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To: Assignment Judges
Criminal Presiding Judges

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

Subj: Updated Pretrial Intervention (PTI) Application

Date: October 19, 2018

This Supplement to Directive # 14-05 ("Standardized Pretrial Intervention Program (PTI) Forms") promulgates an updated Pretrial Intervention (PTI) Application form approved by the Judicial Council for immediate use in accordance with the new PTI rules (R. 3:28-1 through 3:28-10) that the Supreme Court adopted effective July 1, 2018 and revised effective September 1, 2018.

Directive # 14-05 (issued October 4, 2005) and the January 2, 2007 Supplement promulgated a number of standard forms for processing PTI cases. The appended PTI Application form replaces Attachment 1 to the directive ("Pretrial Intervention Program Summary and PTI Application"). All of the other PTI forms¹ contained in the 2005 Directive and the 2007 Supplement remain in effect (though updated versions are being developed).

The PTI Application was updated to set forth the eligibility criteria contained in revised R. 3:28-1 ("Eligibility for Pretrial Intervention"). The form also reminds defendants when a statement of compelling reasons must be submitted as part of the application. For example, a statement of compelling reasons must be submitted for defendants who have: (1) a current charge that has a presumption of incarceration or a mandatory minimum period of parole ineligibility (see section II "Current Charges"), or (2) a prior indictable/felony conviction (see section III "Prior Criminal Record") pursuant to R. 3:28-3(b)(1). Upon receipt, Criminal Division staff will forward the application and statement to the prosecutor's office.

¹ Specifically, the PTI forms that remain in effect and should continue to be used are as follows: (1) PTI Order of Postponement, (2) Standard Conditions of PTI Supervision, (3) Special Conditions of PTI Supervision, (4) PTI Order of Termination, (5) PTI Order of Dismissal and Order to Discharge Bail, and (6) PTI Order of Dismissal, Order to Discharge Bail, and Order of Entry of Civil Judgment by Confession.

The prosecutor's office must then provide a written response indicating their decision either to consent or to refuse to consent to further consider the application. Pursuant to R. 3:28-3(b)(2), that written response must be provided to the defendant, defendant's attorney, and the Criminal Division within 14 days after receipt of the application. It should be noted that applications that contain a "yes" response to the question that asks whether the prosecutor has provided such consent does not remove the need for the prosecutor to provide a written response. Criminal Division staff will not consider the merits of the application until receipt of the prosecutor's written consent to further consider the application. See R. 3:28-3(b)(2).

A statement of compelling reasons is also required to be submitted for charges that carry a presumption against admission to PTI pursuant to N.J.S.A. 2C:43-12(b)(2). See R. 3:28-1(e)(3). Specifically, there is a presumption against admission (1) for a defendant who is a public officer or employee and the charge(s) involved their office or employment; or (2) where the charge(s) involves domestic violence and (a) was committed when a temporary or final restraining order was in effect, or (b) the charge(s) involves violence or the threat of violence.

Defense attorneys should assist their clients in filling out the application to ensure that defendants understand the eligibility criteria under the new PTI rules. Additionally, the form requires the contact information and signature of defense counsel (Section V "Representation").

The PTI application form is available for downloading on the Judiciary's website at https://www.njcourts.gov/forms/12305_pti_app.pdf. Copies can also be obtained in the Criminal Division management office at the county courthouses.

Questions or comments regarding the updated PTI application form or about the other forms promulgated by Directive # 14-05 may be directed to Sue Callaghan, Assistant Director for Criminal Practice, by email at sue.callaghan@njcourts.gov or by phone at 609-815-2900 extension 55300.

Attachment (PTI Application)

cc: Chief Justice Stuart Rabner
Attorney General Gurbir S. Grewal
Public Defender Joseph E. Krakora
Family Presiding Judges
Criminal Division Judges
Municipal Court Presiding Judges
Veronica Allende, Director, DCJ
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors

Clerks of Court
Trial Court Administrators
Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant
Jessica Lewis Kelly, Special Assistant
Criminal Division Managers and Assistants
Family Division Managers
Municipal Division Managers
Maria Pogue, Assistant Chief



Superior Courts of New Jersey
Criminal Division

Pretrial Intervention Program Application

Name

Last Name

First Name

Middle Initial

Other Names Used

Residence

Street

Apt #

Town

State

Zip

Telephone

Cell Phone

Date of Birth

Age

Sex

☐ Male

☐ Female

Place of Birth

Interpreter Needed?

