### Volume 31

# PART I. ESTABLISHMENT OF NEW JERSEY CRIMINAL JUSTICE SYSTEM

# CHAPTER 1. ESTABLISHMENT OF THE CRIMINAL JUSTICE SYSTEM

- § 1:1 New Jersey criminal justice system—In general
- § 1:2 The Attorney General
- § 1:3 The county prosecutor
- § 1:4 The sheriff
- § 1:5 Municipal prosecutor

# CHAPTER 2. THE NEW JERSEY CODE OF CRIMINAL JUSTICE

- § 2:1 Code of Criminal Justice—Introduction
- § 2:2 Initial plea bargaining considerations
- § 2:3 Code of Criminal Justice—Requirement of a Voluntary Act—(N.J.S.A. 2C:2-1a)
- § 2:4 —Possession as a Voluntary Act—(N.J.S.A. 2C:2-1c)
- § 2:5 ——(N.J.S.A. 2C:2-1)—Jury instruction
- § 2:6 —Causation—(N.J.S.A. 2C:2-3)
- § 2:7 ——Jury Charge
- § 2:8 —Physical Injuries to Human Beings—(N.J.S.A. 2C:11-1)
- § 2:9 —Culpability—(N.J.S.A. 2C:2-2)
- § 2:10 —Attempt—(N.J.S.A. 2C:5-1)
- § 2:11 ——Jury charge
- § 2:12 —Renunciation of Criminal Purpose—(N.J.S.A. 2C:5-1d)
- § 2:13 —Conspiracy—(N.J.S.A. 2C:5-2)
- $\S~2:14$  — Jury charge
- § 2:15 —Conspiracy Renunciation—(N.J.S.A. 2C:5-2e)—Jury charge
- § 2:16 —Conspiracy and accomplice liability—Grading—(N.J.S.A. 2C:5-4)
- § 2:17 —Conspiracy—Leader of organized crime—(N.J.S.A. 2C:5-2g)

§ 2:18 — — — Jury charge
§ 2:19 — Overview of sentencing under the Code—(N.J.S.A. 2C:43-1 through 46-1.2)

### PART II. CRIMINAL INVESTIGATIONS

# CHAPTER 3. LAWFUL MOTOR VEHICLE STOPS

- § 3:1 Criminal investigations—Lawful motor vehicle stops
- § 3:2 ——Testimonial evidence
- § 3:3 ——Nontestimonial evidence
- § 3:4 ——Length of stop
- § 3:5 Motor vehicle stops based upon tinted windows

#### CHAPTER 4. MOTOR VEHICLE SEARCHES

- § 4:1 Criminal investigations—Searches of motor vehicles— In general
- § 4:2 ——Plain view recovery of criminal evidence
- § 4:3 ——The automobile exception
- § 4:4 ——Consent
- § 4:5 ——Weapons
- § 4:6 ——Driving credentials
- § 4:7 ——Administrative searches of commercial vehicles
- § 4:8 ——Impoundment and inventory searches
- § 4:9 ——Special needs searches
- § 4:10 ——Community caretaking
- § 4:11 Vehicle searches by police dogs
- § 4:12 Motor vehicle passengers—Orders to exit vehicle
- § 4:13 Search of motor vehicle prior to a mandatory impoundment—State v. Courtney, 478 N.J Super. 81 (App. Div. 2024)

# CHAPTER 5. IMPOUNDMENT OF MOTOR VEHICLES—RECOVERY OF EVIDENCE

- § 5:1 Criminal investigations—Impoundment of motor vehicles—Recovery of criminal evidence
- § 5:2 ——By statute
- § 5:3 Wehicle contains criminal evidence
- § 5:4 Wehicle is an instrumentality of crime
- § 5:5 ——Civil forfeiture
- § 5:6 ——Community caretaking

#### CHAPTER 6. SEARCH WARRANTS

- § 6:1 Search warrants—Introduction
- § 6:2 —Rules of Court
- § 6:3 —Attorney General Directive for seeking a search warrant
- § 6:4 —Probable cause and particularity determinations
- § 6:5 —Judicial authority to issue
- § 6:6 —Neutral and detached magistrate
- § 6:7 —Oath or affirmation
- § 6:8 —Knock-and-announce requirement
- § 6:9 —No knock warrants
- § 6:10 —Defective search warrant applications
- § 6:11 —Anticipatory search warrants
- § 6:12 —Time, place and manner of executing a search warrant
- § 6:13 —Telephonic search warrants
- § 6:14 —Telephonic warrants for blood samples in DWI cases
- § 6:15 —Domestic violence search warrants
- § 6:16 —"All persons present" search warrants

#### CHAPTER 7. RESIDENTIAL SEARCHES

- § 7:1 Criminal investigations—Residential searches—In general
- $\S~7:2$  ——Search warrants
- § 7:3 ——Emergency aid
- § 7:4 ——Community caretaking
- § 7:5 ——Voluntary consent
- § 7:6 ——Consent once removed
- § 7:7 ——Apparent authority
- § 7:8 ——Fire investigations
- § 7:9 ——Police use of explosive devices
- § 7:10 ——Reasonable continuation doctrine
- § 7:11 ——Protective sweeps
- § 7:12 ——Arrest warrant
- § 7:13 ——Exigency and probable cause—Hot pursuit
- § 7:14 ——Abandoned property
- § 7:15 Third party intervention doctrine
- § 7:16 Residential searches by trained dogs
- § 7:17 Sanction for knock-and-announce requirement in a search warrant—State v. Caronna, 469 N.J. Super. 462, 265 A.3d 1249 (App. Div. 2021)
- § 7:18 Entry into attached garage without a search warrant— State v. Mellody, 479 N.J.Super. 90, 318 A.3d 723 (App. Div. 2024)

#### CHAPTER 8. CELL PHONE RECORDS

§ 8:1 Cell phone records

## CHAPTER 9. RECOVERY OF EVIDENCE FROM SEARCHES OF THE PERSON

- § 9:1 Recovery of evidence from searches of the person— Introduction
- § 9:2 —Fifth Amendment issues
- § 9:3 —Fourth Amendment issues
- § 9:4 —Strip searches

