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Subject: Comments for
Attachments: Comments_from_Chaula_Bhatt.docx

This is in response to public request for comment prior to April 10, 2015 for proposed rule changes for State of NJ's Courts at various levels and in various legal practice areas. The comments below are related to proposed rule changes for **Criminal Law Practice** and **Municipal Court Practice.** It is understandable that some may find following comments lengthy but a **good read for upcoming long weekend**. It is understandable by the commentator that it is at the discretion of the authorities involved in "Rulemaking" whether to consider following comments for implementation or ignore it. An effort is made by taking time pertaining to matters for which the commentator has real life experience. **These comments are also attached as a word file for easy access.**

Comments pertaining to Criminal Law Practice

Item 1: Section IV- C: Referral from Supreme Court Clerk's Office: For the matters pertaining to inmate filing dates.

Comments: There should be a process in place to address all letters from inmates without any threats to charge inmates for their letters by any one. Inmates should not be threatened or prohibited from writing letters to courts because people and inmates write to as far as Justices of the US Supreme Court. Letters from inmates for complaining about other inmates or for suggesting some sort of bargain to get away with their crimes in exchange of framing someone else should be ignored. Only those letters by inmates, explicitly pertaining to their own matters should be considered equivalent to motions. There should be a well-defined criterion about which letters to be considered and which letters to be ignored based on the content of the letter by minds capable of deciding it. Interim staff need not be allowed to bypass any important letters or messages from inmates to Judges. Each letter should be taken as "Filed" WITHOUT date limits or filing limits because inmates go through many constraints, such as arranging for an envelope, a pen or a stamp. Even after everything is arranged, it is usually at the mercy of the DOC and on their schedule. Therefore, there cannot be a date limit on letters sent by inmates but they must be treated as motions and considered "FILED" for legal purposes. The proposed change in wordings is as follows:

"It would be appropriate if, properly deposited mail in the institutional mail system would be recognized by the court as 'filed' ~~on that date~~. This could serve two purposes; inmate will get to write letters without being afraid and freely and there will not be any restriction in terms of time limit or dead line."

Additional Comments for Criminal Law Practice Area

1. There does not seem to be any rule in existence which addresses issues of errors in dates of hearings when made by law enforcement. For example, no bail bench warrants get issued against people for the "contempt of court" when they are absent. On the other hand, when dates of hearing are changed and prepended for unknown reasons without notices to defendant, resulting into "No Bail" warrant for defendants, letters from them usually get completely ignored for long time. There has to be a rule in practice to rectify harm suffered by

victims due to errors of law enforcement, specifically when changes in court hearing dates are made without notifications and used as a prosecutorial or other tactic.

Comments pertaining to Municipal Court Practice

Item 1: Section I - A: Proposed Amendment to R. 7:5-2: This proposed rule is includes considerations of "competency" to handle particular motions by municipal courts.

Comment for Section I -A: This comment need not be taken personally but is based on my personal experiences. I have passed through these experiences at multiple municipal courts. Most municipal courts lack and admit inabilities to hear cases and motions for cases which involve **"Electronic Communications"** requiring basic understanding of Internet, IP addressing, telecom networks, Cable Service Providers and the need to focus on technical aspects of the matter instead of plain text junk messages in English. As a result, municipal courts typically do not suppress evidences of email print outs in plain text English which are technically invalid on multiple grounds. Additionally, the same continues at prosecutor offices, all of which treat "Electronic Communication" similar to print out of documents without any differentiation between the same. For example, if it was complained that someone sent an email to others that they found offensive, instead of focusing on plain text rumors or gossip in that email, the very first step to check is whether this email is technically legitimate. That requires answering multiple questions. Answers not only require collection of IP addresses by any means (lawful or unlawful) but also require considerations about additional facts pertaining to the Internet service provider and the actual "common carrier". Some may find concept "common carriers" as a novelty for state as there is no law or no rule at state level that differentiates common carriers from cable service providers. Explicit first question that requires answer is – Whether the email was sent using a common carrier's network or that of a Cable Service provider. There is a difference, because, "common carriers" as interpreted by federal laws, are big carriers such as Verizon Communications and AT&T Inc. Cable Service providers such as Cablevision Inc. and Comcast are just Cable service providers who use telecom lines of common carriers such as AT&T Inc. As a result it creates an interesting situation- Suppose AT&T is complaining about a person due to AT&T's inefficiencies, lack of performances and professional expertise for handling technicality of "Electronic Messages" in the form of emails from public domains such as Google and Yahoo. If the accused is a customer of Cable Vision, the complaint will mean deliberate attack of AT&T to frame the accused. It is because Cable Vision uses telecommunication back end network and lines of AT&T Inc. That is a major conflict of interest and it also attests to breach of privacy laws by common carrier AT&T. The situation is exactly analogues to apartment rental premise, in which each apartment resident has limited ownership, property owner has full ownership, with keys to apartment to be able to enter in it, in absence of the person renting the apartment, as the sole owner of the property, in case if any emergency arises in absence of the apartment owner!

