

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

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ACTING ADMINISTRATIVE
DIRECTOR OF THE COURTS



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[Questions and/or comments may
be directed to 609-292-4638.]

**TO: Assignment Judges
Criminal Presiding Judges** **Supplement to Directive # 6-03**

FROM: Glenn A. Grant, J.A.D.

**SUBJ: Criminal – Arraignment/Status Conference Order – Revision to Address
State v. Nuñez-Valdéz**

DATE: August 20, 2010

This Supplement to Directive # 6-03 ("Implementation of Criminal Division Court Event Forms," issued July 22, 2003) promulgates a revised Arraignment/Status Conference Order form (Attachment 1 to Directive #6-03).

In State v. Nuñez-Valdéz, 200 N.J. 129 (2009), the Supreme Court instructed that the plea form should inform a non-citizen defendant that "if your plea of guilty is to a crime considered an aggravated felony under federal law you will be subject to deportation/removal." 200 N.J. at 144. The Court also determined "that the form should instruct defendants of their right to seek legal advice regarding their immigration status." Ibid. Those revisions to the plea forms have been promulgated by Directive #08-09.

The Conference of Criminal Presiding Judges is of the view that the defendant and defense counsel should be aware of and discuss potential immigration consequences early in the court process before a guilty plea or trial is considered. So doing will reduce the chances that this issue will delay case-processing. The Conference thus recommended a revision to the Arraignment/Status Conference Order form as well so as to include a statement (#7 on the form) alerting counsel to the issues raised by the Nuñez-Valdéz decision, including the defendant's right to seek advice on his/her immigration status. Attached is the revised Arraignment/Status Conference Order form reflecting this additional language. This revised form of order supersedes the version attached to Directive # 6-03, effective immediately.

Any question or comments regarding this revised form of Arraignment/Status Conference Order may be directed to the Criminal Practice Division at 609-292-4638.

Attachment (Revised Arraignment/Status Conference Order)

cc: Chief Justice Stuart Rabner
AOC Directors and Assistant Directors
Trial Court Administrators
Criminal Division Managers

John J. Wieck, Criminal Practice Division
Melaney S. Payne, Criminal Practice Div.
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SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, CRIMINAL PART, _____ VICINAGE
(To be executed on day of Arraignment/Status Conference)

STATE OF NEW JERSEY

INDICTMENT NO. _____

vs.

PROS. NO. _____

(Defendant)

ARRAIGNMENT/STATUS CONFERENCE ORDER

Status: Jail _____ Bail _____

An arraignment/status conference was held on _____, 20____. As a result thereof, it is hereby **ORDERED:**

1. PLEA OFFER: Terms of plea agreement offered by the State: _____

2. DISCOVERY:

STATE	<input type="checkbox"/> All Discovery has been provided. <input type="checkbox"/> The following Discovery is to be provided: _____ _____ _____
DEFENSE	<input type="checkbox"/> No Discovery has been provided. <input type="checkbox"/> All Discovery has been provided. <input type="checkbox"/> The following Discovery is to be provided: _____ _____ _____

All Discovery shall be completed no later than _____, 20____.

3. CO – DEFENDANT STATUS: _____

4. MOTION: With the exception of Sands/Brunson, all DISPOSITIVE motions shall be heard prior to the imposition of the plea cutoff and execution of the TRIAL MEMO.

Dispositive Motions: _____

Non-Dispositive Motions: _____

5. All motions must be filed no later than _____, 20____

The State's brief must be filed no later than _____, 20____

The Defense brief must be filed no later than _____, 20__

6. **Hearings on motions in this case shall be conducted as follows:**

Dispositive Motions – on _____, 20__ at _____AM or _____PM

Non Dispositive Motions
immediately before trial on _____, 20__ at _____AM or _____PM

7. Defense counsel is to discuss with the defendant his/her immigration status, the potential consequences of a guilty plea or conviction and his/her right to seek legal advice on his/her immigration status. (State v. Nunez-Valdez, 200 N.J. 129 (2009).)

8. **PLEA CUT OFF DATE:** _____, 20__.

9. Immediately upon conclusion of the hearing and disposition of DISPOSITIVE motions, all cases as to all defendants that are not disposed of by plea or dismissal shall be immediately scheduled for trial, with the plea cutoff imposed.

10. **STATUS CONFERENCE:** The parties shall next appear and be ready for the next Status

Conference on: _____, 20__.

— **A FAILURE TO APPEAR ON THE DATE AND TIME SPECIFIED HEREIN WILL RESULT IN THE ISSUANCE OF A BENCH WARRANT AND THE FORFEITURE OF BAIL.**

11. **OTHER:** _____

Prosecutor (print name)

Defense Counsel (print name)

Signature

Signature

HONORABLE

, J.S.C.

Original: Court File

Pink: Prosecutor

Gold: Defense Counsel

COPY: CCMO