# CHAPTER 10. RECOVERY OF EVIDENCE OBTAINED BY POLICE DOGS

- § 10:1 Searches by police dogs—In general
- § 10:2 —State v. Dunbar, 229 N.J. 521, 163 A.3d 875 (2017)—Case overview
- § 10:3 —State v. Dunbar, 229 N.J. 521, 163 A.3d 875 (2017)
- § 10:4 Use of police dogs to conduct residential searches—In general
- § 10:5 Florida v. Jardines, 133 S. Ct. 1409 (2013)—Case overview
- § 10:6 ——Analysis and review
- § 10:7 Use of police dogs to conduct motor vehicle searches—In general
- § 10:8 Florida v. Harris, 133 S. Ct. 1050 (2013)—Case overview
- § 10:9 ——Analysis and review
- § 10:10 Length of vehicle detention for dog search—In general
- § 10:11 —Rodriguez v. United States, 135 S. Ct. 1609 (2015)—Case overview
- § 10:12 ——Analysis and review
- § 10:13 —State v. Nelson, 237 N.J. 540, 206 A.3d 408 (2019)—Case overview
- § 10:14 ——Analysis and review
- § 10:15 Defense entitlement to reports of drug canine's field and health reports as an element of criminal discovery—State v. Morgan, 479 N.J. Super. 420, 322 A.3d 135 (App. Div. 2024)

## CHAPTER 11. ADMISSIONS AND CONFESSIONS

- § 11:1 Admissions and confessions—In general
- § 11:2 —Custodial interrogation

§ 11:3	—Words used to convey <i>Miranda</i> warnings
§ 11:4	—Waiver
§ 11:5	—Bright line rules invalidating <i>Miranda</i> waiver
§ 11:6	—Suppression of confessions
§ 11:7	—Use of admissions at trial
§ 11:8	—Use of suppressed confessions at trial
§ 11:9	—Public safety exception to <i>Miranda</i>
§ 11:10	—Break in interrogation
§ 11:11	—Video recorded statements
§ 11:12	Wiretaps
§ 11:13	Admission and confessions—Telephone calls made from detention facilities
§ 11:14	Admissions and confessions-The "foregone conclusion' exception to the Fifth Amendment—Encrypted cell phone pass codes
§ 11:15	Admissions and confessions—Requirement for corroboration of a confession
§ 11:16	Admissions and confessions—Ambiguous assertion of right to counsel—State v. Gonzalez, 249 N.J. 612, 268 A.3d 329 (2022)
§ 11:17	Admissions and confessions—Information the police must provide to suspects as part of an interrogation
§ 11:18	Admissions and confessions—Three potential pathways of a custodial interrogation
§ 11:19	Admissions and confessions—Voluntariness and Diminished Capacity
§ 11:20	Admissions and confessions—Maintaining the confidentiality of police informants
	confidentiality of police illiorinalits

### CHAPTER 12. WITNESSES TO CRIMINAL **OFFENSES**

- Fact-Witnesses—In general § 12:1
- § 12:2 Fact Witnesses—Crime scene interviews
- § 12:3 —Material witnesses
- § 12:4 —Show-up identification
- § 12:5 —Photographic and live lineups§ 12:6 —Mug shots
- Facial recognition technology § 12:7
- § 12:8 Limitations on pretrial witness preparations

### CHAPTER 13. VICTIMS OF CRIME AND THEIR RIGHTS UNDER LAW

- § 13:1 Victims—In general
- § 13:2 —Legislative enactments

- § 13:3 —Person defined
- § 13:4 —Injury defined
- § 13:5 —Death defined
- § 13:6 —Restitution

#### CHAPTER 14. CRIME SCENE

- § 14:1 Crime scene—In general
- § 14:2 —Chain of custody
- § 14:3 —Video and photography

# PART III. FILING CRIMINAL CHARGES

# CHAPTER 15. INITIATION OF THE CRIMINAL PROCESS

- § 15:1 Criminal charges—In general
- § 15:2 —Citizen complaints
- § 15:3 —Police complaints
- § 15:4 Process issued by the grand jury

### PART IV. THE LAW OF ARREST

#### CHAPTER 16. THE LAW OF ARREST

- § 16:1 The law of arrest—In general
- § 16:2 —Territorial jurisdiction to arrest
- § 16:3 —Pre-arrest actions—Field inquiry
- § 16:4 — Terry stop and frisk
- § 16:5 ——Probable cause determinations
- § 16:6 —Duty to submit to arrest
- § 16:7 —Use of force in making an arrest
- § 16:8 Resisting arrest
- § 16:9 —Self-defense against excessive force
- § 16:10 Immunity from claims of false arrest
- § 16:11 Arrest without a warrant—In general
- § 16:12 —Release on a summons
- § 16:13 —"On view" requirement
- § 16:14 —Exceptions to the "on view" requirement
- § 16:15 Citizen's arrest
- § 16:16 Post-arrest procedures—Search incident to a lawful arrest
- § 16:17 —Search incident to an unlawful arrest

§ 16:18 —Impoundment of property and inventory searches
§ 16:19 —Strip searches
§ 16:20 —Booking procedures
§ 16:21 —Detention or release from custody
§ 16:22 —Order for investigative detention to determine identity

### CHAPTER 17. DOMESTIC VIOLENCE

- § 17:1 Domestic violence—In general
- § 17:2 Acts constituting domestic violence
- § 17:3 Domestic violence—Mandatory and discretionary arrests
- § 17:4 —Pretrial release and detention
- § 17:5 —Search and seizure of weapons
- § 17:6 —Temporary and final restraining orders
- § 17:7 —Violation of restraining orders
- § 17:8 —Confrontation issues at trial
- § 17:9 —Collateral consequences of conviction

#### CHAPTER 18. EXTRADITION

- § 18:1 Extradition—In general
- § 18:2 —Fugitive defined
- § 18:3 —Initial apprehension
- § 18:4 —Requisition from demand state
- § 18:5 —Extradition warrant
- § 18:6 —Challenges to extradition—Writ of habeas corpus
- § 18:7 —Bail pending extradition
- § 18:8 —Waiver of right to contest extradition

### PART V. PRETRIAL DETENTION AND RELEASE FROM CUSTODY

# CHAPTER 19. CRIMINAL JUSTICE REFORM

- § 19:1 Criminal justice reform—In general
- § 19:2 Eligible defendant—Defined
- § 19:3 Initial detention of an eligible defendant
- § 19:4 Public Safety Assessment (PSA)
- § 19:5 Preliminary law enforcement incident report (PLEIR)
- § 19:6 Public policy underlying release and detention
- § 19:7 Initial appearances for detention review
- § 19:8 Pretrial detention hearings

§ 19:9 Discovery for detention hearing § 19:10 Speedy indictment of detained defendants § 19:11 Speedy trial of detained defendants § 19:12 Excludable time § 19:13 Revocation of release from custody

### PART VI. PRE-INDICTMENT **PROCEDURES**

### CHAPTER 20. PRE-INDICTMENT **PROCEDURES**

- § 20:1 Pre-indictment procedures—In general § 20:2 —First appearance § 20:3 Pre-indictment conference
- § 20:4 Probable cause hearings

