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TO: Hon. Thomas W. Sumners, Jr.
Assignment Judges
Hon. Mala Sundar
Trial Court Administrators

DIRECTIVE #10-26

[Questions may be directed to the Criminal Practice
Division at (609) 815-2900, ext. 55300]

FROM: Michael J. Blee, J.A.D. *myb*

**SUBJ: Promulgation of Petition and Instruction Form for Resentencing for
Victims of Domestic Violence or Substantial Abuse Pursuant to
L. 2025, c. 328**

DATE: July 13, 2026

I. Purpose and Background

This Directive establishes the procedures mandated by L. 2025, c. 328, which allows certain defendants who are victims of domestic violence or substantial abuse to seek reduced sentencing or resentencing. This Directive promulgates the required confidential [Petition for Resentencing](#),¹ attached instructions for electronically filing the petition, and ensures that all related filings and supporting documents are handled confidentially, as required by law.

II. Eligibility for Petition

A defendant may petition for resentencing under L. 2025, c. 328 if all of the following criteria are met:

1. **Conviction:** The defendant was convicted of a crime, other than murder or a crime requiring registration as a sex offender under N.J.S.A. 2C:7-2.

¹ Full link: https://www.njcourts.gov/sites/default/files/forms/13412_petition_resentencing.pdf

2. **Custody Status:** The defendant is incarcerated in a State correctional facility or county jail, or is otherwise under the custody or supervision of the Department of Corrections.
3. **Appeal Status:** The defendant does not have an appeal pending and the time for filing an appeal has expired.
4. **Sentence Status:** The defendant has not had their sentence suspended, been paroled, or discharged.
5. **Victim Status:** The defendant was a victim of domestic violence (as defined in N.J.S.A. 2C:25-19) or was otherwise subjected to substantial physical, sexual, or psychological abuse.
6. **Causal Connection:** The domestic violence or abuse was a contributing factor to the defendant's conviction.
7. **Prior Relief:** The defendant has not been resentenced or previously granted relief under this section.

A defendant is eligible regardless of whether they raised a defense based on abuse or entered a guilty plea prior to original sentencing. Relief may be granted only once under the law.

III. Petition Form and Filing Procedures

a. Petition Form

The "Petition for Resentence for Victims of Domestic Violence or Substantial Abuse" form, as developed by the Administrative Office of the Courts in consultation with the State Domestic Violence Working Group, must be used to initiate an application for resentencing.

The form must be made available in all State correctional facilities, county jails, and all Superior and Municipal courts, in at least the five most common languages spoken in the State.

The petition is not a public document and must include personal identifiers and an affidavit setting forth facts establishing eligibility.

b. Legal Representation for Filing and Litigating the Motion

Petitioners are entitled to representation by the Office of the Public Defender for the purpose of filing and litigating the motion under this section, unless the petitioner retains private counsel.

c. eCourts Filing

The New Jersey Judiciary's eCourts application has been updated to accept filings for this specific petition. The petition and all supporting documents must be filed under the "sentence reconsideration" filing type.

Filers must select the dropdown option labeled "Mitigating Factor 15" when filing. Please see the attached eCourts filing instructions which demonstrate how to select this option in the system. This ensures the system and staff are aware of the special confidential nature of this motion. Attorneys may electronically file the petition in eCourts on behalf of their client.

IV. Confidentiality

All applications, petitions, and supporting documents that are filed under the new resentencing motion type are confidential and shall not be disseminated or disclosed publicly, in whole or in part, except to another court, law enforcement or correctional agency as required by law, or a victim of any of the underlying cases for which the petitioner is seeking resentencing.

The county prosecutor must immediately notify the victim of an underlying case for which a petitioner is seeking resentencing.

V. Judicial Review and Hearing

Within 30 days of filing, the court will review the petition for completeness and eligibility. If the petition is complete, the court will set a resentencing hearing to be held within 180 days of filing, unless the requirements are not met, in which case the petition will be dismissed without prejudice, notifying the defendant of any deficiencies. If the prosecutor does not file a written objection, the application is deemed unopposed and the court may grant relief without a hearing.

