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**TO: Assignment Judges
Criminal Presiding Judges**

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

**SUBJ: Criminal – Revised Plea Forms – Main Plea Form and Supplemental Plea Form
for Eluding or Theft of a Motor Vehicle or Unlawful Taking of a Motor Vehicle**

DATE: December 29, 2020

**Third Supplement
to Directive # 01-18**
[SUPERSEDES ATTACHMENTS 1 AND 7
OF DIRECTIVE # 01-18 AND THE DECEMBER 31,
2019 FIRST SUPPLEMENT TO THE DIRECTIVE]

This promulgates for use as soon as practicable a revised Main Plea Form as recommended by the Supreme Court Criminal Practice Committee. The appended Main Plea Form supersedes the version of the Main Plea Form promulgated by the December 31, 2019 First Supplement to Directive #01-18. This also promulgates a revised Supplemental Plea Form for Eluding or Theft of a Motor Vehicle or Unlawful Taking of a Motor Vehicle also on the recommendation of the Criminal Practice Committee, superseding Attachment 7 to Directive #01-18. This revised Supplemental Plea Form should be used as of January 1, 2021, the effective date of the relevant statutory amendments as set forth below.

The attached Main Plea Form has been modified in accordance with the Supreme Court's request in State v. Courtney, 243 N.J. 77, 91 (2020), to revise the Main Plea Form "to confirm whether the prosecution agrees not to request an extended term under N.J.S.A. 2C:43-6(f) but still seeks the benefit of a negotiated waiver" of the Comprehensive Drug Reform Act's mandatory sentence requirements under N.J.S.A. 2C:35-12. Specifically, Question 14b has been updated to address instances where, as part of a negotiated plea, the prosecutor represents that the defendant is "otherwise eligible to receive a mandatory extended term for repeat drug offenders and the prosecutor has agreed to request a period of incarceration or parole ineligibility that is less than what would be required for an extended term."

The attached Supplemental Plea Form for Eluding or Theft of a Motor Vehicle or Unlawful Taking of a Motor Vehicle has been revised to conform to amendments to N.J.S.A. 2C:20-2.1 ("Additional Penalties for Theft or Unlawful Taking of Motor Vehicle") that become effective January 1, 2021. Specifically, Question 1 has been modified for defendants pleading guilty to a violation of theft of an automobile (N.J.S.A. 2C:20-2) or unlawful taking of a motor vehicle (N.J.S.A. 2C:20-10) as follows: (1) the language was revised to provide that the defendant "may"

rather than “will” be required to forfeit defendant’s driver’s license, and (2) the duration of the license suspension was revised in accordance with the statutory changes.

Attachments 2 through 5 and 8 through 13 to Directive #01-18 remain in effect as originally issued. The Second Supplement to the Directive, issued May 11, 2020 promulgated a revised version of Attachment 6 (Supplemental Plea Form for Drug Offenses). And today’s Third Supplement promulgates superseding versions of Attachments 1 and 7.

Attached are the English versions of the revised Main Plea Form (Attachment 1) and the Supplemental Plea Form for Eluding or Theft of a Motor Vehicle or Unlawful Taking of a Motor Vehicle (Attachment 2). These plea forms will be posted at <https://www.njcourts.gov/selfhelp/catalog.html>, as will the English-Spanish, English-Haitian, English-Polish, English-Korean, and English-Portuguese versions.

Questions or comments regarding this Third Supplement to Directive #01-18 may be directed to the Criminal Practice Division at (609) 815-2900, Ext. 55300.

- Attachments: (a) Revised Main Plea Form (Attachment 1) (English version)
(b) Revised Supplemental Plea Form for Eluding or Theft of a Motor Vehicle or Unlawful Taking of a Motor Vehicle (Attachment 2) (English version)

cc: Chief Justice Stuart Rabner
Attorney General Gurbir S. Grewal
Public Defender Joseph E. Krakora
Criminal Division Judges
Veronica Allende, Director, Div. of Crim. Justice
County Prosecutors

Steven D. Bonville, Chief of Staff
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Trial Court Administrators
Criminal Division Managers and Assistants
Maria Pogue, Chief, Criminal Practice

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status.



**New Jersey Judiciary
Plea Form**

County _____

Prosecutor File Number _____

Defendant's Name: _____

before Judge: _____

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum		
				Time	Fine	VCCO Assmt*
_____	_____	_____	_____	Max	_____	_____
_____	_____	_____	_____	Max	_____	_____
_____	_____	_____	_____	Max	_____	_____
_____	_____	_____	_____	Max	_____	_____
_____	_____	_____	_____	Max	_____	_____
Your total exposure as the result of this plea is:				Total	_____	_____

**Please Circle
Appropriate
Answer**

2.
 - a. Did you commit the offense(s) to which you are pleading guilty? Yes No
 - b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? Yes No