### PART VII. GRAND JURY AND **INDICTMENTS**

#### CHAPTER 21. THE GRAND JURY

- § 21:1 Grand jury—In general § 21:2
- Role of the prosecutor—In general
- § 21:3 Scope of pre-indictment inquiry
- § 21:4 Grand jury investigations—Subpoena power
- § 21:5 —Witness testimony
- § 21:6 Obligation of public employees to testify
- Right of the defendant to testify § 21:7
- § 21:8 Defense attorney as a witness before the grand jury
- § 21:9 Prosecutor's duty to present exculpatory evidence and instructions
- Content of indictment § 21:10
- § 21:11 Scope of post-indictment inquiry: the dominant purpose rule
- § 21:12 Motions to dismiss indictment
- Accusations § 21:13
- § 21:14 Grand jury testimony as discovery
- § 21:15 Presentments

### PART VIII. DISCOVERY

## CHAPTER 22. DISCOVERY IN CRIMINAL CASES

- § 22:1 Discovery—In general
- § 22:2 —Text of Rule 3:13-3
- § 22:3 Brady materials—Limitations on prosecutor's discovery obligations
- § 22:4 Limitations on defendant's discovery obligations
- § 22:5 Judicial resolution of discovery disputes
- § 22:6 Protective orders
- § 22:7 Defense counsel access to police internal affairs files

### PART IX. DIVERSIONARY PROGRAMS

# CHAPTER 23. DIVERSION FROM PROSECUTION

§ 23:1 Divisionary programs—In general

### CHAPTER 24. DIVERSION FROM PROSECUTION FOR DISORDERLY PERSONS' DRUG OFFENSES – CONDITIONAL DISCHARGES

- § 24:1 Conditional discharges for petty drug offenses
- § 24:2 Conditional discharge eligibility
- § 24:3 Conditional discharge plea entry
- § 24:4 Conditional discharge—Supervisory treatment
- § 24:5 Conditional discharge fees and assessments
- § 24:6 Conditional discharge program duration
- § 24:7 Conditional discharge driver's license suspension
- § 24:8 Conditional discharge dismissal and expungement

### CHAPTER 25. DIVERSION FROM PROSECUTION FOR DISORDERLY PERSONS' OFFENSES – CONDITIONAL DISMISSAL

- § 25:1 Conditional dismissal program—In general
- § 25:2 Conditional Dismissal Program eligibility requirements

- § 25:3 Conditional dismissal program completion
- § 25:4 Failure to complete conditional dismissal program

### CHAPTER 26. DIVERSION FROM PROSECUTION FOR CRIMINAL OFFENSES—PRETRIAL INTERVENTION

§ 26:1 Diversion from prosecution for criminal offenses – Pretrial intervention—In general § 26:2 Pretrial intervention—Public policy —Amenability to correction § 26:3 § 26:4 —Eligible and ineligible applicants § 26:5 Pretrial intervention—applications rejection § 26:6 Pretrial intervention—Appeal of PTI rejections § 26:7 —Evaluating applications § 26:8 —Plea entry § 26:9 —Program duration § 26:10 Pretrial intervention guidelines—In general § 26:11 —PTI guideline 1—Program goals § 26:12 —PTI guideline 2—Eligibility § 26:13 —PTI guideline 3—Admissibility criteria —PTI guideline 4—Plea entry requirements § 26:14 § 26:15 —PTI guideline 5—Confidentiality —PTI guideline 6—Time requirements § 26:16

# PART X. DISPOSITION WITHOUT TRIAL

### CHAPTER 27. PLEA ENTRY PROCEDURES

—PTI guideline 7—Prosecutor withholding action on

-PTI guideline 8-PTI acceptance and appeal of

- § 27:1 Plea entry—In general
  § 27:2 Plea options
  § 27:3 Plea entry—Oath or affirmation
  § 27:4 —Factual basis
  § 27:5 —Voluntariness of the plea
- § 27:6 —Nature of the charge and consequences of the plea
- § 27:7 —Collateral consequences of a guilty plea
- § 27:8 —Withdrawal of a guilty plea
- § 27:9 —Effect of a vacated plea

application

denial

§ 27:10 Limitations and restriction on plea agreements

§ 26:17

§ 26:18

### CHAPTER 28. PLEA WITH A CIVIL RESERVATION

- § 28:1 Plea entry—Civil reservations—In general
- § 28:2 Standing to appeal civil reservation issues

#### CHAPTER 29. PLEAS WITH RESTRICTIONS

- § 29:1 Plea entry—Pleas with restrictions—In general
- § 29:2 —Conditional pleas
- § 29:3 —Plea with waiver of right to appeal
- § 29:4 Plea entry—Plea agreement conditioned on defendant not being arrested pending the imposition of sentence
- § 29:5 Plea entry—Plea agreement conditioned on defendant's failure to appear at sentencing

# PART XI. TRIAL OF CRIMINAL OFFENSES

#### CHAPTER 30. PRETRIAL MOTIONS

- § 30:1 Pretrial motions—In general
- § 30:2 —Motion to suppress evidence—Requirement of reasonable police conduct
- § 30:3 ——Foundations of the exclusionary rule
- $\S 30:4$  ——Exceptions to the exclusionary rule
- § 30:5 ——Hearing procedures
- § 30:6 ——Burden of production
- § 30:7 ——Burdens of proof
- § 30:8 ——Briefs
- § 30:9 ——Privileges of the accused
- § 30:10 ——Standing
- § 30:11 ——Post-conviction and interlocutory appeals
- § 30:12 ——Exceptions to the warrant requirement
- § 30:13 —De Minimis applications—In general
- § 30:14 ——Customary license or tolerance
- $\S 30:15$  No threat of harm
- § 30:16 ——Too trivial
- § 30:17 ——Other extenuations
- $\S 30:18$  — Drug offenses
- § 30:19 ——Procedure
- § 30:20 —Speedy trial—In general
- § 30:21 ——Length of delay
- § 30:22 ——Reason for the delay
- § 30:23 ——Assertion of right

