

NOTICE TO THE BAR

AMENDMENTS TO RULE 3:4A (“PRETRIAL DETENTION”) – TIME FOR STATE TO APPEAL FROM DENIAL OF PRETRIAL DETENTION MOTION

The Supreme Court by order dated April 17, 2019 has adopted amendments to Rule 3:4A (“Pretrial Detention”) to clarify that the State’s appeal from denial of a pretrial detention motion is not required to be filed within 48 hours. Rather, a motion for leave to appeal from an interlocutory order denying the prosecutor’s pretrial detention motion is to be treated the same as other appeals from interlocutory orders under Rule 2:5-6 and thus subject to a 20-day timeframe.

These amendments to Rule 3:4A, as published with this notice, become effective May 1, 2019.

The Court took this action on the recommendation of the Supreme Court Criminal Practice Committee as set forth in the committee’s Ad Hoc Report on Rule 3:4A, which was earlier published for comment.


Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: April 24, 2019

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 3:4A of the Rules Governing the Courts of the State of New Jersey are adopted to be effective May 1, 2019.

For the Court,

A handwritten signature in blue ink, likely of the Chief Justice, consisting of a stylized first name and a last name.

Chief Justice

Dated: April 17, 2019

Rule 3:4A. Pretrial Detention

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) Interlocutory Order from Appellate Division. [Nothing in this Rule shall be deemed to preclude the State's right to seek an interlocutory order from the Appellate Division within 48 hours.] The State may move for leave to appeal from an interlocutory order granting an eligible defendant's pretrial release.

Note: Adopted August 30, 2016 to be effective January 1, 2017; paragraph (a) amended July 28, 2017 to be effective September 1, 2017; paragraph (b)(5) amended May 1, 2018 to be effective immediately; subparagraphs (b)(1) and (b)(2) amended July 27, 2018 to be effective September 1, 2018; paragraph (e) amended April 17, 2019 to be effective May 1, 2019.