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**SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-2283-23**

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

GREGORY Q. GREEN,

Defendant-Appellant.

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Submitted May 22, 2024 – Decided June 7, 2024

Before Judges Vernoia and Walcott-Henderson.

On appeal from an interlocutory order of the Superior Court of New Jersey, Law Division, Middlesex County, Indictment No. 23-06-0681.

Law Offices of Fetky & Petty, LLC, attorneys for appellant (Jonathan M. Petty, of counsel and on the brief).

Yolanda Ciccone, Middlesex County Prosecutor, attorney (Randolph E. Mershon III, Assistant Prosecutor, of counsel and on brief).

PER CURIAM

By leave granted, defendant Gregory Q. Green appeals from a March 22, 2024 order entered following our remand on his prior appeal from an order denying his motion under the Criminal Justice Reform Act (CJRA), N.J.S.A. 2A:162-15 to -26, to reopen his detention hearing on two fourth-degree offenses. See State v. Green, No. A-1149-23 (App. Div. Feb. 23, 2024) (slip op. at 18). Defendant also appeals from seventeen March 22, 2024 orders granting revocation of a March 25, 2022 order ordering his pretrial release on pending burglary, theft, and criminal mischief charges. We vacate the court's March 22, 2024 orders and remand for further proceedings.

## I.

To provide context for our discussion of the issues presented on appeal, we reiterate in part the procedural history of this matter as set forth in our prior opinion. Id. at 2-9. In March 2022, the State moved for defendant's pretrial detention under two complaint-warrants. The first charged defendant with committing third-degree burglary and fourth-degree criminal mischief on March 14, 2022. The second charged defendant with committing third-degree burglary and third-degree theft on January 8, 2022. Id. at 2.

The State moved for defendant's pretrial detention under the CJRA on the charges in the two complaint-warrants. The Pretrial Services' Public Safety

Assessment (PSA) showed that four days after defendant's March 14, 2022 arrest on the burglary, theft, and criminal mischief charges, the State separately charged defendant with an additional sixty-three offenses in a number of complaint-summonses. Id. at 2-3. The PSA showed the offenses charged in the complaint-summonses were alleged to have been committed between various dates in 2021 and 2022 prior to defendant's March 14, 2022 arrest for the offenses charged in the complaint-warrants. Id. at 3 n.1.

The court denied the State's motion for pretrial detention on the four charges in the complaint-warrants. Id. at 3. On March 25, 2022, the court entered an order releasing defendant on Level III+ monitoring with conditions that included home detention and requiring that defendant not commit any new offenses during the period of his pretrial release. Ibid.

Later in March 2022, the State moved for revocation of defendant's release based on a claim defendant had violated a condition of his release. Ibid. The court denied the State's motion, finding the State had failed to establish revocation of defendant's release was required to reasonably ensure his appearance at court proceedings, protect the safety of another person or the community, or ensure defendant did not obstruct the criminal justice process. Ibid.

In July 2022, the State charged defendant in a complaint-warrant with fourth-degree tampering with physical evidence. Id. at 4. The State alleged that on April 8, 2022, defendant had tampered with evidence—computer data—related to the ongoing investigation of his alleged commission of various burglaries. Ibid.

The State moved for defendant's pretrial detention on the fourth-degree tampering charge that had allegedly been committed after defendant had been released on Level III+ monitoring on the pending burglary, theft, and criminal mischief charges. Ibid. The State, however, did not move for revocation of defendant's release on the burglary, theft, and criminal mischief charges based on defendant's alleged commission of the tampering charge. Ibid.

The PSA issued in connection with the State's motion for pretrial detention on the tampering charge included a "no-release" recommendation, a risk of new violent activity flag, and risk scores of four out of six for failure to appear and six out of six for new criminal activity. Ibid. The PSA also reflected defendant had then-pending over two hundred other charges, including the four for which defendant had been arrested and charged in the two complaint-warrants on March 14, 2022, and a myriad of others charges in complaint-summonses that had been committed during the two years prior to that arrest. Ibid.