§ 30:24	— Prejudice to the defendant
§ 30:25	-Miranda hearing
§ 30:26	—Sands hearing
§ 30:27	—Brunson hearing
§ 30:28	—Balthrop hearing
§ 30:29	—Cofield hearing (Prior bad acts)
§ 30:30	—Wade hearing (Suggestive identification)
§ 30:31	—Driver hearing (Recordings)
§ 30:32	—Crudup hearing (Confidentiality of police
	surveillance location)
§ 30:33	—Guenther hearings (Victim's prior false allegation of sexual assault)
§ 30:34	— <i>Gross</i> hearings (Admissibility of a witness's prior inconsistent statement)
§ 30:35	—Furguson hearing—(Defendant's late request for trial adjournment to secure new counsel)
§ 30:36	—Gross hearings (Admissibility of a witness's prior inconsistent statement)—Jury charge
§ 30:37	——Recanting witness—Jury charge
§ 30:38	—Motion to dismiss an indictment
§ 30:39	—Preliminary questions
§ 30:40	Pretrial motions for judicial disqualification
§ 30:41	—Code of Judicial Conduct (Canon 3, Rule 3.17)
§ 30:42	Motion to reveal identity of a confidential informant
§ 30:43	Motion for severance
§ 30:44	Motion for change of venue
§ 30:45	Closing pretrial hearings to the press and public
§ 30:46	Statutes of limitation—In general
§ 30:47	—Statutory beginning and ending dates
§ 30:48	Statutes of limitations—DNA evidence or fingerprint evidence
§ 30:49	-Prosecutor's delay in seeking an indictment
§ 30:50	Statutes of limitation—Petty criminal, municipal
	ordinances and traffic offenses
§ 30:51	—Tolling the statute of limitations
§ 30:52	Mandatory joinder and double jeopardy
§ 30:53	Double jeopardy—Same-elements test
§ 30:54	—Same-evidence test
§ 30:55	—Fundamental fairness
§ 30:56	—Continuation of trial after an improper termination of proceedings
§ 30:57	—Dismissal of indictment based upon related prosecution in another jurisdiction—N.J.S.A. 2C:1-3f
§ 30:58	Territorial jurisdiction—In general
§ 30:59	Territorial jurisdiction as an element of the offense charged

§ 30:60	Objection to prosecution based upon lack of territorial jurisdiction
§ 30:61	Motion to dismiss indictment based upon selective
	prosecution
§ 30:62	Procedures for filing pretrial motions
§ 30:63	Interstate Agreement on Detainers (IAD)
§ 30:64	Re-sentencing following imposition of an illegal
	sentence

### CHAPTER 31. TRIAL BY JURY

- § 31:1 Trial by jury—In general
- § 31:2 Waiver of trial by jury for a bench trial
- § 31:3 Jury trial—In general
- § 31:4 Model jury questionnaire
- § 31:5 Juror qualifications
- § 31:6 Excused or deferred jury service
- § 31:7 Jury voir dire
- § 31:8 Peremptory challenges
- § 31:9 Challenges for cause
- § 31:10 Swearing in the jury

### CHAPTER 32. CONDUCT OF TRIAL

- § 32:1 Conduct of trial—Constitutional requirements in general
- § 32:2 —Constitutional requirements—Public trial
- § 32:3 ——Speedy trial
- § 32:4 —Constitutional requirement—Counsel for the defense
- § 32:5 —Constitutional requirements—Confrontation of witnesses
- § 32:6 ——Compulsory process
- § 32:7 — Venue, Vicinage Clause and impartial jury
- § 32:8 ——Informed as to the nature of the charges
- § 32:9 ——Jeopardy
- § 32:10 —Request for adjournment to obtain new counsel
- § 32:11 —Preliminary instructions to jurors
- § 32:12 —Opening statements
- § 32:13 —Examination of witnesses
- § 32:14 —Nontestimonial evidence
- § 32:15 —Testimonial evidence
- § 32:16 —Prosecution's case in chief
- § 32:17 —Prosecutor's case—Fact witnesses
- § 32:18 ——Witnesses attire
- § 32:19 ——Lay opinion

#### CRIMINAL PRACTICE AND PROCEDURE

```
——Specialized lay witness
§ 32:20
§ 32:21
         — Expert witnesses
§ 32:22
         ——State's exhibits
         —Prosecutor's case—Impeachment based upon prior
§ 32:23
          convictions or prior bad acts
         -Prosecutor's case-Prior bad acts by the
§ 32:24
          defendant—Jury charge
§ 32:25
         --- Reputation evidence of the victim
         ——Prior consistent statements
§ 32:26
§ 32:27
         — —Prior inconsistent statements
§ 32:28
         — — Jury instruction
§ 32:29
         ———Recanting witness—Jury instruction
§ 32:30
         ——Refreshing a witness's recollection
§ 32:31
         --- Past recollection recorded
         — Privileges
§ 32:32
§ 32:33
         ——Contempt of court
§ 32:34
         — — Motion for acquittal
§ 32:35
         -Addition or dismissal of charges-Jury instruction
§ 32:36
         —Defense case in chief
§ 32:37
         —Defense case—Defense exhibits
§ 32:38
         — — Character trait of the defendant
         — — Character trait—Jury instruction
§ 32:39
         ——Affirmative defenses
§ 32:40
         ———Third party guilt—Jury instruction
§ 32:41
         — — Failure of the State to produce a witness—
§ 32:42
          Jury instruction
         — — Defendant's attire in court
§ 32:43
§ 32:44
         — —Testimony
§ 32:45
         —Rebuttal and surrebuttal
§ 32:46
         —Closing arguments
§ 32:47
         —Charging conference
§ 32:48
         —Jury charge
§ 32:49
         —Jury deliberations and verdict
§ 32:50
         —Publishing the verdict
§ 32:51
         —Post-verdict motions
§ 32:52
         —Mistrial and subsequent retrial—Double jeopardy
§ 32:53
         Specialized trial proofs and procedures—"Certain
          persons" offenses—In general
§ 32:54
         —Trial of "certain persons"
§ 32:55
         —Trial of "certain persons"—Jury charge
         — —Firearms—Jury charge
§ 32:56
         — — Domestic violence—Jury charge
§ 32:57
         —"Certain persons" bifurcated trial procedures
§ 32:58
§ 32:59
         —"Certain persons" trial proof of prior convictions
§ 32:60
         —Trial in absentia
```

§ 32:61 — Jury charge § 32:62 — Waiver of right to appear at trial § 32:63 — Trial of companion traffic tickets

### CHAPTER 33. PROOF OF FACTS

- § 33:1 Proof of facts—Introduction
- § 33:2 —Relevant evidence
- § 33:3 —Exclusion of relevant evidence
- § 33:4 —Burdens of proof
- § 33:5 —Reasonable suspicion
- § 33:6 —Probable cause
- § 33:7 —Preponderance of the evidence
- § 33:8 —Clear and convincing evidence
- § 33:9 —Beyond a reasonable doubt
- § 33:10 —Circumstantial evidence
- § 33:11 ——Jury instruction
- § 33:12 —Direct evidence
- § 33:13 —Presumptions
- § 33:14 —Stipulations
- § 33:15 —Admissions and confessions
- § 33:16 —Conduct of the defendant—Consciousness of guilt
- § 33:17 —Consciousness of guilt—Suicide attempt—Jury instruction
- § 33:18 ——Flight—Jury instruction
- § 33:19 —Judicial notice
- § 33:20 —Other crimes, wrongs or bad acts by the defendant

