New Jersey Courts
Independence • Integrity • Fairness • Quality Service

Administrative Office of the Courts

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

www.njcourts.com • Phone: 609-984-0275 • Fax: 609-984-6968

TO: **Assignment Judges**
Criminal Presiding Judges

[Questions and/or comments may be directed to 609-292-4638.]

FROM: **Glenn A. Grant, J.A.D.**

Supplement to Directive # 6-03

SUBJ: **Criminal – Arraignment/Status Conference Order – Revision to Address Drug Court**

DATE: **June 26, 2013**

This Supplement to Directive # 6-03 ("Implementation of Criminal Division Court Event Forms," issued July 22, 2003 and revised August 20, 2010) promulgates a revised Arraignment/Status Conference Order form. The revisions have been approved by the Drug Court Judges' Group, the Conference of Criminal Presiding Judges, the Drug Court Advisory Committee, and the Conference of Criminal Division Managers.

L. 2012, c. 23 revised the statutes governing admission into the drug court program to expand eligibility and to phase-in a mandatory drug court program. The respective Conferences and Committees are of the view that in light of this statute, defendants should be made aware, as early as possible, of the application process for the voluntary drug court program, as well as the possibility of a sentence to mandatory drug court, should the defendant be deemed eligible. The revisions to the Arraignment/Status Conference Order include a new statement (#7b on the form) advising that defense counsel is to discuss with the defendant whether he/she may be a candidate for sentencing to drug court. In light of this change, the immigration question is now designated as statement #7a on the form.

Attached is the revised Arraignment/Status Conference Order form reflecting this additional language. Effective immediately, this revised form of order supersedes the version of the form Order attached to Directive # 6-03 and the Supplement to Directive #6-03 issued on August 20, 2010. Any question or comments regarding this revised form of Arraignment/Status Conference Order may be directed to the Criminal Practice Division at 609-292-4638.

Attachment (Revised Arraignment/Status Conference Order)

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Trial Court Administrators
Criminal Division Managers
Carol Venditto, Criminal Practice Division
Sue Callaghan, Criminal Practice Division
Gurpreet M. Singh, Special Assistant
Melaney S. Payne, Criminal Practice Division

SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, CRIMINAL PART, _____ VICINAGE
(To be executed on day of Arraignment/Status Conference)

STATE OF NEW JERSEY

vs.

_____
(Defendant)

INDICTMENT NO. _____

PROS. NO. _____

ARRAIGNMENT/STATUS CONFERENCE ORDER

Status: Jail _____ Bail _____

An arraignment/status conference was held on _____, 20_____. 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 _____, 20 ____.

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 _____, 20____

   The State's brief must be filed no later than _____, 20____

[Revised form of order promulgated by June 26, 2013 Supplement to Directive # 6-03.]

The Defense brief must be filed no later than _____, 20 ___

6. **Hearings on motions in this case shall be conducted as follows:**

Dispositive Motions – on _____, 20___ at _____AM or _____PM

Non Dispositive Motions
immediately before trial on _____, 20___ at _____AM or _____PM

7a. Defense counsel is to discuss with the defendant his/her immigration status, the potential consequences of a guilty plea or conviction and his/her right to seek legal advice on his/her immigration status. (State v. Nunez-Valdez, 200 N.J. 129 (2009).)

7b. Defense counsel is to discuss with the defendant whether he/she may be a candidate for sentencing to drug court.

8. **PLEA CUT OFF DATE:** _____, 20___.

9. 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.

10. **STATUS CONFERENCE:** The parties shall next appear and be ready for the next Status

Conference on: _____, 20___.

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.

11. **OTHER:** _____

_____

_____

_____ _____

Prosecutor (print name) **Defense Counsel (print name)**

_____ _____

Signature **Signature**

_____

HONORABLE **, J.S.C.**

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

[Revised form of order promulgated by June 26, 2013 Supplement to Directive # 6-03.]