

NOTICE TO THE BAR

**RULE RECOMMENDATION CONCERNING
CRIMINAL JUSTICE REFORM:
RULE TO GOVERN SUPREME COURT PRACTICE**

PUBLICATION FOR COMMENT

The Supreme Court, by this notice, is requesting written comments on an amendment to Part II of the Rules of Court proposed by the Supreme Court Clerk's Office to clarify issues of Supreme Court practice concerning Criminal Justice Reform (also referred to as Bail Reform and Speedy Trial Law).

The criminal justice reform statute grants defendants the right to expedited review of pretrial detention orders. See N.J.S.A. 2A:162-18(c) ("An eligible defendant may appeal an order of pretrial detention pursuant to the Rules of Court. The appeal shall be heard in an expedited manner. The eligible defendant shall be detained pending the disposition of the appeal."). On October 19, 2016, following publication and a public comment period, the Court adopted Rule 2:9-13 (effective January 1, 2017) to govern pretrial detention appeals to the Appellate Division.

The proposed amendment, which accompanies this notice, consists of a new Rule 2:9-14 ("Motion for Leave to Appeal from Disposition of R. 2:9-13 Appeal"), to govern motions for leave to appeal to the Supreme Court following the Appellate Division's disposition of an appeal as of right from a pretrial detention order.

Please send any comments on the proposed new rule in writing by Monday, November 28, 2016 to:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments -- Supreme Court CJR Rules
Hughes Justice Complex; PO Box 037
Trenton, New Jersey 08625-0037

Comments may also be submitted via e-mail to: Comments.Mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address, and those submitting comments by e-mail should include their name and e-mail address. Comments are subject to public disclosure upon receipt.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: November 2, 2016

2:9-14. Motion for Leave to Appeal from Disposition of R. 2:9-13 Appeal

Following the disposition of an appeal as of right filed in the Appellate Division pursuant to R. 2:9-13 (Appeals of Orders Granting Pretrial Detention), requests for relief from the Supreme Court shall be by motion for leave to appeal. Such motions shall conform to the Rules of Court governing motions for leave to appeal, including but not limited to R. 2:5-6 (Appeals from Interlocutory Orders, Decisions and Actions) and R. 2:8-1 (Motions), with the following exceptions:

(a) Supporting and answering briefs shall not exceed five (5) pages, exclusive of tables of contents and tables of citations;

(b) The record before the Supreme Court shall be limited to the parties' briefs on the motion for leave to appeal, the Appellate Division's disposition of the pretrial detention appeal in the form provided by R. 2:9-13(e), and the documents that comprised the record on the appeal to the Appellate Division, as provided in R. 2:9-13(d). No further submissions shall be filed by either party without leave of Court;

(c) The filing of a motion for leave to appeal pursuant to this rule shall not divest the trial court of jurisdiction, unless otherwise ordered by the Court;

(d) Movant shall have a continuing obligation to notify the Court immediately if there is a change to the defendant's pretrial detention status.