### Volume 32

# CHAPTER 34. SPECIALIZED TRIAL PROOFS AND PROCEDURES

- $\S~34:1$  Specialized trial proofs and procedures—In general
- § 34:2 —COVID-19—Introduction
- § 34:3 ——Phased strategies to reopen to the courts
- § 34:4 Trials conducted during phase 2 and beyond
- § 34:5 ——Service of jail terms—Supreme Court order
- § 34:6 ——Plea by mail in municipal court
- § 34:7 ——Rule changes affecting criminal practice and procedure
- § 34:8 ——Remote grand jury presentations
- § 34:9 —Third omnibus Supreme Court COVID-19 (May 28, 2020) order authorizing remote grand jury proceedings

§ 34:10	——Public Health Emergency Declarations— Executive Order 103
§ 34:11	—Drug offenses—Illegal drugs packaged for distribution
§ 34:12	—Sex offenses—Closed circuit televised testimony at trial
§ 34:13	——Pretrial investigation in child sexual assault cases— <i>Michaels</i> hearing
§ 34:14	— Fresh complaint and the tender years exception to hearsay rule—N.J.R.E. 803(c)(27)
§ 34:15	— —Fresh complaint—Jury charge
§ 34:16	——New Jersey Rape Shield Law
§ 34:17	—Video playback of trial testimony and evidence
§ 34:18	—Waiver of right to appear at sentencing
§ 34:19	—Trial of companion traffic tickets—Acquittals and hung juries
§ 34:20	—Trial of co-defendants—Bruton issues
§ 34:21	— Forfeiture by wrongdoing—N.J.R.E. 804b(9)
§ 34:22	Translation services for the defendant at trial
§ 34:23	Remote expert witness testimony at trial
§ 34:24	Need for trial judges to conduct <i>Miranda</i> hearings during trial—State v. McGuigan, 478 N.J Super. 284 (App. Div. 2024)

# CHAPTER 35. FORENSIC EVIDENCE AT TRIAL

§ 35:1	Forensic evidence at trial—In general
§ 35:2	Standards for determining reliability of novel scientific forensic procedures
§ 35:3	Forensic evidence at trial—Preliminary admissibility issues at trial
§ 35:4	—Gunshot residue
§ 35:5	—Fingerprints
§ 35:6	—DNA
§ 35:7	—Medical examiner
§ 35:8	—Ballistics
§ 35:9	—Hair and fiber analysis
§ 35:10	—Shoe print and tire tracks
§ 35:11	—Bite mark identification
§ 35:12	—Handwriting analysis
§ 35:13	—Composite sketches
§ 35:14	Hypnotically refreshed testimony
§ 35:15	Forensic genetic genealogy

### CHAPTER 36. AFFIRMATIVE DEFENSES

§ 36:1 Affirmative defenses—In general

§ 36:2 Criminal Code affirmative defenses § 36:3 Defenses—Self-defense § 36:4 Jury charge—Self-defense —Self-defense in cases of resisting arrest § 36:5 § 36:6 -Mistake of law as to legality of arrest § 36:7 -Mistake of law as to unlawfulness of force § 36:8 Defenses—Self-defense—Battered woman syndrome § 36:9 — — Jury charge § 36:10 ———Purposes other than defenses—Jury charge § 36:11 —Defense of others § 36:12 —Defense of premises or property § 36:13 Evidence of third-party guilt Jury charge—Use of force in defending property § 36:14 § 36:15 —Use of force upon an intruder § 36:16 Defenses—Consent § 36:17 -Necessity § 36:18 —Duress § 36:19 Jury charge—Duress § 36:20 Defenses—Entrapment § 36:21 Jury charge—Entrapment § 36:22 Defenses—Self-induced intoxication § 36:23 Jury charge—Intoxication negating an element of offense § 36:24 —Pathological intoxication § 36:25 Alibi § 36:26 Jury charge—Alibi § 36:27 **Immunity** CHAPTER 37. INSANITY § 37:1 Defense of insanity—In general § 37:2 Defense of mental disease or defect § 37:3 Notice of insanity defense to the prosecutor § 37:4 Competency to stand trial Defendant not competent to stand trial § 37:5 § 37:6 Test of insanity in New Jersey § 37:7 Insanity—Burden of proof § 37:8 Scope of the psychiatric or psychological examinations § 37:9 Discovery of psychiatrist's or psychologist's reports § 37:10 Limitations on cross examination

### CHAPTER 38. TRIAL OBJECTIONS

Rebuttal evidence of insanity

Preparing the insanity defense

Psychiatric reports as defendant's admissions

Verdict of "not guilty by reason of insanity"

§ 38:1 Trial objections—In general

§ 37:11

§ 37:12

§ 37:13

§ 37:14

§ 38:2 —Presentation of evidence § 38:3 —Mode of questioning witnesses § 38:4 —Argumentative § 38:5 —Asked and answered § 38:6 -Assuming facts not in evidence § 38:7 —Authentication § 38:8 —Best evidence rule § 38:9 —Beyond the scope of direct examination —Chain of custody § 38:10 § 38:11 —Character evidence § 38:12 -Closing argument § 38:13 —Competence to testify § 38:14 —Compound question § 38:15 —Continuing objection § 38:16 —Cumulative § 38:17 —Curative (cautionary) instructions § 38:18 —Discovery § 38:19 —Expert witness—Competence to testify — — Ultimate issue § 38:20 § 38:21 —Form of the question § 38:22 -Habit and routine § 38:23 —Hearsay § 38:24 -Admissions —Hearsay exceptions § 38:25 -Immaterial § 38:26 -Irrelevant § 38:27 § 38:28 —Lack of personal knowledge § 38:29 —Lay opinion (N.J.R.E. 701) § 38:30 —Leading question (N.J.R.E. 611) § 38:31 -Move to strike answer § 38:32 —Not in evidence § 38:33 -Unduly prejudicial (N.J.R.E. 403) § 38:34 —Unresponsive

# CHAPTER 39. PROOF OF INTOXICATED OPERATION OF MOTOR VEHICLES

§ 39:1 Proving recklessness through intoxication—In general
§ 39:2 Proving recklessness at the moment of collision
§ 39:3 Proving blood alcohol level—Alcotest
§ 39:4 —Police blood draw
§ 39:5 —Hospital blood draw
§ 39:6 Under the influence of alcohol
§ 39:7 Under the influence of drugs

§ 39:8 Drug recognition expert (DRE) opinion evidence at trial

### PART XII. SENTENCING

# CHAPTER 40. PRESENTENCE INVESTIGATIONS

§ 40:1 Pre-sentence investigations—In general

# CHAPTER 41. ALLOCUTION BY DEFENDANT

§ 41:1 Defendant's right of allocution—In general

# CHAPTER 42. VICTIMS' IMPACT STATEMENTS

§ 42:1 Sentencing—Victims' impact statements

#### CHAPTER 43. SENTENCING

arceration
)
ites

- § 43:25 Appeals by the State—Illegal sentences
- § 43:26 Consideration of an acquittal to enhance sentence

