#007

Murphy & Woyce, Attorneys at Law

48 Ringwood Avenue
Ringwood, New Jersey 07456
Michael C. Woyce, Esq.
Attorney ID: 051722013
Cell: 201-213-0045
Admitted in NJ
michaelcwoyce@gmail.com

Office: 973-556-0589
Fax: 973-907-2160
Joseph S. Murphy, Esq.
Attorney ID: 042401989
Cell: 973-476-8116
Admitted in NJ
jsmurphy@optonline.net

June 13, 2016

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Richard J. Hughes Justice Complex
25 W. Market Street
PO Box 037
Trenton, NJ 08625

Re: Comments on the Report of the Supreme Court Committee on Criminal Practice on Recommended Court Rules to Implement the Bail Reform Law Part 2: Pretrial Detention and Speedy Trial

Your Honor:

The Rule Proposals for Pre-Trial Detention and Speedy Trial (R. 3:4A; 3:25-4) serve only the purposes of incarcerating pre-trial more defendants for longer periods of time expediting the work of the prosecution through the advancement of guilty pleas.

Under R. 3:4A paragraph (b)(5) any defendant may be incarcerated pre-trial upon no more than a single evaluation. Pre-trial detention, coupled with the speedy trial rule (3:25-4), leaves a defendant the choice of rushing into trial blind, or remaining incarcerated indefinitely. The time limits under R. 3:25-4 are subject to so many exclusions that the State will never be required to bring a case to indictment or trial within the time frames noted, absent ineffective assistance of counsel. An incarcerated defendant is left the choice of filing motions or a speedy trial; but not both.

Assuming a defendant could actually keep the clock running long, the rule is toothless. The only remedy is release, likely on maximum conditions, upon the violation of which the defendant can be returned to jail. This rule eviscerates the right to speedy trial and provides no remedy for those detained.

Excludable time needs to be narrowed significantly if a defendant's rights to file appropriate motions and granted a speedy trial are to be protected, and dismissal must be the remedy when the time limits are ignored. Absent such changes, speedy trial, like the right to bail, will be lost.

Respectfully submitted,

Murphy & Woyce

/s/ *Michael C. Woyce, Esq.*
By: Michael C. Woyce, Esq.