

SUPREME COURT OF NEW JERSEY

Pursuant to N.J. Const. Art. VI., sec. 2 par. 3, it is ORDERED that, effective immediately and until further order, the “Guidelines for Operation of Plea Agreements in the Municipal Courts of New Jersey,” which is an Appendix to Part VII of the Rules Governing the Courts of the State of New Jersey, are supplemented and relaxed so as to permit plea agreements in post-conviction relief cases affected by the Supreme Court decision in State v. Eileen Cassidy, 235 N.J. 482 (2018).

This limited rule relaxation applies only to post-conviction relief proceedings in which evidential breath samples from defendants in driving while intoxicated (DWI) cases were procured using Alcotest machines calibrated without using a NIST-traceable thermometer, namely, the approximately 13,000 cases that involve findings of guilt, either by trial or by plea, referred to in the Court’s January 29, 2019 order that designated a Special Master to make judicial and administrative decisions in matters affected by the Court’s decision in Cassidy.

In all other aspects, including for all cases not affected by the Court’s decision in Cassidy, the “Guidelines for Operation of Plea Agreements in the Municipal Courts of New Jersey” remain in full force and effect.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: December 18, 2019