# CHAPTER 44. FINANCIAL CONSEQUENCES OF SENTENCING

- § 44:1 Financial consequences—Fines and penalties
- § 44:2 —Restitution

# CHAPTER 45. COLLATERAL CONSEQUENCES OF SENTENCING

- § 45:1 Collateral consequences—In general
- § 45:2 —Forfeiture of public office and pensions
- § 45:3 —Removal from the United States
- § 45:4 —Attorney discipline
- § 45:5 —Loss of driving privileges
- § 45:6 —Firearms
- § 45:7 —DNA samples
- § 45:8 —Registration of sex offenders

# CHAPTER 46. PROBATION AND SUSPENDED SENTENCE

- § 46:1 Probation and suspended sentence—In general
- § 46:2 —Terms and conditions
- § 46:3 —Violations of probation (VOP)
- § 46:4 —VOP procedures—Directive 07-08

#### CHAPTER 47. DRUG COURT

§ 47:1 Drug court—Eligibility and procedures

# CHAPTER 48. POST-SENTENCING MOTIONS

- § 48:1 Post-sentencing motions—In general
- § 48:2 —Sentence reconsideration
- § 48:3 —Vacating a guilty plea
- § 48:4 —Bail pending appeal
- § 48:5 —Motion to appeal by the prosecution
- § 48:6 —New trial
- § 48:7 —Arrest of judgment
- § 48:8 —Post-conviction relief (PCR)
- § 48:9 Default in payments ordered under a sentence

#### PART XIII. CIVIL FORFEITURE

# CHAPTER 49. CIVIL FORFEITURE OF ILLEGALLY ACQUIRED PROPERTY

- § 49:1 Civil forfeiture—In general
- § 49:2 —Contraband defined
- § 49:3 —Procedure and elements of proof at trial
- § 49:4 —Statutes of limitations
- § 49:5 Inadmissible as evidence at trial
- § 49:6 Writ of replevin

# PART XIV. ETHICAL CONSIDERATIONS IN CRIMINAL PRACTICE

# CHAPTER 50. PROFESSIONAL CODES OF CONDUCT FOR ATTORNEYS AND JUDGES

- § 50:1 Ethical considerations—Codes of conduct
- § 50:2 —Prosecutors—In general
- § 50:3 Gross negligence
- § 50:4 ——Pretrial publicity
- $\S 50:5$  —Communicating with represented parties
- § 50:6 —Courtesy and professionalism
- § 50:7 —Scope of representation
- § 50:8 —Communication
- § 50:9 —Legal fees
- § 50:10 —Confidentiality of information
- § 50:11 —Conflicts of interest
- § 50:12 —Candor before the tribunal
- § 50:13 —Impartiality and decorum before the tribunal
- § 50:14 —Meritorious claims
- § 50:15 —Judicial proceedings—In general
- § 50:16 ——Abuse of attorneys and litigants
- § 50:17 —Judicial proceedings—Bias
- § 50:18 —Judicial proceedings—Egregious legal errors during trial
- § 50:19 ——Recusal

#### PART XV. CRIMINAL APPEALS

# CHAPTER 51. PROCEDURES FOR FILING A CRIMINAL APPEAL

§ 51:1	Criminal appeals—Time to file appeal	
§ 51:2	—Filing—In general	

- § 51:3 —Plain error—In general
- § 51:4 —Jury charge
- § 51:5 —Statutory construction
- § 51:6 —Abuse of discretion
- $\S 51:7$  —Appeal of sentence
- § 51:8 —Arguing an appeal
- § 51:9 Deference for factual findings by the trial court
- § 51:10 Criminal appeals—Published decisions
- § 51:11 Appeal by the State

# PART XVI. REHABILITATION AND REMOVAL OF CRIMINAL CONVICTIONS

#### CHAPTER 52. EXECUTIVE CLEMENCY

- § 52:1 Executive clemency—In general
- § 52:2 Pardon application process in New Jersey—Clemency Advisory Board
- § 52:3 [Reserved]
- § 52:4 [Reserved]
- § 52:5 Expungement of criminal records following a pardon
- § 52:6 The Compassionate Release Act—N.J.S.A. 30:4-123.51e

### CHAPTER 53. REHABILITATED CONVICTED OFFENDERS ACT

- § 53:1 The Rehabilitated Convicted Offenders Act—In general
- § 53:2 Certificate of rehabilitation—presumption of rehabilitation
- § 53:3 Applications for certificate of rehabilitation
- § 53:4 Licensing and certificate of rehabilitation
- § 53:5 Public employment—Certificate of rehabilitation
- § 53:6 Judicially issued certificate of rehabilitation
- § 53:7 Probation or parole issued certificate of rehabilitation

### CHAPTER 54. EXPUNGEMENT OF CRIMINAL RECORDS

§ 54:1 Expungement of criminal records—In general

§ 54:8

§ 54:2 Availability of expunged records
§ 54:3 Duty to reveal expunged records
§ 54:4 Expungement of indictable offenses
§ 54:5 Expungement of disorderly and petty disorderly persons' offenses
§ 54:6 Expungement of ordinance violations
§ 54:7 Arrests not resulting on conviction

Sample petition for expungement

PART XVII. SUBSIDIARY COURTS IN THE CRIMINAL JUSTICE SYSTEM

### CHAPTER 55. JUVENILE JUSTICE

- § 55:1 Juvenile justice—In general
- § 55:2 —Procedures for adjudication of delinquency
- § 55:3 —Waiver of Family Court jurisdiction
- § 55:4 Juvenile justice—Concurrent motions to suppress evidence and waiver applications

#### CHAPTER 56. MUNICIPAL COURT

- § 56:1 Municipal Court—Introduction
- § 56:2 —Territorial jurisdiction
- § 56:3 Municipal Courts—Subject matter jurisdiction
- § 56:4 —Professional personnel
- § 56:5 —Trial procedures

# PART XVIII. CIVIL RESTRAINTS ON POTENTIAL CRIMINAL CONDUCT

# CHAPTER 57. EXTREME RISK PROTECTIVE ORDERS

- § 57:1 Extreme Risk Protective Orders—In general
- § 57:2 Extreme risk protective orders—Definitions
- § 57:3 Contents of petition for temporary extreme risk protective order
- § 57:4 Issuance of temporary protective order
- § 57:5 Contents of temporary protective order
- § 57:6 Restraining order post-issuance requirements
- § 57:7 Protective orders filed against law enforcement officers
- § 57:8 Hearing for a final extreme risk protective order

§ 57:9 Contents of final extreme risk protective order
 § 57:10 Confidential central registry
 § 57:11 Procedures for terminating a final extreme risk protective order
 § 57:12 Return or destruction of seized firearms and ammunition
 § 57:13 Contempt of court

