

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Nasir Salaam v. James Slaughter, et al.

Salaam · No. 20-cv-07820 (RMB) · Decided December 22, 2025

SUMMARY

The United States District Court for the District of New Jersey considers Nasir Salaam’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition challenges the admission of a custodial statement, the effectiveness and conflicts of trial counsel, jury instructions, and the constitutionality of petitioner’s sentence. The court denies the petition, concluding that the claims lack merit under the applicable federal habeas standards.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Renée Marie Bumb
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 22, 2025
DOCKET	20-cv-07820 (RMB)
DISPOSITION	denied
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging New Jersey state convictions and sentence.
STANDARD OF REVIEW	Under 28 U.S.C. § 2254(d), relief is unavailable on a claim adjudicated on the merits in state court unless the state-court decision was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the United States Supreme Court, or was based on an unreasonable determination of the facts. State factual determinations are presumed correct under § 2254(e)(1), subject to rebuttal by clear and convincing evidence. The court may deny an unexhausted claim on the merits under § 2254(b)(2).
PRECEDENTIAL VALUE	Unknown; district court opinion designated per curiam, with no reporter citation or precedential designation stated in the source.
PARTIES	Nasir Salaam v. James Slaughter, et al.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether admission of Salaam's April 2007 custodial statement violated Miranda and the Fifth and Fourteenth Amendments.
2. Whether trial counsel was constitutionally ineffective by advising Salaam to give the statement, relying on advice from a codefendant's attorney, failing to investigate, failing to consult Salaam's mother, or misrepresenting the existence of a plea or sentencing agreement.
3. Whether the jury instructions on reasonable doubt, the separate robbery counts, and attempted robbery violated due process.
4. Whether Salaam's aggregate forty-year sentence was grossly disproportionate to his codefendants' sentences in violation of the Eighth and Fourteenth Amendments.
5. Whether the sentence violated the Eighth Amendment under *Miller v. Alabama* and *Montgomery v. Louisiana* because Salaam was a juvenile at the time of the offense.

HOLDINGS

1. The Miranda claim was denied on the merits because Salaam was represented by counsel, was advised of his rights, and voluntarily waived them before giving the statement.
2. The ineffective-assistance claims concerning counsel's advice and conduct in arranging Salaam's April 20, 2007 statement were denied because the Sixth Amendment right to counsel had not attached before formal criminal proceedings began.
3. Even assuming the Sixth Amendment applied, Salaam failed to show deficient performance and prejudice under Strickland.
4. The challenges to the reasonable-doubt, robbery, and attempted-robbery instructions failed because, viewed as a whole, the instructions did not infect the trial with constitutional error.
5. Salaam's challenge to the greater severity of his sentence compared with his codefendants did not present a cognizable federal habeas claim and lacked constitutional merit.
6. Salaam's forty-year aggregate sentence did not violate the Eighth Amendment because it was not a mandatory life-without-parole sentence for a juvenile, and state law allowed sentence review after twenty years.

KEY QUOTATIONS

“For the foregoing reasons, the Court finds that Petitioner’s habeas petition is DENIED in its entirety and the Court declines to issue a certificate of appealability.” (Section VI)

“Therefore, the Sixth Amendment had not attached when Petitioner’s counsel advised him to give a statement at the Prosecutor’s Office on April 20, 2007, before he was waived into adult court and more than nine months before his indictment.” (Section IV.B)

“Viewed as a whole, the charge did not infect the trial with constitutional error.” (Section IV.C)

FACTUAL BACKGROUND

Salaam was seventeen when he participated with several codefendants in an armed robbery at an Atlantic City-area gas station on March 9, 2007. During the robbery, one codefendant shot and killed the station proprietor, while Salaam fired at fleeing attendants and struck one of them. After his mother had invoked his right to counsel during an earlier police interaction, Salaam, through counsel, waived his Miranda rights and gave an incriminating statement before he was waived into adult court. His jury convictions and subsequent guilty plea resulted in an aggregate forty-year sentence with thirty years of parole ineligibility.

PROCEDURAL HISTORY

Salaam filed the federal habeas petition on June 25, 2020. The court granted a stay and administratively terminated the matter while he exhausted state remedies; after Salaam moved to reopen, the court reopened the case and Respondents filed an answer supported by the state-court record. The federal court denied the petition in its entirety on the merits and declined to issue a certificate of appealability.

DISPOSITION

denied

CASES CITED

- Miranda v. Arizona, 384 U.S. 436 (1966)
- State v. Brabham, 413 N.J. Super. 196, 210 (App. Div. 2010)
- United States v. Cronin, 466 U.S. 648 (1984)
- State v. Salaam, No. A-2288-10T2, 2013 WL 3956356 (N.J. Super. Ct. App. Div. Aug. 2, 2013)
- State v. Salaam, No. A-3989-14T4, 2017 WL 410243 (N.J. Super. Ct. App. Div. Jan. 17, 2017)
- State v. Salaam, No. A-2320-17T3, 2019 WL 3072546 (N.J. Super. Ct. App. Div. July 15, 2019)
- McNeil v. Wisconsin, 501 U.S. 171, 175 (1991)
- Kirby v. Illinois, 406 U.S. 682, 689 (1972)
- Philmore v. McNeil, 575 F.3d 1251, 1258-59 (11th Cir. 2009)
- United States v. Edelmann, 458 F.3d 791, 804 (8th Cir. 2006)
- Sweeney v. Carter, 361 F.3d 327, 333-34 (7th Cir. 2004)
- United States v. Moody, 206 F.3d 609, 614 (6th Cir. 2000)
- Claudio v. Scully, 982 F.2d 798, 802 (2d Cir. 1992)
- United States v. A.R., 38 F.3d 699, 703 (3d Cir. 1994)
- Strickland v. Washington, 466 U.S. 668, 689 (1984)

- Harrington v. Richter, 562 U.S. 86, 98, 104-05, 111 (2011)
- Fritz, 105 N.J. at 52
- Castagna, 187 N.J. at 316
- Estelle v. McGuire, 502 U.S. 62, 71-72 (1991)
- Duncan v. Morton, 256 F.3d 189, 203 (3d Cir. 2001)
- Henderson v. Kibbe, 431 U.S. 145, 154 (1977)
- State v. Miller, 205 N.J. 109, 127 (2011)
- State v. Atwater, 400 N.J. Super. 319, 336 (App. Div. 2008)
- Jones v. Superintendent of Rahway State Prison, 725 F.2d 40, 43 (3d Cir. 1984)
- Bernard v. Sorber, No. CV 22-1668, 2023 WL 1805198, at *6 (E.D. Pa. Feb. 7, 2023)
- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460, 470 (2012)
- Montgomery v. Louisiana, 577 U.S. 190 (2016)
- State v. Comer, 249 N.J. 359 (2022)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)

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