 497 (1971)