As such, prior to determining what can be heard by municipal court and what cannot be heard by it, competency needs to be determined. There should not be a strict separation between municipal court and superior court for hearing motions; alternatively, there should be some means to improve each entity's technical expertise during 21st century where day by "Electronic Communication" is taking over traditional ways of handing legal matters.

Item 2: Section I- B: Proposed New Rule: 7:5-4: Motion to Suppress Medical Records:

Comment for Section I–B: This rule only addresses matters pertaining to alcohol, narcotics, **and habit producing drugs**, hallucinogens and chemical inhalants of a vehicle driver. **This comment is about medical records and forced hospitalizations for medical exams for "psychiatric evaluations" of people.**

Current practice is as follows: Municipal police department creates police report, takes it to municipal magistrate, anything brought in by police, is usually not verified for validity of a probable cause, complaint warrant gets printed as if it is being printed for any article on the Internet without any considerations given

to its implication on other's lives or their freedom. If the face of the warrant includes "physical exam" and also includes a bail amount, the person is taken to a medical center after s/he posts a bail on the spot. That is in violation of the Fourth Amendment of the Constitution of the US, because a person is being held after posting a bail and no opportunity is given to him/her to seek her own medical counsel to full fill court's requirement for any type of exam. As such, the person gets kidnapped and suddenly gets taken to multiple medical institutes in state, most of which create fake "medical records" for hosting healthy people for no reasons for as long as they can to generate medical bills and revenues. It usually takes more than 24 hours for the superior court to issue another order for "medical hold" based on fake medical report. This creates a second hold without a court order, past posting on the spot bail, based on doctor's "report". During the hospital stay, every patient is given the exact same, out dated, obsolete, cheap habit producing drugs. These same drugs are used by DOC (Department of Corrections) to keep the population under control and keep them sleeping without being able to use their minds and brains. Prior to illegally forced medications, no consent is taken from the so called patient. These fabricated "records" are then distributed state wide without subpoena and for everyone to misuse and without the consent of the "healthiest patient"!

Currently, there is no rule that prohibits bail setting when there is a need for medical hold. Alternatively, there is no rule that explicitly allows release of a person who has posted on the spot bail to seek his/her own trust worthy doctor instead of government doctor to full fill court's needs to get the exam done. This gap needs to be resolved. There has to be consent from the person if s/he wants to be "treated" for no reasons from unknown people who kidnap others. There has to be consent before distributing anyone's payroll data and medical results to unknown people with SSNs of others on it. Such fabricated records put others in false light and ruin their records which most who participate in fabricating do not like to expunge by admitting their mistakes.

Proposed Rule 7:5-4: This rule mentions interpretation of subpoena as warrants. If interpreted as a warrant and if the bail is posted on the spot, how can a person are held by citing medical reasons? Either bail should not have been allowed or the hold must not have been allowed after posting on the spot bail. If there is no rule in practice to address such issues, one must be formed, and must be formed with explicit clarity. It is because; extended holds of people have consequences on their homes, apartments, cars, family and most importantly their freedom. One cannot be drugged by force with obsolete and unnecessary medication without his/her consent. That is unlawful and by breaking all laws, enforcement of laws on others is unfair and inappropriate. Therefore it results in lack of public trust.

Item 3: Section II – A: Review of a Probable Cause:

Comment for Section II – A: Current practice of issuing warrants is described under Item I-B above. In most cases, warrants get printed without any considerations to a validity of probable cause, as if the concept of probable cause is very hard to grasp. **There has to be a review at each step before authorizing a warrant. That is, all involved administrative entities such as court clerk and deputy court clerk must verify the basis for a valid warrant that would make some sense.** For example, it would be inappropriate to judge a book by its cover, that is if someone has red colored gasoline container, without checking it on the spot for whether it contained anything or without finding valid reason for that item to be with the person on that day, the person having red colored empty container cannot be imagined to be planning a fire at a particular place. To think that way would be a sign of lack of common sense and unnecessary panic attack. As such to approve such warrants without a probable cause would be a measure of anyone's ability for understanding a probable cause or the lack of it. It appears, refreshing of a concept of probable cause by all authorized to issue warrants might serve public interest. The determination of probable cause should be made by multiple people until it goes to the judge. Each interim person and the judge must be asked to fill up a form or a check list and must be asked to state at least one reason for why s/he believes the probable cause exists or why s/he thinks the probable cause does not exist. That should be a part of discovery, later on to be provided to defendant for them to be able to defend their case from the perspective of those who determined the presence of the probable cause, if the needs be. Check list can include answering basic questions such as – Can there be a fire without flames? Can there be a fire without smoke? Can a book be judged by its cover? Can a water bottle be used for carrying milk? What does it mean by a common

sense? Answers to some of these basic questions per circumstance, could resolve many issues and can off load very busy judicial calendars.