If yes, indicate language:

☐ Yes

☐ No

Emergency Contact Name

Telephone

Relationship

Present Status

In custody?

If yes, where:

☐ Yes

☐ No

I. Prior Diversion Ineligibility

Have you ever been enrolled in a program of pretrial intervention, been placed into supervisory treatment under the conditional discharge statute (N.J.S.A. 24:21-27 or 2C:36A-1), or the conditional dismissal program (N.J.S.A. 2C:43-13.1 *et seq.*), or been granted a dismissal due to successful participation in the Veterans Diversion Program (N.J.S.A. 2C:43-23 *et seq.*), or enrolled in a diversionary program under the laws of any other state or the United States for a felony or indictable offense?

☐ Yes

☐ No

If yes, specify what program:

☐ Pretrial Intervention

☐ Conditional Discharge

☐ Conditional Dismissal

☐ Veterans Diversion Program

☐ Other Please provide the name of the program _____

The State or Federal court where it was ordered _____

The indictable offense or felony you were charged with _____

If the answer to this question is Yes, you are ineligible to apply to this program.

II. Current Charges

Complaint/Accusation/Indictment No.

Promis/Gavel No.

Name of co-defendant(s), if any

Charge(s)

Are you charged with a crime(s) that has a presumption of incarceration or a mandatory minimum period of parole ineligibility?

☐ Yes

☐ No

If yes, you must include a separate page with this application that includes compelling reasons that justify consideration of this application.

Did you attach a separate page to this application?

☐ Yes

☐ No

Did the prosecutor consent to consider your application?

☐ Yes

☐ No

☐ Unknown

III. Prior Criminal Record

Do you have a prior indictable/felony conviction in this State, another State, or the United States? ☐ Yes ☐ No

If yes, where:

If yes, **you must include a separate page** with this application that includes compelling reasons that justify consideration of this application.

Did you attach a separate page to this application? ☐ Yes ☐ No

Did the prosecutor consent to consider your application? ☐ Yes ☐ No ☐ Unknown

IV. Charges with a Presumption Against Admission (N.J.S.A. 2C:43-12(b)(2))

1. You are a Public Officer or Employee and the charge(s) involved or touched your office or employment.
2. The charge(s) involve Domestic Violence, and (a) was committed when a temporary or final restraining order was in effect, or (b) the charge(s) involves violence or the threat of violence.

If either of the above apply, **you must include a separate page** with this application that includes compelling reasons that justify consideration of this application.

Did you attach a separate page to this application? ☐ Yes ☐ No

V. Representation

Do you have an attorney? ☐ Yes ☐ No

If yes: ☐ Private Attorney ☐ Public Defender ☐ Assigned

Attorney's Name

Attorney's Address

Telephone

Defense Attorney Signature

Date

VI. Application Fee

There is a non-refundable \$75 application fee that must be submitted with this application unless the fee is waived by reason of verified inability to pay. Payments will be accepted in the form of cash, check or cashier's check.

"Starter" or temporary checks will be NOT be accepted. Checks should be made out to *Treasurer, State of New Jersey*.

Payment should be made to the Finance Division at the county courthouse where the charges have been filed. The receipt must be submitted when the application is filed with the Criminal Division.

VII. Acknowledgment of Defendant

I acknowledge that I have read the Pretrial Intervention (PTI) Program Summary and understand the requirements of this program, and would like to be considered for enrollment to the PTI program.

I understand that if the prosecutor's consent to consider my application is required, my application will not be considered by the Criminal Division until: (1) a statement of compelling reasons is received by the Criminal Division; and (2) the prosecutor's consent is received in writing.

I understand that if compelling reasons are required to overcome a presumption against admission, failure to provide compelling reasons to the Criminal Division may result in rejection of my application.

I understand that if I want to challenge the prosecutor's decision not to consider my application, or a recommendation against enrollment by either the prosecutor or the criminal division manager or designee, that I must file a motion within 10 days of receipt of the rejection to the Presiding Judge of the Criminal Division, or judge to whom my case has been assigned.

Print Name of Defendant

Signature of Defendant

Date

Official Use Only

Defendant is Ineligible

☐ Yes ☐ No ☐ N/A

Prosecutor Consent Required

☐ Yes ☐ No ☐ N/A

Prosecutor Consented

☐ Yes ☐ No ☐ Unknown

Statement Submitted

☐ Yes ☐ No ☐ N/A

☐ Fee Paid

☐ Fee Waived