

NOTICE TO THE BAR AND PUBLIC

REVIEW OF DWI CONVICTIONS INVOLVING NOT PROPERLY CALIBRATED EQUIPMENT (STATE V. CASSIDY) – WEBSITE TO FACILITATE SUBMISSION OF REQUESTS TO REVIEW A DWI CONVICTION

The Supreme Court in State v. Cassidy, 235 N.J. 482 (2018) found that in some driving while intoxicated (DWI) cases, some Alcotest machines were not properly calibrated and that the test results from those machines thus could not be used to convict a defendant of DWI. The Judiciary was notified by the Office of the Attorney General that there were thousands of DWI cases in which defendants' breath samples were procured using such improperly calibrated machines. As a result, more than 13,000 DWI convictions from between 2008 and 2016 are eligible for review, with most of those cases in four counties (Middlesex, Monmouth, Somerset, Union).

This is to advise that the Judiciary has created a webpage to facilitate the submission of post-conviction petitions for relief by any defendant affected by the Court's Cassidy decision (<https://www.njcourts.gov/courts/mcs/cassidy.html>). On July 14, 2021, Superior Court Judge Robert A. Fall, serving on recall and designated by the Court as special master for the statewide management of these cases, sent a notice to those 13,000+ defendants potentially affected by the Cassidy decision. That notice advised defendants how to file a petition for review of their case and, if needed, how to request appointment of a public defender. The forms for those steps are available on the website. Initial case management conferences in those matters will begin in August.

The Supreme Court has designated Judge Fall, along with Superior Court Judges Linda G. Baxter, Stephan C. Hansbury, and Robert B. Reed, all serving on recall, to sit as Municipal Court judges with statewide jurisdiction to resolve cases affected by Cassidy.

Questions regarding this notice may be directed to the Municipal Court Services Division in the Administrative Office of the Courts at 609-815-2900, ext. 54850.



Hon. Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: July 22, 2021