

Judgment of Conviction

Directive #3-98
(Supersedes Directive #8-97;
Modified by Directive #3-99)
Issued by:

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The Supreme Court, at its Administrative Conference on June 2, 1998, approved the recommendation of the Criminal Practice Committee for revision to the Judgment of Conviction. The amendment to the Judgment of Conviction adds the words *include all applicable aggravating and mitigating factors* after the words *Statement of Reasons* on page 2 of the form. The reason for the change is that judges sometimes give a general statement of reasons without referencing aggravating and mitigating factors or simply state *for reasons set forth on the record at the time of sentencing*. This is particularly problematic on probationary sentences because the judge who originally rendered sentence does not always handle the violation of probation. Thus, the judge cannot perform the analysis required by *State v. Baylass*, 114 N.J. 169 (1989) without ordering a transcript.

2. **Judgment of Conviction - - Thefts of an Automobile or Unlawful Taking of a Motor Vehicle**

In June 1997 the Supreme Court, after recommendation from the Criminal Practice Committee, approved a *Supplemental Plea For Thefts of an Automobile or Unlawful Taking of a Motor Vehicle*. This form advised defendants of the penalties contained in N.J.S.A. 2C:20-2.1. That statute provides for a monetary penalty and license suspension. At the time of the approval of the supplemental form there was an issue as to whether the penalties contained in the statute were mandatory. See, *State v. Rama*, 298 N.J. Super. 339 (App. Div. 1997). Pending the disposition of the appeal, the Supreme Court approved the use of the supplemental form. However, the penalties themselves were not specifically listed on the judgment of conviction form at that point.

The Supreme Court, at its Administrative Conference on June 30, 1998, approved an amendment to the Judgment of Conviction. The form has been amended to set forth the mandatory penalties set forth in N.J.S.A. 2C:20-2.1. In *State v. Rama*, 153 N.J. 162 (1998) the Supreme Court affirmed the Appellate Division majority opinion which held that N.J.S.A. 2C:20-2.1 mandated the suspension of a defendant's driving privileges upon conviction of automobile theft.

EDITOR'S NOTE

This Directive supersedes Directive #8-97. Forms are not attached, but may be obtained from the Administrative Office of the Courts= Criminal Practice Division. This Directive has been amended by Directive #3-99.