ADMINISTRATIVE OFFICE OF THE COURTS STATE OF NEW JERSEY

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DIRECTOR OF THE COURTS



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[Questions and/or comments may be directed to 609-292-4638.]

TO: Assignment Judges

Criminal Presiding Judges

Supplement to Directive # 6-03

FROM: Glenn A. Grant, J.A.D.

SUBJ: Criminal – Arraignment/Status Conference Order – Revision to Address

State v. Nuñez-Valdez

DATE: August 20, 2010

This Supplement to Directive # 6-03 ("Implementation of Criminal Division Court Event Forms," issued July 22, 2003) promulgates a revised Arraignment/Status Conference Order form (Attachment 1 to Directive #6-03).

In <u>State v. Nuñez-Valdēz</u>, 200 <u>N.J.</u> 129 (2009), the Supreme Court instructed that the plea form should inform a non-citizen defendant that "if your plea of guilty is to a crime considered an aggravated felony under federal law you will be subject to deportation/removal." 200 <u>N.J.</u> at 144. The Court also determined "that the form should instruct defendants of their right to seek legal advice regarding their immigration status." <u>Ibid.</u> Those revisions to the plea forms have been promulgated by Directive #08-09.

The Conference of Criminal Presiding Judges is of the view that the defendant and defense counsel should be aware of and discuss potential immigration consequences early in the court process before a guilty plea or trial is considered. So doing will reduce the chances that this issue will delay case-processing. The Conference thus recommended a revision to the Arraignment/Status Conference Order form as well so as to include a statement (#7 on the form) alerting counsel to the issues raised by the Nuñez-Valdez decision, including the defendant's right to seek advice on his/her immigration status. Attached is the revised Arraignment/Status Conference Order form reflecting this additional language. This revised form of order supersedes the version attached to Directive # 6-03, effective immediately.

Any question or comments regarding this revised form of Arraignment/Status Conference Order may be directed to the Criminal Practice Division at 609-292-4638.

Attachment (Revised Arraignment/Status Conference Order)

cc: Chief Justice Stuart Rabner
AOC Directors and Assistant Directors
Trial Court Administrators
Criminal Division Managers

John J. Wieck, Criminal Practice Division Melaney S. Payne, Criminal Practice Div. Steven D. Bonville, Special Assistant Francis W. Hoeber, Special Assistant

SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, CRIMINAL PART, _______ VICINAGE (To be executed on day of Arraignment/Status Conference)

VS. (Defendant) Status: Jail Bail		INDICTMENT NO					
		PROS. NO					
		-	ARRAIGNMENT/STATUS CONFERENCE ORDER				
	rraignment/status conferentereby ORDERED:	nce was held on	, 20 As a result thereof				
1.	PLEA OFFER:	_	agreement offered by the State:				
2.	DISCOVERY:	STATE	☐ All Discovery has been provided. ☐ The following Discovery is to be provided:				
		DEFENSE	 □ No Discovery has been provided. □ All Discovery has been provided. □ The following Discovery is to be provided: 				
	All Discovery shall be	completed no la	ater than, 20				
3.	CO – DEFENDANT	CO - DEFENDANT STATUS:					
4.	MOTION: With the exception of Sands/Brunson, all DISPOSITIVE motions shall be heard prior to the imposition of the plea cutoff and execution of the TRIAL MEMO.						
	Dispositive Motions:						
	Non-Dispositive Motions:						
5.	All motions must be fi	n, 20					
	The State's brief must	than, 20					

	The Defense brief	must be filed no later than		, 20				
6.	Hearings on motions in this case shall be conducted as follows:							
	Dispositiv	ve Motions – on	, 20 at	AM orPM				
		ositive Motions ely before trial on	, 20 at	AM orPM				
7.	Defense counsel is to discuss with the defendant his/her immigration status, the potential consequences of a guilty plea or conviction and his/her right to seek legal advice on his/her immigration status. (State v. Nunez-Valdez, 200 N.J. 129 (2009).)							
8.	PLEA CUT OFF	DATE:						
9.	Immediately upon conclusion of the hearing and disposition of DISPOSITIVE motions, all cases as to all defendants that are not disposed of by plea or dismissal shall be immediately scheduled for trial, with the plea cutoff imposed.							
10.	STATUS CONFERENCE: The parties shall next appear and be ready for the next Status							
	Conference on:							
11	IN THE ISSUAN	NCE OF A BENCH WARR	AND TIME SPECIFIED HER ANT AND THE FORFEITURI					
11.	OTHER:							
Prosecutor (print name)			Defense Counsel (prin	nt name)				
	- ,							
Signa	ature		Signature					
		HON	ORABLE	, J.S.C.				
Original: Court File Pink:		Pink: Prosecutor	Gold: Defense Counsel	COPY: CCMO				