

SUPREME COURT OF NEW JERSEY

State v. Jamel Carlton

State v. Jamel Carlton · No. A-62/63-24 · Decided February 23, 2026

SUMMARY

The Supreme Court of New Jersey held that a constitutional error resulting from judicial, rather than jury, fact-finding under New Jersey’s persistent-offender statute is subject to harmless-error review. The court concluded that the error in Jamel Carlton’s case was harmless beyond a reasonable doubt because the relevant facts were undisputed and the record supported only one possible outcome. The court also held that N.J.S.A. 2C:44-3(a), as written, is inconsistent with the principles announced in *Erlinger v. United States* and urged the Legislature to amend the statute.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Justice Noriega; Chief Justice Rabner; Justice Patterson; Justice Pierre-Louis; Justice Wainer Apter; Justice Fasciale; Justice Hoffman
JURISDICTION	Supreme Court of New Jersey
DECIDED	February 23, 2026
DOCKET	A-62/63-24
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed and Carlton cross-appealed from the Appellate Division's decision vacating Carlton's extended-term sentence after concluding that the sentencing judge's fact-finding under N.J.S.A. 2C:44-3(a) violated <i>Erlinger v. United States</i> . The Supreme Court of New Jersey granted both parties' petitions for certification.
STANDARD OF REVIEW	Issues of statutory interpretation and constitutionality are reviewed de novo. The constitutional sentencing error was reviewed for harmless error beyond a reasonable doubt.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of New Jersey v. Jamel Carlton

TOPICS

- sixth amendment
- sentencing
- harmless error
- statutory interpretation
- appellate procedure

PRACTICE AREAS

criminal law

criminal sentencing

constitutional law

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether a constitutional error resulting from a sentencing judge's finding of facts required for persistent-offender eligibility under N.J.S.A. 2C:44-3(a), rather than a jury's finding beyond a reasonable doubt, is subject to harmless-error review after *Erlinger v. United States*.
2. Whether the *Erlinger* error in Carlton's sentencing was harmless beyond a reasonable doubt.
3. Whether N.J.S.A. 2C:44-3(a) is consistent with *Erlinger* and whether the court could employ a saving construction or judicial surgery to conform the statute to that decision.
4. Whether *State v. Pierce* remains good law after *Erlinger* concerning judicial fact-finding for persistent-offender status.

HOLDINGS

1. A constitutional error caused by failing to submit sentencing factors or elements to a jury, including the fact-finding error identified under *Erlinger*, is presumptively subject to harmless-error review rather than automatic reversal.
2. The *Erlinger* error was harmless beyond a reasonable doubt because the relevant facts were undisputed, the sentencing court's reasoning was fully articulated, and the record established that only one outcome was possible had a jury considered the persistent-offender predicates.
3. As presently written, N.J.S.A. 2C:44-3(a) is inconsistent with *Erlinger* because it assigns the fact-finding role for persistent-offender predicates to the court rather than requiring a jury determination beyond a reasonable doubt.
4. The court did not reach whether judicial surgery or a saving construction could conform N.J.S.A. 2C:44-3(a) to *Erlinger* because the constitutional error was harmless in this case.
5. *State v. Pierce* is abrogated insofar as it directs a sentencing judge to find, without a jury, the predicate facts required for persistent-offender status, including whether prior offenses were committed on separate occasions; *Pierce* remains intact on matters outside the Sixth Amendment fact-finding context, including judicial discretion after eligibility is constitutionally established.

KEY QUOTATIONS

"Here, the relevant facts are undisputed, the sentencing court's reasoning fully articulated, and the record demonstrates, beyond any reasonable doubt, the sole conclusion a jury could have reached had Erlinger been in place at the time of sentencing." (18)

"As earlier noted, New Jersey's persistent offender statute, as presently written, is inconsistent with the principles announced in Erlinger." (20)

FACTUAL BACKGROUND

Carlton was convicted after a jury trial of first-degree aggravated sexual assault, second-degree burglary, third-degree aggravated assault, and third-degree criminal restraint. At sentencing, the State sought a persistent-offender extended term under N.J.S.A. 2C:44-3(a), relying on two certified judgments for New York felony convictions: third-degree robbery in 2007 and fourth-degree possession of stolen property in 2011. The sentencing judge found the predicate facts and imposed an aggregate forty-two-year term subject to the No Early Release Act. The predicate facts were undisputed, and defense counsel conceded the facts necessary to establish persistent-offender eligibility.

PROCEDURAL HISTORY

Carlton was convicted by a jury of aggravated sexual assault, burglary, aggravated assault, and criminal restraint. The trial court found him eligible for a persistent-offender extended term under N.J.S.A. 2C:44-3(a) based on two prior New York convictions and imposed an aggregate forty-two-year sentence subject to the No Early Release Act. While Carlton's appeal was pending, Erlinger held that a jury must determine beyond a reasonable doubt certain facts concerning prior convictions that increase sentencing exposure. The parties agreed that Carlton's sentence involved an Erlinger error but disputed harmlessness. The Appellate Division vacated the sentence and employed a saving construction of the statute; the Supreme Court reversed and reinstated the original sentence.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand was ordered. The judgment of the Appellate Division was reversed, and Carlton's original sentence was reinstated.

CASES CITED

- Erlinger v. United States, 602 U.S. 821 (2024)
- Almendarez-Torres v. United States, 523 U.S. 224, 226-27, 241 (1998)
- Apprendi v. New Jersey, 530 U.S. 466, 478, 487, 490 (2000)
- Alleyne v. United States, 570 U.S. 99, 111 n.1, 112 (2013)
- Blakely v. Washington, 542 U.S. 296, 303, 313 (2004)
- State v. Gomes, 253 N.J. 6, 16 (2023)
- State v. Hemenway, 239 N.J. 111, 125 (2019)
- State v. Gandhi, 201 N.J. 161, 177 (2010)
- Richardson v. Bd. of Trs., PFRS, 192 N.J. 189, 195 (2007)
- In re Est. of Jones, 259 N.J. 584, 595 (2025)
- DiProspero v. Penn, 183 N.J. 477, 492 (2005)
- In re Winship, 397 U.S. 358, 364 (1970)
- Chapman v. California, 386 U.S. 18, 22, 24 (1967)

- *Neder v. United States*, 527 U.S. 1, 8 (1999)
- *Johnson v. United States*, 520 U.S. 461, 468 (1997)
- *Rose v. Clark*, 478 U.S. 570, 577, 579 (1986)
- *Arizona v. Fulminante*, 499 U.S. 279, 306 (1991)
- *State v. Camacho*, 218 N.J. 533, 547, 551 (2014)
- *United States v. Campbell*, 122 F.4th 624, 630 (6th Cir. 2024)
- *United States v. Brown*, 136 F.4th 87, 94-95 (4th Cir. 2025)
- *United States v. Valencia*, 137 F.4th 331, 336 (5th Cir. 2025)
- *United States v. Johnson*, 114 F.4th 913, 917 (7th Cir. 2024)
- *United States v. Bowling*, 135 F.4th 1125, 1126 (8th Cir. 2025)
- *United States v. Rivers*, 134 F.4th 1292, 1305 (11th Cir. 2025)
- *State v. Pierce*, 188 N.J. 155, 171-73 (2006)
- *State v. Carlton*, 480 N.J. Super. 311, 317, 328, 336, 338-39, 342, 351, 355 (App. Div. 2024)
- *State v. Wessells*, 209 N.J. 395, 412 (2012)
- *Griffith v. Kentucky*, 479 U.S. 314, 327-28 (1987)
- 260 N.J. 478 (2025)