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Judge's Order Updates Progress on Review of Little Falls Drug Unit Cases

Superior Court Judge Edward A. Jerejian has issued his latest order detailing the process for reviewing drug cases potentially compromised by a former New Jersey State Police laboratory technician in Little Falls.

Judge Jerejian was appointed two years ago as the sole judge to manage approximately 7,827 cases spanning 13 counties. The cases are under review statewide in response to allegations that former State Police laboratory technician Kamalkant Shah failed to appropriately conduct laboratory analyses, peer review or administrative review of purported drug evidence.

Over the past two years, evidence has been retested for matters involving more than 1,320 defendants. Additionally, the New Jersey Attorney General has identified more than 1,160 defendants with cases for possible dismissal. Judge Jerejian's May 9 order memorializes this progress and sets the framework going forward, marking a significant step in resolving these matters.

In his [order](#), Judge Jerejian directs the New Jersey Attorney General's Office to use a three-phase approach in determining whether certain drug cases should stand or be dismissed for defendants whose evidence had been examined by Shah at the New Jersey State Police Office of Forensic Sciences North Regional Laboratory Drug Unit in Little Falls.

"We are proud of our collaboration with the Office of the Public Defender and the Judiciary," said Attorney General Gurbir S. Grewal. "The important steps set forth in Judge Jerejian's order ensure that justice is served in all cases. We remain committed to ensuring that no conviction is upheld unless we are satisfied that any drug testing conducted was in fact reliable."

The Little Falls case originated in late 2015 when a co-worker reported suspicions that Shah mishandled a drug analysis. The Attorney General's Office initiated a review of all the cases Shah handled since the start of his employment at the laboratory in 2005. Since then, the Attorney General's Office, under an agreement with the Office of the Public Defender, has retested the purported drug evidence using state-of-the-art, specialized equipment.

First Assistant Public Defender Kevin Walker said the advanced testing procedures and equipment now used by State Police produce accurate and verifiable results.

“One of the principal benefits of this litigation has been the state’s adoption of a new protocol for the testing of suspected marijuana. Hopefully with its adoption, we will avoid future allegations of laboratory fraud. We commend the Office of Attorney General for heeding the calls for reform, in the face of these allegations, and for so readily changing the testing protocol to comport with best practices,” he said.

Judge Jerejian’s order outlines three separate phases for reviewing cases.

The first phase addresses defendants for whom the Office of the Public Defender has already filed motions to have drug convictions vacated and their cases dismissed. Of the 485 motions for relief filed, 401 have been resolved. For those remaining motions, the Attorney General’s Office has 180 days to have the purported drug evidence retested.

The second phase addresses the cases of defendants for whom a motion for relief has not been filed and the drug evidence has been destroyed. In this phase, the Attorney General’s Office is directed to review those cases and determine whether the underlying drug charges, convictions or adjudications should be dismissed.

The third phase addresses cases where defendants have not had motions for relief filed and the drug evidence is available. For these cases, the Attorney General’s Office has agreed to retest all available drug evidence. To date, purported drug evidence for almost 900 defendants in this category has already been retested using the new technology and the original positive test results were affirmed.

More information is available on the Judiciary’s website at njcourts.gov.

Questions about the cases may be directed to the Attorney General’s Office or the Public Defender’s Office.

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