# CHAPTER 58. SEXUAL ASSAULT SURVIVOR PROTECTION ACT (SASPA)

Sexual Assault Survivor Protection Act (SASPA)—In general
Sexual assault victims under SASPA defined
Application for emergency temporary restraints
Service of emergency, temporary SASPA order—
Notification to law enforcement
Hearing on issuance of final SASPA protective order
Grounds for issuance of final SASPA protective order
Contents of a final SASPA protective order
Service of final SASPA order
Scope and violations of final SASPA protective orders
Application to dissolve final SASPA protective order
Privacy of SASPA records

# PART IXX. CRIMINAL RULES OF COURT

Central registry of SASPA orders

Other statutory protections

### CHAPTER 59. COURT RULES CONTROLLING CRIMINAL PRACTICE AND PROCEDURE

§ 59:1	Rule 3:1—Scope
§ 59:2	Rule 3:1-2—Territorial limits
§ 59:3	Rule 3:1-4—Orders; Form; Entry
§ 59:4	Rule 3:1-5—Indictable offenses in the Superior Court; Transfer
§ 59:5	Rule 3:1-6—Trial of non-indictable offenses in Superior Court
§ 59:6	Rule 3:2-1—Contents of Complaint; Citizen Complaints for Indictable Offenses; Forwarding of Indictable Complaints to Prosecutor and Criminal Division Manager; Forwarding of Investigative Reports to Prosecutor

§ 58:12 § 58:13

§ 59:	
§ 59:8	Rule 3:2-3—Arrest warrant
§ 59:9	Rule 3:3-1—Issuance of a Complaint-Warrant (CDR-2) or a Complaint-Summons (CDR-1)
§ 59:	
§ 59:	Rule 3:3-4—Defective Warrant or Summons
§ 59:	
§ 59:	Rule 3:4-2—First Appearance after Filing Complaint; Prehearing Rights Advisement
§ 59:	Rule 3:4-3—Hearing as to Probable Cause on Indictable Offenses
§ 59:	Rule 3:4-4—Proceedings in Arrest under Uniform Fresh Pursuit Law
§ 59:	Rule 3:4-5—Effect of Technical Insufficiency or Irregularity in the Proceedings
§ 59:	-
§ 59:	e e e e e e e e e e e e e e e e e e e
§ 59:	
§ 59:2	v
§ 59:2	
§ 59:2	contents
§ 59:2	·
§ 59:2	with inventory
§ 59:2	Rule 3:5-6—Search warrants—Records; Confidentiality
§ 59:2	Rule 3:5-7—Search warrants—Motions to suppress evidence and for return of property
§ 59:2	Without Search Warrant
§ 59:2	·
§ 59:2	e
§ 59:3	Rule 3:5A-3—Investigative detention—Notice and return
§ 59:3	Rule 3:5A-4—Investigative detention—Grounds for issuance
§ 59:	Rule 3:5A-5—Investigative detention—Contents of order for investigative detention
§ 59:3	Rule 3:5A-6—Investigative detention—Emergent applications
§ 59:3	Rule 3:5A-7—Investigative detention—Service
§ 59:3	Rule 3:5A-8—Investigative detention—Filing
§ 59:3	
§ 59:3	Rule 3:6-1—Grand jury—Summoning the grand jury

§ 59:38	Rule 3:6-2—Grand jury—Objections to Grand Jury and Grand Jurors
§ 59:39	Rule 3:6-3—Grand jury—Supervising and Charging the Grand Jury
§ 59:40	Rule 3:6-4—Grand jury—Foreperson; Deputy Foreperson
§ 59:41	Rule 3:6-5—Grand jury—Clerk
§ 59:42	Rule 3:6-6—Grand jury—Who May Be Present at Session and Deliberations; Record and Transcript
§ 59:43	Rule 3:6-7—Grand jury—Secrecy
§ 59:44	Rule 3:6-8—Grand jury—Finding and Return of Indictment; No Bill
§ 59:45	Rule 3:6-9—Grand jury—Finding and Return of Presentment
§ 59:46	Rule 3:6-10—Grand jury—Discharge; Continuance of Term
§ 59:47	Rule 3:6-11—Grand jury—Impanelment and Judicial Supervision of State Grand Jury
§ 59:48	Rule 3:7-1—Indictment and Accusation—Entitling of Papers
§ 59:49	Rule 3:7-2—Indictment and Accusation—Use of Indictment or Accusation
§ 59:50	Rule 3:7-3—Indictment and Accusation—Nature and Contents of Indictment or Accusation
§ 59:51	Rule 3:7-4—Indictment and Accusation— Amendment of Indictment or Accusation
§ 59:52	Rule 3:7-5—Indictment and Accusation—Bill of particulars
§ 59:53	Rule 3:7-6—Indictment and Accusation—Joinder
§ 59:54	Rule 3:7-7—Indictment and Accusation—Joinder of Defendats
§ 59:55	Rule 3:7-8—Indictment and Accusation—Issuance of a Warrant or Summons Upon Indictment or Accusation Where Defendant Has Not Been Previously Charged
§ 59:56	Rule 3:7-9—Indictment and Accusation—Form of Post-Indictment or Post-Accusation Warrant and Summons
§ 59:57	Rule 3:7-10—Indictment and Accusation—Execution of Service; Return
§ 59:58	Rule 3:8-1—Filing Appearance
§ 59:59	Rule 3:8-2—Joint Representation
§ 59:60	Rule 3:8-3—Representation by Public Defender
§ 59:61	Rule 3:9-1—Post-Indictment Procedure; Arraignment; Meet and Confer; Plea Offer; Conferences; Pretrial Hearings; Pretrial Conference

