ORDER ON MOTION

	SUPERIOR COURT OF NEW JERSEY
	APPELLATE DIVISION
	DOCKET NO.: AM-000216-24T1
STATE OF NEW JERSEY	MOTION NO.: M-002248-24
V.	BEFORE: PART G
TYBEAR MILES	JUDGES: JESSICA R. MAYER
	PATRICK DEALMEIDA

MOTION FILED: 12/26/2024   BY: STATE OF NEW JERSEY

ANSWER

FILED: 01/02/2025   BY: TYBEAR MILES

SUBMITTED TO COURT: January 13, 2025

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 13th day of January, 2025, HEREBY ORDERED AS FOLLOWS:

MOTION BY   APPELLANT/STATE OF NEW JERSEY

MOTION FOR LEAVE TO APPEAL   DENIED

SUPPLEMENTAL:

The trial court is afforded substantial deference in its ongoing management of discovery or other pretrial matters. Payton v. N.J. Tpk. Auth., 148 N.J. 524, 559 (1997). The court rules provide a criminal defendant with broad pretrial discovery. State v. Scoles, 214 N.J. 236, 251-52 (2013).

Additionally, the issue raised in the State's motion was addressed in State v. Arteaga, 476 N.J. Super. 36 (App. Div. 2023) (holding a defendant entitled to discovery in matters where the State uses or relies on facial recognition technology (FRT)). The State does not

dispute it used FRT in this case. Therefore, <u>Arteaga</u> applies and the judge did not abuse his discretion in compelling the State to produce the relevant FRT related discovery.

FOR THE COURT:
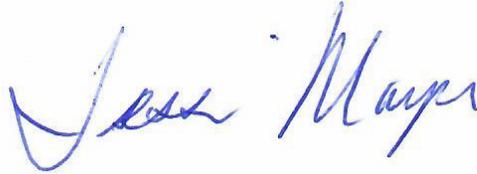
JESSICA R. MAYER, P.J.A.D.

22-06-00798-I   HUDSON
ORDER - REGULAR MOTION
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