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May 13, 2022

Honorable Glenn A. Grant, J.A.D.
Administrative Director of the Courts
Hughes Justice Complex, P.O. Box 037
Trenton, NJ 08625-0037

RE: Proposed Rule Amendments R. 3:13-3 - Relating to Jailhouse Informants
-Response to NJSBA Comment

Dear Judge Grant:

The CPANJ prepared this letter to oppose the change suggested by the NJSBA relating to the removal of the language, "...or in a case in which the prosecutor intended to have the informant testify."

This specific language was sought by CPANJ and adequately debated with members of the Criminal Practice Committee before it was adopted by the Committee. Often, a Prosecutor's Office may be contacted by an alleged 'jailhouse informant' only to determine that the information/evidence they are proposing to provide to the State proves either to be unreliable or unnecessarily redundant, and no action is taken to use the 'informant's' testimony. Removing the "intended to have the informant testify" language not only would burden the prosecutor with providing unnecessary and unreliable information by having to disclose **any communication** by any 'jailhouse informant,' it also could be argued that the prosecution is purposely providing unreliable and possibly misleading information to the defense.

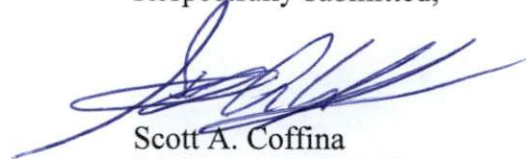
Further, whenever a prosecutor decides to use such informant testimony, steps need to be taken to ensure the safety of the informant. If the State is required to disclose an informant's unreliable or irrelevant information and more importantly their identity, it would subject that person to unnecessary danger and/or require additional security steps in the jail/prison.

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Respectfully, the NJSBA argument that the use of the word "intent" is confusing or ambiguous is not accurate. It simply means that the prosecutor would provide the requisite information and materials outlined in the proposed Rule when they intend to use the informant. It is simply a thumbs up or thumbs down decision.

The CPANJ respectfully requests that the Court adopt the rule as approved by the Criminal Practice Committee.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Scott A. Coffina", written over a horizontal line.

Scott A. Coffina
Burlington County Prosecutor
President, CPANJ

cc: CPANJ Members, via-email