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Directive # 02-18

To: Assignment Judges

From: Glenn A. Grant, J.A.D., Acting Administrative Director

Subject: Drug Court – Policy on Consolidation of Cases Prior to Disposition

Date: May 21, 2018

This directive promulgates the attached policy on consolidation of cases prior to disposition when a defendant is accepted into Drug Court. The policy was approved by the Judicial Council.

A defendant can apply to and be accepted by Drug Court in more than one county. This policy ensures that all of the defendant's pending cases are resolved in one county by one judge prior to Drug Court entry, pursuant to Rule 3:25A ("Consolidated Dispositions"). Such consolidation ensures that treatment can begin as quickly as possible. When there is a victim involved, the judge should consider the victim's rights and an opportunity to be heard prior to consolidation.

Questions regarding this policy may be directed to Donna Plaza, Statewide Drug Court Manager via email at Donna.Plaza@njcourts.gov or by telephone at 609-815-2900 ext. 55316.

Attachment (Policy)

c: Chief Justice Stuart Rabner
Criminal Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant
Jessica Lewis Kelly, Special Assistant
Criminal Division Managers and Assistants
Probation Division Managers and Assistants
Donna Plaza, Statewide Drug Court Manager
Marcia Matthews, Assistant Drug Court Manager

New Jersey Adult Drug Court Case Consolidation Policy and Procedures

I. Background and Definition

Goals of the drug court program are to encourage participation in the program for eligible participants, to resolve matters in an expedited manner, and to engage the participant in treatment to end the cycle of addiction and criminality. Drug Court teams need to work in unison when defendants have open cases in multiple counties in order to prevent unnecessary delays in case processing.

II. Policy and Procedures

- A.** When an application is made for admission into Drug Court, a statewide search of Promis/Gavel shall be performed to identify all of that defendant's open matters in the Superior Court. There is no bar against defendants applying to Drug Court in multiple counties. Each Drug Court team must be aware of all pending Drug Court applications and charges in order to facilitate the defendant's admission into the program. The chances of a participant's success in the program are enhanced when all legal matters are resolved so that the participant can begin treatment as soon as possible.
- B.** All of a defendant's Superior Court matters should be resolved simultaneously by one judge when entering Drug Court.
- C.** Ideally, cases should be consolidated and resolved in the defendant's county of residence. If the defendant is homeless, the defendant's cases should be consolidated for disposition and sentence in the county with the most serious offense. In all situations where a defendant has multiple cases pending, it is important that the Drug Court teams in all counties be involved and communicate with each other about the open charges as well as the consolidation process so that cases move to resolution efficiently.
- D.** Consolidations are handled by the attorneys on the teams, not by the court staff.
- E.** It is recommended that pending cases be consolidated prior to disposition. However, there may be instances when a prosecutor

chooses to retain jurisdiction on a case rather than consent to a transfer to another county for disposition. In such instances, defense counsel should refer to Rule 3:25A on consolidated dispositions. That rule states that “when a defendant has charges pending in more than one county at any stage prior to sentencing, either the defendant, or the prosecutor in any such county with the consent of the defendant, may move before the presiding judge of the criminal part in the county in which consolidation is sought, or before any judge designated to hear such motion, for consolidation for purposes of entering a plea or for sentencing. Written notice of such motion and an opportunity to be heard shall be given to the prosecutor in each county in which such a charge is pending. The motion shall be supported by certification that includes the information the court is required to consider under [that] Rule.”