
From: Marcia Silva
Sent: Thursday, March 21, 2019 4:07 PM
To: Comments Mailbox; Glenn Grant
Subject: Comments on Proposed Rule 5:20-5

I respectfully submit this as a comment to the new Rule that is being proposed for juvenile matters.

The Proposed New Rule 5:20-5 sets forth the procedure for discovery in all juvenile matters, including those diverted to the Juvenile Conference Committee and Intake Service Conference and those heard on the Counsel Non-Mandatory Calendar by a referee pursuant to R. 5:25-2. Under the proposed Rule, the discovery would be provided by the prosecutor **to defense counsel**. Paragraph (a)(3) states that if the juvenile is diverted or the matter referred to the referee, **"discovery will be provided only upon the written request of counsel."**

The overwhelming majority of cases that appear before the referee involve juveniles who are not represented by counsel; thus, the term "informal" or counsel non-mandatory calendar. The juveniles and their families need some procedure by which to get this discovery from the Prosecutor's Office prior to appearing before the referee to have their case heard. I believe here in Middlesex County, Court Intake Services would provide the families with a copy of discovery on the referee cases upon request.

For those juveniles whose matters were diverted to the ISC or JCC, if done with the State's consent, the juveniles never appeared in Court, and therefore, never required representation. If the matters were diverted without the State's consent, then the juveniles were heard in Court represented by counsel.

There should be some provision for those juveniles not represented by counsel to obtain discovery from the Prosecutor's office (or Intake)

Thank you for your time and consideration.

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