

**Criminal -
Placing Defendants Under Oath
for Plea Colloquy**

Directive 5-03
Issued by:

July 17, 2003
Richard J. Williams
Administrative Director

The Supreme Court has determined that defendants should be placed under oath before providing the factual basis for a guilty plea. Thus, effective August 1, 2003, all guilty pleas in the Criminal Division under Rule 3:9-2 shall be under oath or by affirmation. This action by the Court is intended to provide statewide uniformity in this regard. Please provide a copy of this Directive to all judges assigned to the Criminal Division, as well as to any other judge who will be handling Criminal matters.

The Court has asked the Criminal Practice Committee to include a proposed conforming rule amendment in its 2002-04 report. To assist the Committee in its development of a rule proposal, please convey to Judge Edwin Stern, chair of the Practice Committee, or Assistant Director Joseph Barraco any thoughts you may have regarding the impact of this requirement or any issues that arise as a result of its implementation. To the extent possible, that information should be forwarded to Judge Stern or Assistant Director Barraco by the end of September.