The court will determine, by a preponderance of the evidence, whether the defendant was a victim of domestic violence or substantial abuse, whether the abuse was a contributing factor to the conviction, and whether the defendant would have been entitled to a reduced sentence under the new mitigating factor.

VI. Training

The Administrative Office of the Courts has provided training to judges and staff, and will provide further training as needed.

VII. Questions

Questions regarding this Directive may be directed to the Criminal Practice Division via email at AOC-CrimPrac.mbx@njcourts.gov or by phone at 609-815-2900 ext. 55300.

Attachments:

1. eCourts Filing Instructions - Victim of DV Abuse or Substantial Abuse Petition

cc. Chief Justice Stuart Rabner
Associate Justices
Criminal Presiding Judges
Family Presiding Judges
Municipal Court Presiding Judges
Jennifer Davenport, Attorney General
Victoria L. Kuhn, Commissioner of the Department of Corrections
Warden Eugene Caldwell, President, New Jersey County Jail Wardens Association
Steven D. Bonville, Chief of Staff
Meryl G. Nadler, Counsel to the Administrative Director
Clerks of Court
AOC Directors and Assistant Directors
Special Assistants to the Administrative Director
Criminal Division Managers and Assistant Division Managers
Family Division Managers and Assistant Division Managers
Municipal Division Managers and Assistant Division Managers

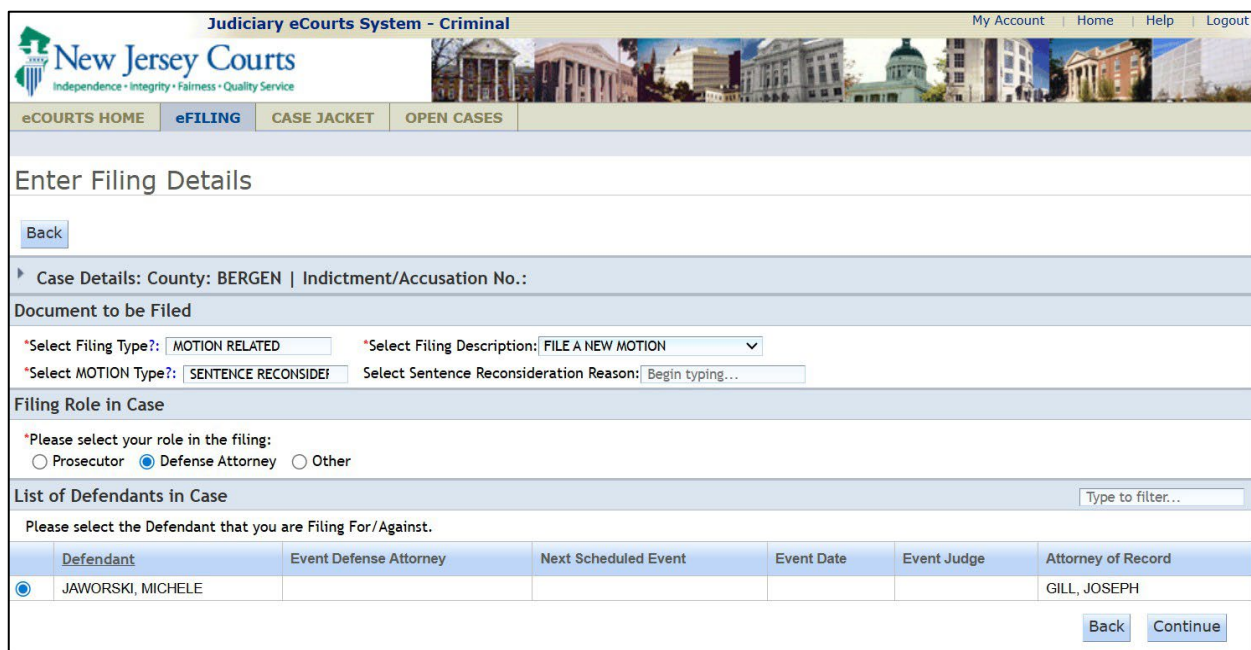
Administrative Office of the Courts

Victim of Domestic Violence Abuse or Substantial Abuse eCourts Filing Instructions

eFiling – Sentence Reconsideration Motion

When selecting Sentence Reconsideration motion filing, there will be a new “Select Sentence Reconsideration Reason” dropdown.

