

**Criminal –
Implementation of Criminal Division
Court Event Forms**

**Directive 6-03
Issued by:**

**July 22, 2003
Richard J. Williams
Administrative Director**

The Report of the Conferences of Criminal Presiding Judges and Criminal Division Managers on Backlog Reduction made a series of recommendations regarding the use of standardized forms. The report was modified and approved by the Judicial Council on October 31, 2002. The following forms are ready for implementation:

Arraignment/Status Conference Order

The Arraignment/Status Conference Order is to be completed at the end of the Arraignment/Status Conference to ensure that all issues identified in R. 3:9-1(c) have been addressed. (Attachment 1)

Plea Cut-off Exception Form

Although not contained in the Backlog Reduction Report, the Conference of Criminal Presiding Judges approved the Plea Cut-Off Exception Form for statewide use at their November 20, 2002 meeting (Attachment 2). It was the view of the Conference as expressed in the Backlog Report that:

“One key to a solid trial list is strict adherence to the policy established by the Supreme Court in the plea cut-off rule. The degree to which plea cut-off has been implemented and enforced varies from county to county and from courtroom to courtroom within a county. Where the plea cut-off is not rigorously enforced there are cases on the trial list where guilty pleas are entered the day of trial to plea offers that had been on the table previously. Most of these cases are in backlog. Had the defense and prosecutor been aware that the plea cut-off was going to be enforced, in all likelihood those cases may have been resolved sooner. In addition, weak adherence to plea cut-off and pleas on the date of trial can leave judges without a case to try. A recent review of various plea cut-off forms revealed inconsistent application of the plea cut-off rule.”

This Directive is being issued to promulgate the use of the Arraignment/Status Conference Order and the Plea Cut-Off Exception Form.

ATTACHMENT 1

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 _____, _____. As a result thereof, it is hereby **ORDERED**:

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

2. DISCOVERY: STATE

☐ All Discovery has been provided.

☐ The following Discovery is to be provided:

DEFENSE

☐ No Discovery has been provided.

☐ All Discovery has been provided.

☐ The following Discovery is to be provided: _____

All discovery shall be completed no later than _____, _____.

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 _____ ,
The State's brief must be filed no later than _____ ,
The Defense brief must be filed no later than _____ , _____ .

6. Hearings on motions in this case shall be conducted as follows:
Dispositive Motions - on _____ , _____ at _____ AM or _____ PM
Non-Dispositive Motions - immediately before trial on _____ , _____ at
_____ AM or _____ PM

7. **PLEA CUT OFF DATE:** _____ , _____

8. 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.

9. **STATUS CONFERENCE:** The parties shall next appear and be ready for the next Status Conference on _____ , _____ .

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.

10. **OTHER:** _____

Prosecutor (print name)

Defense Counsel (print name)

Signature

Signature

HONORABLE

J.S.C.

Original: Court File Pink: Prosecutor Gold: Defense Counsel Copy: CCMO

ATTACHMENT 2

REQUEST TO PLEAD CASE OFF THE TRIAL LIST AS A PLEA CUT-OFF EXCEPTION

State v. _____

Judge _____

Indictment No. _____

Defense Attorney _____

Promis No. _____

Asst. Prosecutor _____

Reason for Request (please check whichever applies):

1. Material change of circumstances ☐

2. Avoid protracted trial ☐

3. Avoid manifest injustice ☐

Explanation (Required): _____

Requested by: _____
Defense Attorney/Asst. Prosecutor

Request Consented to: _____
Defense Attorney/Asst. Prosecutor

Recommended by: _____ J.S.C.
(Signature of trial judge)

Was approval granted for plea cut-off exception? YES ☐

NO ☐

Criminal Presiding Judge

J.S.C. (Designee)