Item 4: Section II- C: Corporate and Attorney Appearances:

Comment for Section II -C: Current rule allows special privileges to corporations to remain absent from municipal court appearances. It is not clear, if such is also the case at all other venues. Current practice involves retaining an influential corporate lawyer using corporate money to frame one person by using many subordinates used by corporate executives, supervisors and directors. Corporate lawyers taking hefty corporate fees coach their clients and their staff members in a mob of more than 25 people for 6-8 weeks to frame one person for prosecution. At courts, all participants in conspiracy of framing one person remain absent as corporate lawyer makes trips to courts on their behalf. This results in taking away an opportunity from the defense to cross examine conspirators and complainers of corporate by misusing a mob of corporate employees taking corporate payrolls, promotions and perks in exchange of framing one person for no reasons and for extended time using corporate powers and influences of corporate lawyers.

This must change, all complainers, if it takes a shuttle or a bus, who complained against one person must be brought to court to figure out if they even know or can identify the person they are complaining against. It can also be brought out, if the attorney coached them or corporate executives and attorneys both architected a conspiracy against one. By definition, in federal laws, corporations are no different than private citizens. They need not be given immunity from court trips to deter practices of wasting court's time, other's time and other's resources. That can only be learnt by corporations if they too have to come to many courts of the state for years after years with a mob of complainers affecting their "daily work". That would refrain corporations from misusing staff on useless and idiotic tasks and complaints. Just as defendants who are private citizens are required to come to courts, the plaintiff or set of complainers full of a bus or a shuttle or a jet, must come to the court for being cross examined not just by arguments but also by their body languages to find out if they even recognize the person they are complaining against. This could have significant impact on court schedules by dismissing baseless complaints after 2-3 such trips by a corporate mob. Defendant may not be intimidated by any number of people and courts need not worry for that, but must allow "cross examination" of all complainers because they too have a right to visit courts. In federal courts, corporations are not given any special privileges; instead, compared to individuals they are treated with more scrutiny as federal courts seem to know characteristics of corporations from inside out.

Item 5: Section II- D: R. 7:8-1: Consolidation of Complaints

Comment for Section II -D: Consolidation should be allowed. For example, the statutory definition of charges of Criminal Mischief is based on dollar amounts for damages. If the damage is less than $500, it becomes a municipal charge. If it is within the range of $500 and $2000, the degree of the crime changes and allows its prosecution at superior court. For more than 2000 damages, prosecution occurs at superior court. As a result, a person charged with three mischiefs, one with less than $500, another with $2000 and more, gets prosecuted multiple times at multiple venues, that too for the same statutory definition except for one change , that being the amount of dollars of damages! What about the principle of double jeopardy? Can anyone be prosecuted for the same crime multiple times, at multiple venues just because a definition based on dollar range states that? Does this "statutory definition" whose only basis is money require any enhancements? More so, when multiple charges occurred during the "same transaction" at the same time or within a short interval that would be interpreted as one incident by law?

Item 6: Section II- F: R 7:7-10: Joint Representation

Comment for Section II –F: The current rule only mentions and applies to defendants. The same must apply to plaintiffs because corporates retain influential attorneys with all connections to ruin others. If the same attorney is allowed to be used by the Plaintiff to frame the same person, using the same venue for issuing complaints, that allows clear cut patters of specific conducts of plaintiffs. Such is more apparent, when a particular venue continues to authorize all complaints against one person in favor of the same other party using the same representative even for plaintiff's complainers from out of state of NJ, and making complaints about emails

received on the Internet! By definition, Internet is the network of interconnected computers with no confined geographic boundaries. Can a person of a corporation sitting out of NJ be used to frame a person sitting in NJ on the basis of emails using the same local venue and the same plaintiff and the same attorney, again and again for issuing wholesale complaints, per incident, arising out of the same transaction, in relatively short interval to destroy that one person?

More than defendant, Plaintiffs should not be allowed to use the same attorney to frame one person as it clearly brings unfair results. At times, it is must to change attorneys, or venues or both, to be able to defend with fairness.

Item 7: Section III - Bail Setting and Speedy Trial:

Comment for Section III: The support for bail reform was originally meant for speedy trials. For most part, use of "No Bails" until after "Speedy Trial" was never a part of it. Current alterations to State's Constitution unfortunately are not in alignment with the US Constitution. Amendment 8 of the US Constitution prohibits use of high bails or no bails as weapons to against freedom of others. The suggested duration of 9-12 months of hold on "No Bail", is not a short duration. Only those who have been held at "No Bail" and have lost everything, including but not limited to all vehicles, apartment, records, career, savings, health of both parents while a child is being held at "No Bail" for no reasons, lifelong savings of parents, and their pensions. Unfortunately, that result in violation of all civil rights of a person being held at No bail, if ever that person's charges gets completely dismissed! That person will sue the state and will be able to sue the state on the grounds of the federal "Bill of Rights" and most other amendments of the federal constitution. The Supremacy Clause of the Constitution of the United States, to most parts, provides guidance to all states to not bend the federal constitution in its local flavors too much. While the State of NJ can have its own laws and its own constitution, it should not be way too much different to appear as not being the part of the nation by tempering with civil rights.