

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

**PHILIP S. CARCHMAN, 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 # 7-07**

**TO: Assignment Judges  
Criminal Division Judges**

**FROM: Philip S. Carchman**

**SUBJ: Post-Conviction Applications on Indictable Offenses – New  
Form Order**

**DATE: September 20, 2007**

This Directive promulgates the attached Order on Post-Conviction Applications on Indictable Offenses for statewide use.

Rules 2:5-3(d) and 3:22-6(c) provide for the transcription of proceedings below either without charge or at the expense of the county or the municipality in appeals involving *pro se* indigent defendants. In an effort to reduce the public expense of the transcription of oral opinions on the denial of second or subsequent petitions for post-conviction relief and other post-conviction applications where there is no right to counsel, the Supreme Court Criminal Practice Committee developed this uniform order, which has been endorsed by the Conference of Criminal Presiding Judges. It also was reviewed at the most recent Assignment Judge/Appellate Division Judge Meeting.

The order is to be used when the court either grants or denies post-conviction applications. The order consolidates various items of information important for review of motions for declaration of indigency, assignment of counsel and ordering transcripts. The order specifically addresses whether the defendant is indigent, whether the defendant had counsel at the hearing, if it was the first or subsequent petition for post-conviction relief or post-conviction application, whether the matter was decided on papers, or if there was a proceeding for which a transcript is needed.

In addition to completing the order, judges are asked to provide written reasons when a *pro se* litigant files a second or subsequent petition for post-

conviction relief and the relief sought is denied. The written reasons for such denial can be included within or attached to the court's order denying relief. In the event that there is an appeal from the order denying relief, the inclusion of documented reasons for the denial will save the public the cost of ordering transcripts to determine the trial court's reasons for its decision.

Any questions or comments regarding the form order promulgated by this directive may be directed to Assistant Director Joseph Barraco, Criminal Practice Division, at 609-292-4638.

P.S.C.

Attachment (form order)

cc: Chief Justice Stuart J. Rabner  
Hon. Edwin H. Stern, Chair, Criminal Practice Committee  
Attorney General Anne M. Milgram  
First Assistant Attorney General John Vazquez  
Public Defender Yvonne Smith Segars  
Gregory Paw, Director, Division of Criminal Justice  
County Prosecutors  
Regional Deputy Public Defenders  
AOC Directors and Assistant Directors  
Trial Court Administrators  
John Wieck, Chief, Criminal Practice Division  
Criminal Division Managers  
Vance D. Hagins, Criminal Practice Division  
Melaney S. Payne, Criminal Practice Division  
Steven D. Bonville, Special Assistant  
Francis W. Hoeber, Special Assistant

v.

INDICTMENT #: \_\_\_\_\_

CASE OR PROMIS #: \_\_\_\_\_

\_\_\_\_\_  
**Defendant**

**ORDER ON POST-CONVICTION APPLICATIONS  
ON INDICTABLE OFFENSES**

This matter being opened on the application of defendant, \_\_\_\_\_, by:

Petition for Post-Conviction Relief determined to be defendant's

\_\_\_\_\_ first petition

\_\_\_\_\_ second or subsequent petition

Motion for Change or Reduction of Sentence pursuant to *Rule 3:21-10*

Motion for \_\_\_\_\_ and the defendant having been represented by:

\_\_\_\_\_, Assistant Deputy Public Defender

\_\_\_\_\_, Retained or Designated Counsel (*circle one*) or

The court having concluded that there was no good cause entitling the assignment of counsel on the application, and the State having been represented by:

\_\_\_\_\_ Assistant Prosecutor; and

There having been proceedings conducted on the record on \_\_\_\_\_, 200\_\_\_\_ or

The matter having been disposed of on the papers;

It is on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_ ORDERED THAT DEFENDANT'S APPLICATION IS HEREBY:

\_\_\_\_\_ Granted

\_\_\_\_\_ Denied

\_\_\_\_\_ Other

For the reasons:

Expressed in the court's written opinion of \_\_\_\_\_

Expressed orally on the record on \_\_\_\_\_

\_\_\_\_\_, J.S.C.

ORIGINAL: Office of the Public Defender  
c: Judge \_\_\_\_\_  
Criminal Division Manager's Office  
Prosecutor's Office  
Defendant