#### TABLE OF CONTENTS

6 50 60	
§ 59:62	Rule 3:9-2—Post-Indictment Procedure; Pleas
§ 59:63	Rule 3:9-3—Post-Indictment Procedure; Plea
8 50.64	Discussions; Agreements; Withdrawals Rule 3:10-1—Motion practice; Pleadings and motions
§ 59:64 § 59:65	Rule 3:10-1—Motion practice; Fleadings and motions Rule 3:10-2—Motion practice; Time and Manner of
8 99:09	Making Motion; Hearing on Motion
§ 59:66	Rule 3:10-3—Motion practice; Notice by the State—
\$ 00.00	Expert Witness Testimony When Testifying Expert
	Did Not Participate in Underlying Tests
§ 59:67	Rule 3:10-7—Motion practice; Effect of
	Determination of Motion
§ 59:68	Rule 3:10-8—Motion practice; Notice of Intention to
_	Proffer Map of Public Housing, Park, or Building
§ 59:69	Rule 3:10-11—Motion practice; Record of an Out-of-
8 50 50	Court Identification Procedure
§ 59:70	Rule 3:12-1—Notice under Specific Criminal Code
§ 59:71	Provisions Rule 3:12-2—Notice of Alibi; Failure to Furnish
§ 59.71 § 59:72	Rule 3:13-2—Depositions
§ 59.72 § 59:73	Rule 3:13-3—Depositions Rule 3:13-3—Discovery and Inspection
§ 59:74	Rule 3:13-5—Fee for discovery
§ 59:75	Rule 3:14-1—Venue
§ 59:76	Rule 3:14-2—Motion for Change of Venue or Foreign
3 00.10	Jury
§ 59:77	Rule 3:14-3—Foreign Juries; Order and Selection
§ 59:78	Rule 3:14-4—Order for Change of Venue; Costs
§ 59:79	Rule 3:15-1—Trial of Indictments or Accusations
	Together
§ 59:80	Rule 3:15-2—Relief from Prejudicial Joinder
§ 59:81	Rule 3:15-3—Trial of Criminal Offenses and Lesser,
_	Related Infractions
§ 59:82	Rule 3:16—Presence of the defendant
§ 59:83	Rule 3:17—Electronic Recordation
§ 59:84	Rule 3:18-1—Motion before Submission to Jury
§ 59:85	Rule 3:18-2—Motion after Discharge of Jury
§ 59:86	Rule 3:19-1—Several Defendants or Counts; Written Verdict Sheets
§ 59:87	Rule 3:19-2—Acquittal by Reason of Insanity
§ 59:88	Rule 3:20-1—Trial by Court or Jury
§ 59:89	Rule 3:20-2—Time for Making Motion
§ 59:90	Rule 3:21-1—Withdrawal of Plea
§ 59:91	Rule 3:21-2—Presentence Procedure
§ 59:92	Rule 3:21-3—Diagnostic Center Report
§ 59:93	Rule 3:21-4—Sentence
§ 59:94	Rule 3:21-5—Judgment

§ 59:95	Rule 3:21-6—Conviction of a corporation
§ 59:96	Rule 3:21-7—Probation and Suspended Sentence
§ 59:97	Rule 3:21-8—Credit for Confinement Pending
-	Sentence and Re-Sentence
§ 59:98	Rule 3:21-9—Arrest of judgment
§ 59:99	Rule 3:21-10—Reduction or Change of Sentence
§ 59:100	Rule 3:21-11—Motion to Vacate Certain Convictions
§ 59:101	Rule 3:22-1—Petition for Relief
§ 59:102	Rule 3:22-2—Grounds
§ 59:103	Rule 3:22-3—Exclusiveness of Remedy; not Substitute for Appeal or Motion
§ 59:104	Rule 3:22-4—Bar of Grounds Not Raised in Prior
	Proceedings; Bar of Second or Subsequent
	Petitions; Exceptions
§ 59:105	Rule 3:22-5—Bar of Ground Expressly Adjudicated
§ 59:106	Rule 3:22-6—Indigents; Waiver of Fees; Assignment
	of Counsel, and Grant of Transcript; Assigned
	Counsel May Not Withdraw
§ 59:107	Rule 3:22-7—Docketing; Service on Prosecutor;
	Assignment for Disposition
§ 59:108	Rule 3:22-8—Contents of Petition; Verification
§ 59:109	Rule 3:22-9—Amendments of Pleadings; Answer by Prosecutor
§ 59:110	Rule 3:22-10—Presence of Defendant at Hearing
§ 59:111	Rule 3:22-11—Determination; Findings and
0	Conclusions; Judgment; Supplementary Orders
§ 59:112	Rule 3:22-12—Limitations
§ 59:113	Rule 3:22-13—Notice Requirements in Petitions for
	Post-Conviction Relief
§ 59:114	Rule 3:23-1—Municipal appeals: Exclusive Method of Review
§ 59:115	Rule 3:23-2—Municipal appeals: Appeal; How
	Taken; Time
§ 59:116	Rule 3:23-3—Municipal appeals: Notice of Appeal;
	Contents
§ 59:117	Rule 3:23-4—Municipal appeals: Duties of Clerks of the Trial Court and Superior Court, Law Division
§ 59:118	Rule 3:23-5—Municipal appeals: Relief Pending Appeal
§ 59:119	Rule 3:23-6—Municipal appeals: Transmittal of
2 00.113	Recognizance or Cash Deposit
§ 59:120	Rule 3:23-7—Municipal appeals: Dismissal of Appeal
§ 59:121	Rule 3:23-8—Municipal appeals: Hearing on Appeal
§ 59:121	Rule 3:23-9—Municipal appeals: Prosecuting
	Attorney Defined
§ 59:123	Rule 3:24—Municipal court interlocutory appeals:

	Appeals from Orders in Courts of Limited Criminal Jurisdiction
§ 59:124	Rule 3:25-1—Dismissal: Upon Motion of the
8 99.124	Prosecutor Before or During Trial
§ 59:125	Rule 3:25-2—Order for Trial
§ 59.125 § 59:126	Rule 3:25-3—Dismissal for Delay
	v
§ 59:127	Rule 3:25-4—Speedy Trial for Certain Defendants
§ 59:128 § 59:129	Rule 3:25A-1—Application for Disposition
-	Rule 3:25A-2—Order of Disposition; Filing
§ 59:130	Rule 3:26-1—Right to Pretrial Release before Conviction
§ 59:131	Rule 3:26-2—Authority to Set Conditions of Pretrial Release
§ 59:132	Rule 3:26-3—Bail for a witness
§ 59:133	Rule 3:26-4—Form and Place of Deposit; Location of
	Real Estate; Record of Recognizances, Discharge and Forfeiture Thereof
§ 59:134	Rule 3:26-5—Justification of Sureties
§ 59:135	Rule 3:26-6—Forfeiture
§ 59:136	Rule 3:26-7—Exoneration
§ 59:137	Rule 3:26-8—Bail Sufficiency; Source Hearing
§ 59:138	Rule 3:26-9—Disclosures to Pretrial Services
	Program: Confidentiality
§ 59:139	Rule 3:28-1—Eligibility for Pretrial Intervention
§ 59:140	Rule 3:28-2—Timing of Application
§ 59:141	Rule 3:28-3—Application Process
§ 59:142	Rule 3:28-4—Factors to Consider in Assessing Applications
§ 59:143	Rule 3:28-5—Admission into Pretrial Intervention
§ 59:144	Rule 3:28-6—Appeal of Decision by Criminal
0 50 1 45	Division Manager or Prosecutor
§ 59:145	Rule 3:28-7—Conclusion of Period of Pretrial Intervention
§ 59:146	Rule 3:28-8—Conclusion of Period of Pretrial Intervention
§ 59:147	Rule 3:28-9—Written Reasons and Decisions
§ 59:148	Rule 3:28-10—Pretrial Intervention Program
	Director
§ 59:149	Rule 3:29—[Statement of Reasons for Disposition of Motion or Application]

#### **Table of Laws and Rules**

**Table of Cases** 

Index