On July 19, 2022, the court granted the State's motion for pretrial detention on the fourth-degree tampering charge. Id. at 5. Two months later, defendant moved to reopen the detention hearing, arguing the State lacked probable cause for the tampering charge. Ibid. The court rejected defendant's argument and denied the motion in an October 20, 2022 order. Ibid. We summarily affirmed the order after granting defendant's motion for leave to appeal. Ibid.

In June 2023, a grand jury charged defendant in an indictment with fourth-degree tampering with evidence and two counts of fourth-degree hindering apprehension. The charged crimes arose from defendant's actions as alleged in the complaint-warrant charging fourth-degree tampering for which the court had ordered his detention on July 19, 2022. Id. at 5-6.

Fifteen months later, defendant moved to reopen his detention hearing, vacate the July 19, 2022 pretrial detention order, and allow his release on conditions. Id. at 6. Defendant claimed there was information material to the court's detention decision that was not known when the order was entered. Ibid. The information included a determination defendant was eligible for admission to Recovery Court, defendant's participation in anger-management counseling and other counseling programs while incarcerated pretrial pursuant to the July

19, 2022 detention order, and the State's proposed plea offer. Id. at 6-7. Defendant also claimed his then-fifteen-month period of detention on the fourth-degree charges constituted an additional material change in circumstances warranting the reopening of his detention hearing.<sup>1</sup> Id. at 7.

In the State's opposition to defendant's motion, and in the court's determination of the motion, there is no mention that in November 2023, a grand jury had returned a forty-one-count indictment charging defendant with various third- and fourth-degree offenses. Id. at 8. Nor did the State separately seek defendant's detention on the charges in the indictment or a revocation of defendant's release pursuant to the May 25, 2022 order. Ibid.

The court entered a November 17, 2023 order denying defendant's motion to reopen his detention hearing. Id. at 8. We granted defendant's motion for leave to appeal from the order. Id. at 9. We vacated the order, finding the court had "abused its discretion by rejecting defendant's claim that the length of his pretrial detention on the fourth-degree offenses—in relation to his potential

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<sup>1</sup> As we explained in our prior decision, the State has not disputed that the principles applicable to the imposition of consecutive sentences of imprisonment under State v. Yarbough, 100 N.J. 627 (1985), render it unlikely that defendant would receive a sentence greater than eighteen months even if he is convicted of all three of the charged fourth-degree offenses. Green, slip op. at 14 n.3.

maximum sentence—warranted reopening his detention hearing under N.J.S.A. 2A:162-19(f)." Id. at 14. We also determined the court erred by denying defendant's motion in part based on its finding that reopening the hearing was not required "because of the numerous other charges, including many third-degree offenses, presently pending against him." Ibid.

We noted the court had failed to consider that defendant had been detained based solely on the fourth-degree tampering charge. We also explained the State had never sought revocation of defendant's release on the burglary, criminal mischief, or theft charges for which defendant had been granted pretrial release on March 25, 2022, or requested defendant's detention based on the numerous additional charges that had been subsequently filed against him. Id. at 14.

We also determined the court erred by rejecting defendant's motion "based simply on the pendency of other charges for which the State has not seen fit to request detention." Id. at 15. We reasoned that the court had effectively "made a detention determination on those other charges without affording defendant the protection of the procedural requirements and safeguards embodied in the CJRA[.]" Ibid.

We also explained that the court had failed to consider or address defendant's claim concerning the statutory, see N.J.S.A. 2A:162-19(f), and due

process issues implicated by the length of his pretrial detention under the Supreme Court's decision in Matter of Pretrial Detainees, 245 N.J. 218 (2021). Ibid. We vacated the court's order and remanded for it to "reconsider defendant's motion to reopen the detention hearing under N.J.S.A. 2A:162-19(f), address and make findings" under the statute's materiality requirement, see In re Pretrial Detainees, 245 N.J. at 237, "and decide the motion anew." Id. at 16-17.

