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## Prosecutor: Go easy on defendant

### Lighter sentence urged for Lake Hopatcong man

By Peggy Wright :: @peggywrightDR

The Morris County Prosecutor's Office is taking the unusual stance of recommending a shorter prison term than required by law for a Jefferson man who was found guilty of illegally possessing a firearm.

Robert N. Welker Jr., 36, of Lake Hopatcong was found guilty by a Morris County jury of unlawful pos-

session of a weapon but cleared of deliberately pointing it at a man with whom he was feuding in July 2010.

Welker, who has been active with the Jefferson Animal Shelter and was the victim last year of an alleged drunken driver, lawfully possessed the gun but did not have a permit to carry it, defense attorney James Porfido said.

Welker had paid the victim at least \$25,000 to restore a home, but the con-

tractor kept delaying the work for nearly a year until Welker brought a handgun with him to discuss the situation for his own protection, according to Porfido.

The guilty verdict of unlawful possession of a weapon carries a presumption of imprisonment — a minimum of five years behind bars with three years to be served before parole consideration. In Welker's case, the Prosecutor's Office now says

such a sentence would be an injustice and said in court papers that it would recommend a sentence of three years in prison with one year of parole ineligibility.

In New Jersey, a deviation from a mandatory sentence requires the county prosecutor to receive approval from the state Attorney General's Office and the county's Superior Court assignment judge.

In court papers filed with Assignment Judge Thomas Weisenbeck,

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*"The role of the prosecuting authority is ... to ensure that justice is done."*

**JOSEPH NAPURANO,**  
assistant prosecutor

## PRISON

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county Assistant Prosecutor Joseph Napurano wrote that the office's recommended sentence of three years is "the right and just punishment for the crime."

Napurano, in his papers, noted that the recommended sentence is what the office proposed, and Welker rejected, before the trial occurred.

"However, this office cannot simply sit back and ignore the reality of the impending sentence, as the role of the prosecuting authority is not to obtain convictions but rather to ensure that justice is done," Napurano wrote.

No date has been set for sentencing. Porfido said he expects to ask the sentencing judge to impose an even stronger departure from the law: probation.

Before the incident with the contractor, Welker had paid a different contractor who did not work on his property as expected, and Welker was by July 2010 in a serious state of depression, Porfido said.

He added that Welker is known in the community and he has accumulated about 20 character letters he expects to give the judge to support the request for probation.

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