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Directive # 04-11
Supersedes Directive #40-64

Questions or comments may be directed to **609- 984–8241**

TO: **Assignment Judges**

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

SUBJ: **Disposition of Municipal Court Matters in the Superior Court and Notification to Municipal Court**

DATE: **July 12, 2011**

This Directive supersedes Directive #40-64 and sets out procedures for recording and reporting municipal court matters that are disposed of by a Superior Court judge sitting as a municipal court judge. Directive #40-64, issued on July 9, 1965 by then Administrative Director Edward B. McConnell, permitted Superior Court judges, acting as municipal court judges, to fully dispose of municipal court matters.

Unless there is some compelling reason otherwise, a Superior Court judge should dispose of all parts of a case before the court, including any associated municipal court matters. This procedure increases the overall efficiency of the court system. It also avoids having the defendant appear for a second matter that arose out of the same event, thus eliminating potential double jeopardy issues. See, e.g., State v. Hand, 416 N.J. Super. 622 (App. Div. 2010). Indeed, when an indictable offense goes to trial, the court is required by Rule 3:15-3 to join any pending non-indictable complaint that is based on the same conduct or arising from the same episode, unless the defendant or the State would be prejudiced by doing so. See also Rule 3:1-6(a).

Adjudication of Motor Vehicle Offenses (Title 39)

When a Superior Court judge adjudicates a Title 39 motor vehicle offense because it is associated with an indictable charge, the court must by e-mail or fax transmit a copy of the completed traffic ticket, including the disposition (and whether defendant's driving privilege is suspended) and all other related paperwork, to the municipal court where the charge originated within 48 hours of sentencing or by the next business day, whichever is later. The municipal court when it receives the completed ticket and disposition will enter that disposition into the Automated Traffic System (ATS) (the statewide municipal court computer system), indicating in

the case notes that the disposition was made in the Superior Court. The Superior Court thereafter must return the original of the previously e-mailed or faxed traffic ticket and disposition to the originating municipal court as soon as practicable, but no later than 20 days after sentencing. ATS will electronically transfer the data regarding the Title 39 disposition to the Motor Vehicle Commission (MVC) and the data will thereby be included on the defendant's driving record (including any suspension of driving privileges).

While a Superior Court judge may impose fines, penalties, and assessments associated with the conviction for a motor vehicle offense, the Superior Court must not collect any such fines, penalties, or assessments. Instead, the Superior Court judge must instruct the defendant to pay the motor vehicle fines, penalties, and assessments as imposed by the Superior Court to the municipal court where the charge originated and to do so by a specified date. The municipal court administrator of the originating court will be responsible for the collection and appropriate disbursement of any such monies. See N.J.S.A. 39:5-41(a) and 2C:46-4(a)(2).

Additionally, at the time of sentencing, the Superior Court must have the defendant sign any necessary Title 39-related forms, such as the statutorily-required "Notice to Defendant Upon Conviction on N.J.S.A. 39:4-50(a) and (g)".* The Superior Court shall forward any such completed and signed forms to the originating municipal court within 20 days after sentencing.

Adjudication of Disorderly Persons or Other Quasi-Criminal Offenses

When a Superior Court judge adjudicates a disorderly persons or petty disorderly persons offense or other non-motor-vehicle quasi-criminal matter usually adjudicated in municipal court (such as local ordinance, weights and measures, or fish and game violations), the Superior Court shall record the disposition in PROMIS/Gavel, the electronic criminal case management system, and shall retain the paperwork. In such matters the Superior Court also shall retain jurisdiction of the matter. The county Probation Division shall be responsible for collecting any fines, penalties, or assessments associated with such adjudication. See N.J.S.A. 2C:46-4(a)(1). All such monies collected shall be distributed in accordance with statute, including N.J.S.A. 2C:46-4.

Nonadjudicated Matters

If a Superior Court judge is aware of an associated municipal court complaint, whether motor vehicle or quasi-criminal, and for good reason does not adjudicate that associated complaint, the Superior Court judge shall instruct the prosecutor to return the original paperwork to the appropriate municipal court without delay, but no later than 7 days after such direction, so that the municipal court can schedule a court date for that matter.

Suspension of Driving Privileges – Notification to MVC

As noted above, when a Superior Court judge adjudicates a Title 39 motor vehicle offense, the court shall forward the disposition, including any suspension of defendant's driving privileges, to the originating municipal court within 48 hours, with the municipal court then to

* Posted at http://ttnapacheweb1.courts.judiciary.state.nj.us:84/mcs/mcsmemo/idrcpenaltiesrevoked.pdf

enter that information into ATS which then automatically forwards that suspension information to the Motor Vehicle Commission ("MVC"). However, when a Superior Court judge suspends a defendant's driving privileges as a result of a criminal or quasi-criminal non-motor-vehicle conviction, the Superior Court must directly notify the MVC of the suspension through use of an MF-1 (conviction) or MF-4 (appeal) card.

G.A.G.

cc: Chief Justice Stuart Rabner
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