

No

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appellate decision wrong," defense attorney Michael Schreiber told Donio.

"Well, that's what they're doing," Donio replied.

The judge said he could not hold the ordered hearing without the information he requested.

In response, he ordered that the state get an expedited copy of the transcripts from Wednesday's hearing. The

state then must send an emergent notice of motion to the same appellate panel that made the decision so they can clarify the order. The application must be made by Friday, with the transcript forwarded to the panel by Monday.

The case focuses on the state's Graves Act, which makes mandatory minimum sentences in gun cases.

The prosecutor can grant a waiver in these cases, allowing for probation or even pretrial inter-

vention.

Donio previously ordered county Prosecutor Jim McClain to turn over all his office's decisions on waiver requests.

He presented only the letters that denied or granted the waiver. Donio said the appellate ruling allowed all of the evidence in these cases to be opened.

The Prosecutor's Office disagrees.

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Atlantic prosecutor says no to court order

■ Jim McClain says Superior Court Judge Michael Donio doesn't understand appellate ruling in gun case.

By LYNDA COHEN
Staff Writer

Call it a ricochet.

An appellate panel will soon get back the gun case it remanded to Atlantic County Superior Court after the Prosecutor's Office argued the judge did not interpret the ruling correctly.

Bonnie Oliver Allamong, 52, of the North Cape May section of Lower Township, pleaded guilty last year in a case in which she took her legally owned gun to Galloway Township after her sister, who lives there, said she was in fear of her boyfriend.

Allamong said she did not think the gun was loaded, but police who arrived at the scene found a bullet in the chamber. It is illegal for most people to carry guns in New Jersey.

Despite facing a three-year sentence with one year of parole ineligibility, Allamong was sentenced to 275 days of day-reporting to the Atlantic County jail.

Atlantic County Prosecutor Jim McClain appealed, saying the sentence imposed by Superior Court Judge Michael Donio was illegal.



McCLAIN