

SUPREME COURT OF NEW JERSEY
A-36 September Term 2023
089342

State of New Jersey,

Plaintiff,

v.

O R D E R

Samantha E. Bonora,

Defendant.

This matter having initially come before the Court on the State’s application for emergent relief (S-63-23), pursuant to Rule 2:9-8; seeking review of an order of the Superior Court, Appellate Division, filed February 15, 2024, which summarily affirmed the trial court’s February 9, 2024 order denying the State’s motion for pretrial detention, State v. Samantha E. Bonora, No. A-001758-23 (App. Div. Feb. 15, 2024); and

A single justice of the Court having imposed a temporary stay of the release order and referred the application to the full Court for its consideration; and

The Court, on March 7, 2024, having remanded to the trial court for further proceedings, including, among other provisions, assessment of whether the proposed conditions will “reasonably assure . . . the protection of the safety

of any other person or the community,” N.J.S.A. 2A:162-15, given the State’s position that circumstances similar to the conditions of release imposed by the court existed when the instant event took place; and

On remand, the Superior Court, Criminal Division, on March 15, 2024, having denied the State’s motion and issued an order releasing defendant from pretrial detention; and

The Superior Court, Appellate Division, having granted the State’s expedited motion for leave to appeal and remanded for the trial court to consider arguments relevant to the State’s then-pending motion to reopen detention contemporaneously with the Supreme Court’s remand, State v. Samantha E. Bonora, No. A-002177-23 (App. Div. Mar. 21, 2024); and

The Superior Court, Criminal Division, on April 10, 2024, having granted the State’s motion to reopen detention, denied the request to detain defendant, issued an order releasing defendant on Level III monitoring with conditions, and granted the State’s request to stay release pending appeal; and

The Superior Court, Appellate Division having granted the State’s emergent motion for leave to appeal, summarily affirmed the trial court’s order, and vacated the stay, State v. Samantha E. Bonora, No. A-002177-23 (App. Div. Apr. 16, 2024); and

The State having subsequently filed an application for emergent relief (S-75-23), pursuant to Rule 2:9-8, and

A single justice of the Court having granted the State permission to file expedited motions for leave to appeal and a stay, and imposed a temporary stay of the release order pending consideration of the forthcoming motions; and

The Court having reviewed the parties' submissions and the record in this matter, and having granted leave to appeal (M-846) and a stay of defendant's release (M-847) pending further order of the Court; and

The Court, having provided the parties an opportunity to file supplemental briefs, and having reviewed the parties' submissions and the record in this matter, including transcripts and the parties' briefs and appendices to the Appellate Division and to the Supreme Court; and

The Court finding that the trial court failed to properly consider all of the relevant factors, N.J.S.A. 2A:162-20, including: the nature and circumstances of the offense charged, which involved a fatal automobile accident; the weight of the evidence against defendant, which includes a toxicology report that reveals positive findings of several drugs in defendant's system within hours of the accident; the history and characteristics of this defendant as she stood before the court, which includes defendant's prior

history of driving under the influence and her prior license suspensions, that she already was living with her parents at the time of the accident giving rise to the charged offense, and that her driver's license was expired at the time of the accident; and Pretrial Services' recommendation against release; it is

ORDERED that the April 10, 2024 order releasing defendant with conditions is reversed and vacated; and it is further

ORDERED that the matter is remanded to the Law Division for entry of an order of pretrial detention.

Jurisdiction is not retained.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 15th day of May, 2024.



CLERK OF THE SUPREME COURT