

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

**GLENN A. GRANT, J.A.D.**  
ACTING ADMINISTRATIVE  
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-Valdéz**

**DATE: August 20, 2010**

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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 State v. Nuñez-Valdéz, 200 N.J. 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 N.J. at 144. The Court also determined "that the form should instruct defendants of their right to seek legal advice regarding their immigration status." Ibid. 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-Valdéz 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)

STATE OF NEW JERSEY

INDICTMENT NO. \_\_\_\_\_

vs.

PROS. NO. \_\_\_\_\_

\_\_\_\_\_  
(Defendant)

**ARRAIGNMENT/STATUS CONFERENCE ORDER**

Status: Jail \_\_\_\_\_ Bail \_\_\_\_\_

An arraignment/status conference was held on \_\_\_\_\_, 20\_\_\_\_. As a result thereof, it is hereby **ORDERED:**

1. **PLEA OFFER:** Terms of plea 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 later than \_\_\_\_\_, 20\_\_\_\_.

3. **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 filed no later than \_\_\_\_\_, 20\_\_\_\_

The State's brief must be filed no later than \_\_\_\_\_, 20\_\_\_\_

The Defense brief must be filed no later than \_\_\_\_\_, 20\_\_

6. **Hearings on motions in this case shall be conducted as follows:**

Dispositive Motions – on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_AM or \_\_\_\_\_PM

Non Dispositive Motions  
immediately before trial on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_AM or \_\_\_\_\_PM

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:** \_\_\_\_\_, 20\_\_.

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: \_\_\_\_\_, 20\_\_.

**A FAILURE TO APPEAR ON THE DATE AND TIME SPECIFIED HEREIN WILL RESULT IN THE ISSUANCE OF A BENCH WARRANT AND THE FORFEITURE OF BAIL.**

11. **OTHER:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Prosecutor (print name)**

\_\_\_\_\_  
**Defense Counsel (print name)**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**HONORABLE \_\_\_\_\_, J.S.C.**

Original: Court File      Pink: Prosecutor      Gold: Defense Counsel      COPY: CCMO