Figure 1:



Judiciary eCourts System - Criminal My Account | Home | Help | Logout

New Jersey Courts
Independence • Integrity • Fairness • Quality Service

[eCOURTS HOME](#) | [eFILING](#) | [CASE JACKET](#) | [OPEN CASES](#)

Enter Filing Details

[Back](#)

Case Details: County: BERGEN | Indictment/Accusation No.:

Document to be Filed

*Select Filing Type?: MOTION RELATED *Select Filing Description: FILE A NEW MOTION

*Select MOTION Type?: SENTENCE RECONSIDERATION Select Sentence Reconsideration Reason: Begin typing...

Filing Role in Case

*Please select your role in the filing:

☐ Prosecutor ☒ Defense Attorney ☐ Other

List of Defendants in Case

Type to filter...

Please select the Defendant that you are Filing For/Against.

	Defendant	Event Defense Attorney	Next Scheduled Event	Event Date	Event Judge	Attorney of Record
☒	JAWORSKI, MICHELE					GILL, JOSEPH

[Back](#) [Continue](#)

Upon clicking that Select Sentence Reconsideration Reason dropdown, a new option for “Mitigating Factor #15” will be available for selection.

Figure 2:

The screenshot shows the 'Enter Filing Details' page in the Judiciary eCourts System - Criminal. The page includes a navigation bar with links to My Account, Home, Help, and Logout. The main section is titled 'Enter Filing Details' and contains a 'Back' button. Below this, the 'Case Details' section shows 'County: BERGEN' and 'Indictment/Accusation No.:'. The 'Document to be Filed' section has three dropdown menus: 'Select Filing Type?' (MOTION RELATED), 'Select Filing Description?' (FILE A NEW MOTION), and 'Select MOTION Type?' (SENTENCE RECONSIDERATION). The 'Select Sentence Reconsideration Reason?' dropdown is open, showing 'MITIGATING FACTOR #15' as an option. The 'Filing Role in Case' section has three radio buttons: 'Prosecutor', 'Defense Attorney' (selected), and 'Other'. The 'List of Defendants in Case' section has a search bar and a table with columns: Defendant, Event Defense Attorney, Next Scheduled Event, Event Date, Event Judge, and Attorney of Record. The table lists 'JAWORSKI, MICHELE' as the defendant, with 'GILL, JOSEPH' as the attorney of record. 'Back' and 'Continue' buttons are at the bottom right.

The three required document types will be Notice of Motion, Proposed Form of Order and Petition.

Figure 3:

The screenshot shows the 'Upload Required Documents' section. It includes a warning that all documents are considered public unless otherwise provided by Rule 1:38 et. seq. and a link for additional information. Below this, a checkbox for certifying redaction is present. A note states that each required document must be submitted as individual attachments. The main part of the form is a table with four columns: Document Type, Access Restriction (?), File Name, and Document Description. The table lists five required document types: NOTICE OF MOTION, PROPOSED FORM OF ORDER, PETITION, PROOF OF SERVICE, and CERTIFICATION/AFFIDAVIT. Each row has a 'Choose File' button and a 'No file chosen' status. The 'BRIEF' row has a 'BRIEF' text input and an 'Upload' button. A '+' button is at the bottom left of the table.

Document Type	Access Restriction (?)	File Name	Document Description
* NOTICE OF MOTION	RESTRICTED	Choose File No file chosen	
* PROPOSED FORM OF ORDER	RESTRICTED	Choose File No file chosen	
* PETITION	RESTRICTED	Choose File No file chosen	
PROOF OF SERVICE	RESTRICTED	Choose File No file chosen	
CERTIFICATION/AFFIDAVIT	RESTRICTED	Choose File No file chosen	
BRIEF	RESTRICTED	Choose File No file chosen	BRIEF Upload