

ATLANTIC COUNTY PROSECUTOR'S OFFICE

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NEWS RELEASE

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MAYS LANDING – The New Jersey Supreme Court ruled Wednesday that a conviction against a man in connection with an Atlantic City bank robbery and a robbery at a car dealership should be reinstated, Atlantic County Prosecutor Ted Housel announced.

On Jan. 25, 2006 Marcus Cassady was convicted of two counts of second-degree robbery. He was sentenced to two consecutive 10-year prison terms of which he must serve 85 percent before parole eligibility. The defendant appealed his conviction on two issues: that the facts supported an option to for the jury to find a lesser offense .and that his prison terms should have run concurrently, not consecutively. The Appellate Division reversed the Trial Court's decision as to these with one of three judges dissenting.

The State appealed to the Supreme Court. The Justices agreed with the trial court's decision that the prison terms should run consecutively based upon the numerous aggravating factors and absence of any mitigating factors, Prosecutor Housel said.

The Supreme Court Justices found that Superior Court Judge Michael A. Donio was correct in his decisions and quoted him extensively throughout the opinion. The opinion noted that the trial court reviewed the facts and circumstances and found there was no rational basis to support anything other than a robbery. The court agreed with Judge Donio that the defense argument to the contrary was "ludicrous."

On Feb. 2, 2004 Cassady, of North Carolina, took a cab to the Cape Savings Bank in Atlantic City. He handed a deposit slip to a bank teller demanding \$5000. He then jumped over a seven-foot glass partition into the secure teller work area. The defendant then grabbed \$2410 from the teller's drawer and fled. In Wednesday's ruling the justices noted that the teller's testimony showed that she "feared for her life."

Cassady exited the bank and jumped into the cab and directed it to an Egg Harbor Township car dealership. Cassady approached a salesman, grabbed several pairs of keys that were on his desk and took a vehicle on the lot. The salesman tried to stop Cassady from taking the vehicle. The two got into a fistfight. At one point the defendant pushed the salesman partially out of the vehicle.

The victim grabbed onto the door as Cassady took off. The salesman was dragged for several feet. Police responded to an emergency call from the dealership and they were able to take the defendant into custody.

Although calling the sentence “harsh” the Supreme Court wrote appropriately of Judge Donio’s methodology in reaching his decision, Prosecutor Housel stated.

Assistant Prosecutor Tracey O’Brien, who argued the matter before the Supreme Court said, “I am obviously very pleased with the Supreme Court’s decision in this matter. I think it reaffirms the notion that you cannot commit a violent crime and avoid harsh punishment.”

Prosecutor Housel stated, “When a defendant is convicted, after trial the sentencing court gets the benefit of an entire record of victim and witness testimony and a better feel for the aggravating circumstances as is this case.”

Anyone with information involving serious crimes is asked to call the Atlantic County Prosecutor’s Office at 609-909-7800 or go to the Prosecutor’s Office Web site at <http://www.acpo.org/tips.html> and provide information by filling out the form anonymously on the Submit a Tip page. People can also call Crime Stoppers at 609-652-1234 or 1-800-658-8477 (TIPS). Crime Stoppers offers cash rewards for information leading to the arrest and indictment of those who commit crimes in Atlantic County.