

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

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE
DIRECTOR OF THE COURTS



RICHARD J. HUGHES
JUSTICE COMPLEX
PO Box 037
TRENTON, NEW JERSEY 08625-0037

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

Directive # 13-08
**(Supersedes Attachment 3 of
Directive #13-05)**

**TO: ASSIGNMENT JUDGES
 CRIMINAL PRESIDING JUDGES**

FROM: GLENN A. GRANT, J.A.D.

SUBJ: CERTIFICATION APPLICATION FOR APPOINTMENT OF A PRIVATE PROSECUTOR

DATE: OCTOBER 8, 2008

This Directive reissues the Certification Application for Appointment of a Private Prosecutor and supersedes Attachment 3 of Directive #13-05 that was previously promulgated. No changes have been made to this form. English and English-Spanish versions of the form are included.

The form also will be posted separately on the forms page of the Judiciary Internet website at <http://www.judiciary.state.nj.us/forms.htm>.

Any questions or comments regarding this Directive, or the appended form, may be directed to Assistant Director Joseph J. Barraco, Esq., at (609) 292-4638.

Attachment

cc: Chief Justice Stuart Rabner
 Attorney General Anne Milgram
 Public Defender Yvonne Smith Segars
 County Prosecutors
 Deborah Gramiccioni, DCJ Director
 AOC Directors and Assistant Directors
 Regional Deputy Public Defenders

Trial Court Administrators
Criminal Division Managers
Steven D. Bonville, Esq., Special
Assistant
Vance D. Hagins, Esq.
John Wieck
Melaney S. Payne, Esq.

ATTACHMENT 1

CERTIFICATION APPLICATION FOR
APPOINTMENT OF A PRIVATE PROSECUTOR
ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Certification Application for Appointment as Private Prosecutor

State of New Jersey vs. _____

Docket Number(s): _____

Charge(s) _____

Attorney Information:

Name: _____

Address: _____

Telephone Number: _____

This Certification is supplied to the _____ Superior Court, pursuant to the provisions of *R. 3:23-9(d)* and *State v. Storm*, 141 N.J. 245 (1995) to provide the court and the prosecutor with all facts that may foreseeably affect the fairness of the proceedings to enable the court to determine whether I may be appointed as an impartial private prosecutor for _____, the complaining witness in the above matter.

1. (Please circle the applicable letter). The complaining witness is:

- (a) an individual, (b) a business, or (c) an entity with its own police department
(please describe): (please describe):

2. There is no actual conflict of interest arising from my representation of, and fee arrangement with, the complaining witness. ☐

Check if correct.

If not, please explain:

3. The prosecutor has elected not to conduct the prosecution. ☐

Check if correct.

If not, please explain:

4. The defendant is or is expected to be represented by [YES] [NO] [UNKNOWN]
counsel.

Notice has been given to defendant's attorney [YES] [NO]

5. There is no civil litigation, existing or anticipated, between the complaining witness and the defendant concerning the same or similar facts as are contained in the complaint. In the event of such civil litigation, I have informed the complaining witness that neither I nor any member of my firm will undertake the complaining witness' representation in that matter. ☐
- Check if correct.
- If not, please explain:
-
-

6. There are no other facts that could reasonably affect the impartiality of the private prosecutor and the fairness of the proceedings or otherwise create an appearance of impropriety. ☐
- Check if correct.
- If not, please explain:
-
-

Comments:

Please attach additional sheets if necessary.

CERTIFICATION IN LIEU OF OATH

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: _____ Name of Applicant: _____



Poder Judicial de Nueva Jersey
New Jersey Judiciary

Certificación y solicitud de designación como fiscal privado
Certification Application for Appointment as Private Prosecutor

Estado de Nueva Jersey contra _____
State of New Jersey vs.

