

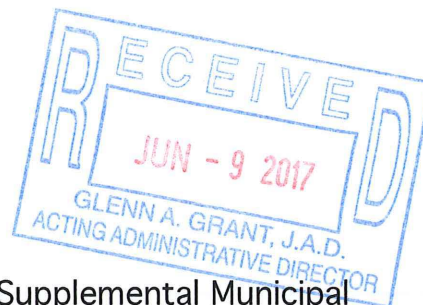
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Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037



Comments on the Supplemental Municipal
Court Committee's report and
recommendations Recommendation for
routine waiver of first appearance

Dear Judge Grant:

I am a trial attorney handling primarily Municipal Court and Criminal cases.

Nearly all Municipal Courts waive the initial appearance when the defendant is represented by an attorney and the letter complies with Rule 7:6-1b.

Recently, New Brunswick Court advised in writing that DWI's cannot be adjourned. My client feels it was unfair for him to miss an important college class to attend an initial appearance days after his charge, then wait for 2 hours to be reached.

I have been handling DWI cases for 30 years and this is the first time in decades an initial appearance would not be waived.

I am not trying to create problems or have my clients suffer. I do wish that there be uniform policies for all courts. As a past chair of Municipal Court Section I wanted to help out other attorneys with similar issues where an individual judge has a policy against waiving initial appearances.

Current RULE 7:6. Arraignment, Pleas

7:6-1. Arraignment

(a) Conduct of Arraignment. Except as otherwise provided by paragraph (b) of this rule, the arraignment shall be conducted in open court and shall consist of reading the complaint to the defendant or stating to the defendant the substance of the charge and calling upon the defendant, after being given a copy of the complaint, to plead thereto. The defendant may waive the reading of the complaint.

(b) Written Statement. A defendant who is represented by an attorney and desires to plead not guilty may do so, unless the court otherwise orders, by the filing, at or before the time fixed for arraignment, of a written statement, signed by the attorney, certifying that the defendant has received a copy of the complaint and has read it or the attorney has read it and explained it to the defendant, that the defendant understands the substance of the charge, and that the defendant pleads not guilty to the charge.

Note: Source-R.R. (1969) 7:4-2(a). Adopted October 6, 1997 to be effective February 1, 1998.

My letter to the court language reads:

"Kindly enter my appearance for said defendant and a plea of "NOT GUILTY". Under Rule 7:6-1b my client waives arraignment and certifies we have received a copy of the complaint, have read it and understand the substance of the charge. "

Respectfully submitted,


KENNETH VERCAMMEN

Certified Municipal Court Law Attorney

cc: Client KAV/