

## NOTICE TO THE BAR

### **CRIMINAL JUSTICE REFORM – REPRESENTATION OF INDIGENT DEFENDANTS WHOSE HIGHEST CHARGE IS A DV-RELATED DISORDERLY PERSONS OFFENSE AND WHO HAVE BEEN DETAINED PRETRIAL**

Indigent defendants whose highest charge is a disorderly persons offense involving domestic violence and who have been ordered detained pretrial need to have counsel appointed on an expedited basis. Pursuant to R. 2:9-13, a notice of detention appeal must be filed within seven days of entry of the detention order. Beyond that time, a motion must be made to submit an appeal.

The State Public Defender has agreed to represent indigent defendants whose highest charge is a domestic violence-related disorderly persons offense at an initial detention hearing, but will not continue that representation for the underlying case or for any appeal of a pretrial detention order.

In such instances, when the disorderly persons offense involves a violation of a restraining order, the matter falls within the jurisdiction of the Family Court and an attorney appointed on a pro bono basis pursuant to Madden v. Delran, 126 N.J. 591 (1992), will be responsible for representing the defendant, including any appeal of the detention order.

When the disorderly persons offense does not involve a violation of a restraining order and thus instead is within the jurisdiction of the municipal court, the municipal public defender will be responsible for representing the defendant, including any appeal of the detention order. N.J.S.A. 2B:24-7.

Information for attorneys handling these detention appeals is located on Judiciary's website at <http://www.njcourts.gov/courts/appellate/pretrialdetention.html>.

Training material for pro bono attorneys – including the overall handling of a violation of a restraining order case – is on the Judiciary’s pro bono webpage:

<http://www.njcourts.gov/attorneys/probono.html>.

Information to inform attorneys as to the criminal justice reform process is located on the Judiciary’s website at <https://njcourts.gov/courts/criminal/reform.html>.

/s/ Glenn A. Grant

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