

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

PHILIP S. CARCHMAN, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR
OF THE COURTS



RICHARD J. HUGHES
JUSTICE COMPLEX
P.O. Box 037
TRENTON, NEW JERSEY 08625-0037

**Supplement to
Directive # 14-05**

TO: ASSIGNMENT JUDGES

FROM: PHILIP S. CARCHMAN, J.A.D.

DATE: JANUARY 2, 2007

SUBJ: STANDARDIZED PRETRIAL INTERVENTION PROGRAM (PTI) DISMISSAL ORDERS

[Questions or comments may be directed to
609-292-0012 (Criminal) or
609-292-8925 (Probation).]

This supplements Directive #14-05 (issued October 4, 2005), which promulgated for statewide use a standard set of forms for processing Pretrial Intervention Program (PTI) cases through the Criminal and Probation Divisions of Superior Court. It promulgates one revised form and one new form.

(1) **Pretrial Intervention Order of Dismissal and Order to Discharge Bail (Attachment 1) (Replaces Attachment 6 of Directive # 14-05)**

The forms promulgated by Directive #14-05 included (as Attachment 6) a standard form of PTI Order of Dismissal and Order to Discharge Bail, for use in dismissing the charges against a defendant after successful completion of the PTI Program. Attached here is a revised version of that form that supersedes the prior version **effective February 1, 2007**. Language regarding the "complainant" contained in the earlier version has been deleted since it was potentially confusing or misleading. In addition, the signature line for the defendant was removed, since requiring the defendant to sign the form is unnecessary and delayed the processing of dismissal orders. The Judicial Council approved this revised form on the recommendation of the Conferences of Criminal Presiding Judges, Criminal Division Managers, and Chief Probation Officers as well as the Conference of Criminal Presiding Judges.

(2) **PTI Order of Dismissal, Order to Discharge Bail, and Order of Entry of Civil Judgment by Confession (Attachment 2) (New)**

Also attached is a new form – a standard PTI Order of Dismissal, Order to Discharge Bail, and Order of Entry of Civil Judgment by Confession – for use in those situations where the defendant has completed the PTI Program but still has outstanding financial obligations. The form includes language providing notice to the defendant, the prosecutor, and the judge that

although the underlying criminal charges are being recommended for dismissal, there remain unpaid financial obligations and the defendant has signed a confession of judgment acknowledging that a civil judgment will be recorded against him or her. The judgment would be docketed by Probation with the Clerk of the Superior Court no later than 15 days prior to the expiration of the defendant's PTI term.

The Judicial Council approved this new form on the recommendation of the Conferences of Criminal Presiding Judges, Criminal Division Managers, and Chief Probation Officers as well as the Conference of Criminal Presiding Judges. It should be used in all appropriate cases **effective February 1, 2007**.

Any questions about either of the two PTI-related forms promulgated by this Supplement to Directive #14-05 – or any questions about the remainder of the set of forms promulgated by the Directive – may be directed to either 609-292-0012 (Criminal Practice Division) or 609-219-8925 (Probation Services Division).

P. S. C.

Attachments

cc: Chief Justice James R. Zazzali
Criminal Presiding Judges
Theodore J. Fetter, Deputy Administrative Director
AOC Directors and Assistant Directors
Trial Court Administrators
Criminal Division Managers
Finance Division Managers
Vicinage Chief Probation Officers
John Pizzaro, Probation Services Division
John J. Wieck, Criminal Practice Division
Mary Irven, Probation Services Division
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant

ATTACHMENT 1

**PTI ORDER OF DISMISSAL AND
ORDER TO DISCHARGE BAIL**

State of New Jersey

Superior Court Of New Jersey

County

Complaint/Indictment/Accusation No(s)

VS

Promis # _____

Caps # _____

Prob. Officer _____

Defendant

Pretrial Intervention Program

1) Order Of Dismissal

And

2) Order To Discharge Bail

Upon application of the Vicinage Chief Probation Officer for an Order to Dismiss the above captioned Complaint(s)/Indictment(s)/Accusation(s) and having considered the report of the Pretrial Intervention Program concerning the defendant's participation along with the recommendation of the Criminal Division Manager and with the consent of the Prosecutor and the defendant;

It is on this _____ day of _____, _____, **ORDERED** that the Complaint(s)/Indictment(s)/Accusation(s) is/are hereby dismissed pursuant to *Rule 3:28* and the matter is adjusted without cost to the defendant.

It is further **ORDERED** that bail posted in this matter be discharged.

I hereby consent to the entry of the above Order.

Prosecutor

Judge of the Superior Court

Distribution: Criminal Division
Finance Division
Probation Division

Prosecutor
Defense Attorney
Defendant

ATTACHMENT 2

**PTI ORDER OF DISMISSAL, ORDER TO DISCHARGE BAIL AND
ORDER OF ENTRY OF CIVIL JUDGMENT BY CONFESSION**

VS

Promis # _____

Caps # _____

Prob. Officer _____

Defendant

Pretrial Intervention Program

- 1) **Order of Dismissal**
- 2) **Order to Discharge Bail**
- 3) **Order of Entry of Civil Judgment by Confession**

Upon application of the Vicinage Chief Probation Officer for an Order to dismiss the above captioned Complaint(s)/Indictment(s)/Accusation(s) and having considered the report of the Pretrial Intervention Program concerning the defendant's participation along with the recommendation of the Criminal Division Manager and with consent of the Prosecutor and the defendant;

It is on this _____ day of _____, 20__, **ORDERED** that the Complaint(s)/Indictment(s)/Accusation(s) is/are hereby dismissed Pursuant to *Rule 3:28* and the matter adjusted without cost to the defendant.

It is further **ORDERED** that bail posted in this matter be discharged;

It is further **ORDERED** that, the defendant having given consent as a condition of the dismissal of charges, the Clerk of the Superior Court shall record this Order in the Civil Judgment and Order Docket pursuant to *R.4:101* as a Civil Judgment by Confession in favor of the _____ County Probation Division and against the defendant in the amount of _____.

I hereby consent to the entry of this Order.

Defendant

Prosecutor

Judge of the Superior Court

Attach Certification of Amount Due

Distribution:	Criminal Division	Prosecutor
	Finance Division	Defense Attorney
	Probation Division	Defendant

PROBATION DIVISION IN THE
COUNTY OF _____
(Address)

For Superior Court Clerk's Office Use Only
Date Entered: _____
J # _____

State of New Jersey
Plaintiff

Superior Court Of New Jersey
_____ County
Law Division Criminal

vs

Complaint/Indictment/Accusation No(s)

Defendant

Certification of Amount Due

Street

City State Zip Code

When enrolled into the Pretrial Intervention Program the defendant agreed to pay \$_____ in financial obligations. Those obligations have not been paid in full. The amount(s) due are noted below.

The undersigned does hereby certify that the amount set forth below are due the Probation Division in the County of _____ on behalf of the below named creditors.

Names of Creditors	Types of Payment	Amount Due
Violent Crimes Compensation Board	VCCB Assessment:	
Victim: _____	Restitution: _____	
Victim: _____	Restitution: _____	
Victim: _____	Restitution: _____	
_____	_____	
_____	_____	
_____	_____	

Total: _____

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: _____

Chief Probation Officer

Attach to Pretrial Intervention Order of Dismissal, Order to Discharge Bail and Order of Entry of Civil Judgment by Confession