

NOTICE TO THE BAR

CENTRALIZED CASE MANAGEMENT – LITIGATION SEEKING RELIEF IN CERTAIN NEW JERSEY STATE POLICE OFFICE OF FORENSIC SCIENCES, NORTH REGIONAL LABORATORY (LITTLE FALLS) DRUG UNIT MATTERS – ADJUDICATED CASES

This Notice is to advise that the Supreme Court, on application by the Attorney General and on notice to the Public Defender, has determined to centralize all litigation seeking relief in adjudicated cases where the relief sought is based on allegations that Kamalkant Shah, of the New Jersey State Police Office of Forensic Sciences, North Regional Laboratory (Little Falls) Drug Unit, failed to appropriately conduct laboratory analyses, peer review, or administrative review of purported drug evidence. The Supreme Court's April 25, 2016 Order, which accompanies this notice, designates Superior Court Judge Edward A. Jerejian to handle this centralized litigation. For purposes of this centralized case management, adjudicated cases are defined as including (1) cases where a defendant is incarcerated; (2) cases where a defendant already has completed serving a sentence of incarceration; and (3) cases involving other adjudications, such as conditional discharges, pretrial intervention (PTI), downgrades, dismissals, or probation. Cases pending at the time of the Court's order shall be heard in the vicinage or municipality of origin. Questions may be directed to Judge Jerejian at 201-527-2610.



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

Dated: April 26, 2016

SUPREME COURT OF NEW JERSEY

ADMINISTRATIVE ORDER

This matter having been opened to the Court by application of the Attorney General, on notice to the Office of the Public Defender, for statewide centralized case management of all litigation seeking relief in adjudicated cases (which, for purposes of this order, shall be defined as including cases where a defendant is incarcerated or already has completed serving a sentence of incarceration and cases involving other adjudications, such as conditional discharges, pretrial intervention (PTI), downgrades, dismissals, or probation), where the relief sought is based on allegations that Kamalkant Shah, forensic scientist at the New Jersey State Police Office of Forensic Sciences, North Regional Laboratory (Little Falls) Drug Unit, failed to appropriately conduct laboratory analyses, peer review, or administrative review of purported drug evidence;

And the Attorney General's Office, through the Director of the Division of Criminal Justice, having provided a list of: (a) all cases where Mr. Shah was the primary laboratory examiner (7,827); (b) all cases where Mr. Shah conducted peer review (970); and (c) all cases where Mr. Shah conducted administrative review (1,622), arising out of matters in thirteen (13) counties;

And it appearing desirable that there be coordination in the management of such adjudicated cases (as defined in this order) on a statewide basis in order to develop better processing of these cases, to provide greater consistency and efficiency, and to minimize conflicts and delays;

And good cause appearing;

IT IS ORDERED pursuant to N.J.Const. (1947), Art. 6, § 2, ¶ 3, that, effective immediately and until further order, **Superior Court Judge Edward A. Jerejian**, in addition to his regular judicial assignment, is hereby designated as the sole judge to

handle all motions or applications for dismissal or vacation of conviction(s) or other relief, including the possible expungement of such record(s) involving charges, arrests and convictions, in adjudicated matters (as defined in this order) in which State Police Laboratory technician Kamalkant Shah was the primary laboratory examiner, conducted peer review, or conducted administrative review of purported drug evidence; and

It is FURTHER ORDERED that Judge Jerejian is hereby assigned to the Criminal Division of Superior Court in all vicinages for the purpose of hearing and deciding all applications or motions related to adjudicated cases (as defined in this order) in which lab technician Shah's primary drug testing analysis, peer review, or administrative review of purported drug evidence was relied upon by the State in any Municipal Court or Superior Court proceeding; and

It is FURTHER ORDERED that this designation of Judge Jerejian shall not directly apply to any pending case, with any such matters to be heard in the vicinage or municipality of origin, unless a consolidation of common issues in a single hearing can be held consistent with law and with the agreement of the parties; and

It is FURTHER ORDERED that Judge Jerejian shall report to the Court as soon as practicable, and regularly thereafter, on the issue of whether statewide management of the subject issues remains beneficial and in the public interest or whether the parties' litigation needs are such that the cases would be better managed at the vicinage or municipal level.

For the Court:



Chief Justice

Dated: April 25, 2016