3. Do you understand what the charges mean? Yes No

4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
 - a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? Yes No
 - b. The right to remain silent? Yes No
 - c. The right to confront the witnesses against you? Yes No
 - d. Do you understand that by pleading guilty **you are not waiving** your right to appeal (1) the denial of a motion to suppress physical evidence (*R. 3:5-7(d)*) or (2) the denial of acceptance into a pretrial intervention program (PTI) (*R. 3:28-6(d)*)? Yes No
 - e. Do you further understand that by pleading guilty **you are waiving** your right to appeal the denial of all other pretrial motions except the following: Yes No

* Victims of Crime Compensation Office Assessment

5. Do you understand that if you plead guilty:
- a. You will have a criminal record? Yes No
 - b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Office Assessment? Yes No
 - c. You must pay a minimum Victims of Crime Compensation Office assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) Yes No
 - d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? Yes No
 - e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? Yes No
 - f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? Yes No
 - g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? Yes No
 - h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? Yes No
 - i. Computer Crime Prevention Fund Penalty, N.J.S.A. 2C:43-3.8 (L. 2009, c. 143). If the crime involves a violation of N.J.S.A. 2C:24-4b(3) (causes or permits child to engage in sexual act that is to be photographed or exhibited), if the crime was committed on or after February 1, 2018, N.J.S.A. 2C:24-4b(4) (photographs or films a child in sexual act), if the crime was committed on or after February 1, 2018, N.J.S.A. 2C:24-4b(5)(b) (knowingly possessing or knowingly viewing child pornography), N.J.S.A. 2C:24-4.1 (leader of a child pornography network), if the crime was committed on or after February 1, 2018, N.J.S.A. 2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18) or an offense involving computer criminal activity in violation of any provision of Title 2C, chapter 20, you will be assessed a mandatory penalty as listed below for each offense for which you pled guilty? Yes No

- (1) \$2,000 in the case of a 1st degree crime
 - (2) \$1,000 in the case of a 2nd degree crime
 - (3) \$ 750 in the case of a 3rd degree crime
 - (4) \$ 500 in the case of a 4th degree crime
 - (5) \$ 250 in the case of a disorderly persons or petty disorderly persons offense
- Total CCPF Penalty \$ _____

6. Do you understand that **the court could**, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? Yes No

7. Did you enter a plea of guilty to any charges **that require** a mandatory period of parole ineligibility or a mandatory extended term? Yes No

a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.

b. If you are pleading guilty to such a charge, the minimum mandatory extended term is _____ years and _____ months (fill in the number of years/months) and the maximum mandatory extended term can be _____ years and _____ months (fill in the number of years/months).

8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? Yes No

9. Are you presently on probation or parole? Yes No
a. Do you realize that a guilty plea may result in a violation of your probation or parole? Yes No NA

10. Are you presently serving a custodial sentence on another charge? Yes No
a. Do you understand that a guilty plea may affect your parole eligibility? Yes No NA

11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? Yes No NA

12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. Specify any sentence the prosecutor has agreed to recommend:

- 14.** Has the prosecutor promised that he or she will **NOT**:
- a.** Speak at sentencing? Yes No
 - b.** Seek an extended term of confinement? Yes No
If yes, was this promise or agreement part of a negotiated plea where the prosecutor represents you are otherwise eligible to receive a mandatory extended term for repeat drug offenders and the prosecutor has agreed to request a period of incarceration or parole ineligibility that is less than what would be required for an extended term?
 - c.** Seek a stipulation of parole ineligibility? Yes No
- 15.** Are you aware that you must pay restitution if the court finds there is a victim who Yes No NA has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?
- 16.** Do you understand that if you are a public office holder or employee, you can be Yes No NA required to forfeit your office or job by virtue of your plea of guilty?
- 17. a.** Are you a citizen of the United States? Yes No
- If you have answered “No” to this question, you must answer Questions 17b – 17f. If you have answered “Yes” to this question, proceed to Question 18
- b.** Do you understand that if you are not a citizen of the United States, this guilty plea may result in your removal from the United States and/or stop you from being able to legally enter or re-enter the United States? Yes No
 - c.** Do you understand that you have the right to seek individualized advice from an attorney about the effect your guilty plea will have on your immigration status? Yes No
 - d.** Have you discussed with an attorney the potential immigration consequences of your plea? If the answer is “No,” proceed to question 17e. If the answer is “Yes,” proceed to question 17f. Yes No
 - e.** Would you like the opportunity to do so? Yes No
 - f.** Having been advised of the possible immigration consequences and of your right to seek individualized legal advice on your immigration consequences, do you still wish to plead guilty? Yes No
- 18. a.** Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing, or upon entry of a guilty plea if a guilty plea is a condition of admission to the Pretrial Intervention Program, that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence? Yes No
- b.** Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing, or upon entry of a guilty plea if a guilty plea is a condition of admission to the Pretrial Intervention Program, if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender? Yes No

19. Have you discussed with your attorney the legal doctrine of merger? Yes No NA

20. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? Yes No NA

21. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

22. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? Yes No

23. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? Yes No

b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? Yes No

c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? Yes No

24. Are you satisfied with the advice you have received from your lawyer? Yes No

25. Do you have any questions concerning this plea? Yes No

Date _____ Defendant s/ _____

Defense Attorney s/ _____

Prosecutor s/ _____

This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

