

NOTICE TO THE BAR

Directive # 1-05

[Supersedes Directive #8-65]

Questions or comments may be directed to 609-292-4638

TO: Assignment Judges

FROM: Philip S. Carchman, J.A.D.

SUBJ: Sentencing in Gambling Cases

DATE: January 20, 2005

This Directive supersedes Directive #8-65 ("Sentencing in Gambling Cases"), issued by then Administrative Director McConnell on November 5, 1965, and promulgates the Supreme Court's restatement and refinement of the procedure set out in that earlier Directive for the handling of cases involving gambling offenses under N.J.S.A. 2C:37-1 et seq. This change results from a recommendation by the Judicial Council and is based on the changes to the management structure of the Judiciary that have occurred since 1965, specifically the advent of the vicinage Criminal Presiding Judge position and statewide Criminal Division standardization. The Court approved this restatement at its December 7, 2004 Administrative Conference.

The focus of the earlier Directive was the need to achieve uniformity in the handling of gambling cases, in particular the sentencing in such cases. For more than a decade, the Judiciary has been working to standardize the various components of the court system, with the Criminal Division among the first to undertake that task. In light of the standardization of the Criminal Division and the strong supervisory role now played in the vicinage by the Criminal Presiding Judge, the Judicial Council, when asked to review the earlier Directive, concluded that gambling cases, including sentencing in gambling cases, should be handled according to the regular procedures of the Criminal Division in the vicinage. The Supreme Court concurred in that conclusion. Any judge assigned to handle Criminal cases in the vicinage can be assigned gambling cases, including the sentencing in those cases, rather than all such cases being assigned to just one judge.

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. Any questions or comments regarding this Directive should be directed to the AOC's Criminal Practice Division at (609) 292-4638.

P.S.C.

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