Número(s) de Expediente(s) _____
Docket Number(s):

Cargo(s) _____
Charge(s)

Información sobre el Abogado:

Attorney Information:

Nombre y apellido: _____
Name:

Dirección: _____
Address:

Número de Teléfono: _____
Telephone Number:

La presente Certificación se presenta al Tribunal Superior de _____ conforme a lo que disponen R. 3:23-9(d) y *State v. Storm*, 141 N.J. 245 (1995) para informar al juez y al fiscal de todos los hechos que se prevea puedan afectar la equidad de los procedimientos y permitir que el juez determine si me puede designar fiscal privado imparcial para _____, el testigo denunciante en el asunto citado más arriba.

This Certification is supplied to the _____ Superior Court, pursuant to the provisions of R. 3:23-9(d) and *State v. Storm*, 141 N.J. 245 (1995) to provide the court and the prosecutor with all facts that may foreseeably affect the fairness of the proceedings to enable the court to determine whether I may be appointed as an impartial private prosecutor for _____, the complaining witness in the above matter.

1. (Sírvese marcar con un círculo la letra que aplica). El testigo denunciante es:
(Please circle the applicable letter). The complaining witness is:

- | | | | |
|-------------------------------------|--|----|---|
| (a) un individuo,
an individual, | (b) un negocio
(sírvese describirlo):
a business,
(please describe) | or | (c) una entidad con su propia jefatura de
policía (sírvese describirla):
an entity with its own police department
(please describe): |
|-------------------------------------|--|----|---|

2. No existe ningún conflicto de intereses proveniente de mi representación del testigo denunciante ni del acuerdo de honorarios con él. ☐

Marque la casilla si es cierto.

There is no actual conflict of interest arising from my representation of, and fee arrangement with, the complaining witness.

Check if correct.

De lo contrario, sírvase dar una explicación:

If not, please explain:

3. El fiscal ha optado por no dirigir el enjuiciamiento. ☐

Marque la casilla si es cierto.

The prosecutor has elected not to conduct the prosecution.

Check if correct.

De lo contrario, sírvase dar una explicación:

If not, please explain:

4. Al acusado lo representa, o se espera que lo represente, un abogado. ☐ [Sí/Yes] [No/No] [No se sabe/Unknown]

The defendant is or is expected to be represented by counsel.

Se ha notificado al abogado del acusado ☐ [Sí/Yes] [No/No]
Notice has been given to defendant's attorney

5. No existe ni se prevé ningún litigio civil entre el testigo denunciante y el acusado con respecto a los hechos de la denuncia o hechos similares. Si llegara a ocurrir tal litigio civil, he informado al testigo denunciante que ni yo ni ningún miembro de mi bufete lo representaremos en ese asunto. ☐

Marque la casilla si es cierto.

There is no civil litigation, existing or anticipated, between the complaining witness and the defendant concerning the same or similar facts as are contained in the complaint. In the event of such civil litigation, I have informed the complaining witness that neither I nor any member of my firm will undertake the complaining witness' representation in that matter.

Check if correct.

De lo contrario, sírvase dar una explicación:

If not, please explain:

6. No existen otros hechos que razonablemente podrían afectar la imparcialidad del fiscal privado y la equidad de los procedimientos o de otra forma crear la apariencia de incorrección.

☐

Marque la casilla si es cierto.

There are no other facts that could reasonably affect the impartiality of the private prosecutor and the fairness of the proceedings or otherwise create an appearance of impropriety. Check if correct.

De lo contrario, sírvase dar una explicación.

If not, please explain:

Comentarios

Comments:

Sírvase anexar hojas adicionales si son necesarias.

Please attach additional sheets if necessary.

CERTIFICACIÓN EN LUGAR DEL JURAMENTO

CERTIFICATION IN LIEU OF OATH

Por la presente certifico que son ciertas las declaraciones anteriores hechas por mí. Estoy consciente de que estaré sujeto a un castigo si alguna de ellas es intencionalmente falsa.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Fecha: _____
Date:

Nombre y apellido del solicitante: _____
Name of Applicant: