

NOTICE TO THE BAR

CENTRALIZED HANDLING OF JOINT MOTIONS TO REDUCE MANDATORY PAROLE INELIGIBILITY TERMS

The Supreme Court by the attached order dated May 26, 2021 has assigned **Superior Court Judge Susan J. Steele**, effective immediately and until further order, to handle on a statewide basis all joint motions to reduce the mandatory period of parole ineligibility of incarcerated defendants who are serving a sentence for a qualifying Chapter 35 drug offense with a mandatory parole ineligibility term and who remain ineligible for parole solely due to the parole disqualifier for that offense. This judicial assignment is designed to promote consistency and efficiency in the handling of these joint applications filed pursuant to the Attorney General Law Enforcement Directive No. 2021-4 (“Directive Revising Statewide Guidelines Concerning the Waiver of Mandatory Minimum Sentences in Non-Violent Drug Cases Pursuant to N.J.S.A. 2C:35-12”).

Judge Steele will have full judicial authority for the management and adjudication of these matters, except for pending cases for defendants who have not yet been sentenced for the qualifying Chapter 35 drug offense or violations of probation for a sentence for a qualifying Chapter 35 drug offense, with any such matters instead to be heard in the vicinage by the assigned Superior Court judge, as set forth in the Supreme Court’s Order.

Guidance will be issued by Judge Steele on the filing and scheduling of the above-referenced joint motions as set forth in the Order. Therefore, prosecutors should not file these joint motions in eCourts until such guidance has been issued. Any joint motions that have already been filed in eCourts will not be

processed until such guidance has been issued. Moreover, such motions may need to be withdrawn or refiled depending on the requirements established by Judge Steele.



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

Dated: May 27, 2021

SUPREME COURT OF NEW JERSEY

WHEREAS Attorney General Law Enforcement Directive No. 2021-4 (“Directive Revising Statewide Guidelines Concerning the Waiver of Mandatory Minimum Sentences in Non-Violent Drug Cases Pursuant to N.J.S.A. 2C:35-12”), issued April 19, 2021, sets forth procedures for prosecutors to file joint motions to reduce the mandatory period of parole ineligibility, upon request of incarcerated defendants who are serving a sentence for a qualifying Chapter 35 drug offense with a mandatory parole ineligibility term and who remain ineligible for parole solely due to the parole disqualifier for that offense; Law Enforcement Directive No. 2021-4 also permits prosecutors to request an additional discretionary parole disqualifier as part of this joint motion for a sentence modification under R. 3:21-10(b)(3); and

WHEREAS having a single judge with full judicial authority assigned to manage and adjudicate such joint motions on a statewide basis will promote consistency and efficiency;

IT IS ORDERED that, effective immediately and until further order, **Superior Court Judge Susan J. Steele**, retired and serving on recall pursuant to prior order of the Court, in addition to any other judicial assignment on recall, is hereby assigned on a statewide basis to handle all of the above-referenced joint motions concerning these incarcerated defendants, with Judge Steele having full judicial authority for the management and adjudication of these matters; and

IT IS FURTHERED ORDERED that guidance on the filing and scheduling of these joint motions will be issued by Judge Steele before such filings will be processed in eCourts; and

IT IS FURTHER ORDERED that this order shall not apply to pending cases for defendants who have not yet been sentenced for the qualifying Chapter 35 drug

offense or violations of probation for a sentence for a qualifying Chapter 35 drug offense, with any such matters instead to be heard in the vicinage by the assigned Superior Court judge; and

IT IS FURTHER ORDERED that each party shall have a continuing obligation to advise the court of any pending motions, including but not limited to, petitions for post-conviction relief involving the defendant's qualifying Chapter 35 drug offense; and

IT IS FURTHER ORDERED that as to cases currently on appeal in the Appellate Division involving defendants sentenced for a qualifying Chapter 35 drug offense with a mandatory parole ineligibility term, the above-referenced joint motions relating to Attorney General Law Enforcement Directive 2021-4 shall be made to Judge Steele pursuant to Rule 3:21-10, who shall have limited jurisdiction to take appropriate action pursuant to Rule 2:9-1(a). In such cases, the parties are reminded of the requirement to provide notice to the Appellate Division pursuant to Rule 3:21-10(d). Appellants are further reminded of the continuing obligation under Rule 2:5-1(e)(2) to file an amended Case Information Statement in the event there is any change with respect to any entry in the Case Information Statement, and of the continuing obligation under Rule 2:6-11(e) to notify the court if there is any change in custodial status; and

IT IS FURTHER ORDERED that Judge Steele will report to the Court on a periodic basis on the status of these cases and as to whether the statewide management and handling of these joint motions should continue.

For the Court:



Chief Justice

Dated: May 26, 2021