

## Three Judge Resentencing Panel

Directive #1-79	October 18, 1979
Issued by:	Arthur J. Simpson, Jr., J.A.D. Acting Administrative Director
Directive #3-91	July 19, 1991
Issued By:	Robert D. Lipscher Administrative Director

The Supreme Court has directed that all hearings on motions filed by persons under sentence of imprisonment on the effective date of the Code of Criminal Justice pursuant to R. 3:21-10(b)(4) for sentence review under the Code will be conducted before a three-judge Sentencing Court appointed by the Chief Justice, N.J.S.A. 2C:1-1d(2). It is the aim of this policy to further uniformity in sentencing procedure by having the panel conduct hearings with regard to, and resentence where appropriate, all such persons regardless of the county where they were originally convicted.

The procedure for filing motions for sentence review by the three judge resentencing panel under N.J.S.A. 2C:1-1d(2) is hereby modified. N.J.S.A. 2C:1-1d(2) permits persons sentenced prior to the effective date of the Code of Criminal Justice to move to have their sentence reviewed if: (1) the offense is one that has been eliminated by the Code or (2) the maximum term of imprisonment imposed exceeds the maximum established by the Code for such an offense. Effective immediately, an original and four copies of the motion papers should be filed with the county clerk of the county where the defendant was convicted and sentenced. The county clerk will forward the papers to the Assistant Director, Intensive Supervision Program, Administrative Office of the Courts, CN 987, Richard Hughes Justice Complex, Trenton, New Jersey 08625. A copy of the motion papers must also be served on the prosecuting attorney of the county where the defendant was convicted or the Attorney General's Office if the offense was prosecuted by that office.

Attached are three forms to be used to implement the revised procedures. Note that in a *pro se* case a total of five copies of the applicant's papers are required, *one* to be sent to the Public Defender in your county and *four* to the Assistant Director, Intensive Supervision Program, who has been designated to record and process all papers received from county clerks involving motions for sentence review under N.J.S.A. 2C:1-1d(2). If the motion was made by an attorney, only *four* copies are required.

When the panel decides the matter, the appropriate order or judgment will be filed with the county clerk so that the records will be complete.

### EDITOR-S NOTE

These directives have been combined so that the underlying policy set forth in #1-79 is included with the revised procedures for filing motions for sentence review set forth in #3-91. The instructions for the forms filed by the county clerks have been deleted.

The name of the Director for the Intensive Supervision Program has been deleted and replaced by the words Assistant Director.®

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