We also explained the circumstances a court must consider in making a materiality determination, ibid., and noted the Supreme Court had identified the following factors, pertinent to defendant's motion, that a court should consider in deciding a motion to reopen a detention hearing: "1. The length of detention to date as well as the projected length of ongoing detention[.]" ; "2. [w]hether a defendant has been or will be in detention longer than the likely amount of time the person would actually spend in jail if convicted[.]" ; "3. [t]he existence and nature of a plea offer[.]" ; and "[4.] [o]ther factors relevant to pretrial detention that are outlined in N.J.S.A. 2A:162-20[.]" Id. at 17-18 (citations omitted) (last alteration added) (quoting In Re Pretrial Detainees, 245 N.J. at 237-39).

Within days of the issuance of our prior decision, the State moved to revoke the March 25, 2022 order releasing defendant on the original burglary, theft, and criminal trespass charges and separately sought revocation of



defendant's release based on sixty-five complaint-summonses pending against him. A few weeks later, the court held a hearing on defendant's motion to reopen his detention hearing on the then-solitary July 19, 2022 pretrial detention order. The court noted the hearing was conducted solely to address the issues required under our remand.

Defense counsel argued in part that the State had moved to revoke defendant's release pursuant to the March 25, 2022 order as a "vindictive" response to this court's remand. Defense counsel also argued the State had improperly relied on charges based on alleged crimes that had been pending in longstanding complaint-summonses for which detention is not available under the CJRA. Defense counsel also claimed the court could not properly deny his motion to reopen his detention hearing "based simply on the pendency of other charges for which the State has not seen fit to request detention."

Defense counsel further argued the State had opted not to move for revocation earlier, and that it is a violation of his due process rights for the State to have delayed making the revocation motion such that defendant had been detained for then-twenty months on the tampering and hindering apprehension charges for which defendant could receive only a maximum eighteen-month sentence if convicted.

The State argued the CJRA does not require the filing of a revocation motion within any particular period of time. The State also asserted defendant stood before the court charged with 193 third- and fourth-degree offenses arising from approximately eighty-three separate incidents. The State claimed the pendency of those charges supported the State's request to revoke defendant's release pursuant to the March 25, 2022 order.

The court rendered brief findings on the record in support of its denial of defendant's motion to reopen his detention hearing that resulted in the entry of July 19, 2022 order granting the State's motion for pretrial detention. The court noted the decision to reopen was governed by N.J.S.A. 2A:162-19(f) and the principles explained by the Court in Matter of Pretrial Detainees, 245 N.J. at 237-39.

The court explained that when it had previously considered defendant's revocation motion, the only charges for which defendant was being detained were the tampering and hindering apprehension charges "even though there were separate and distinct third-degree charges [for which] defendant had already been released." The court explained that following its prior order denying defendant's motion to reopen his detention hearing, the State had moved for revocation of "defendant's original release on Level III+ monitoring." The court

explained it had considered the plea agreement offered to defendant, and "it must weigh that against the fact" that "defendant is charged with numerous separate and distinct third[-]degree charges" for which the State had moved for revocation of defendant's pursuant to the March 25, 2022 release order.

Without any further analysis or findings, the court found that "based on those factors" the materiality prong of N.J.S.A. 2A:162-19(f), as explained by the Court's decision in Matter of Pretrial Detainees, 245 N.J. at 237-39, had been satisfied. The court therefore denied defendant's motion to reopen his detention hearing. Defense counsel sought clarification, claiming the court had seemingly decided the State's motion to revoke defendant's release based on the numerous charges on which defendant had been indicted, instead of addressing the merits of defendant's motion to reopen his detention hearing on the tampering and hindering apprehension charges as directed by our remand.

Defense counsel also noted the State had moved for revocation of defendant's release based on charges that had been issued on complaint-summonses but for which the State had now incongruously argued required defendant's detention. Defense counsel asserted the numerous new charges against defendant were based on conduct that occurred prior to the March 2022 complaint-warrants for which he had been released on Level III+ monitoring

and, as such, they did not constitute new conduct supporting revocation of his release.

In response to defense counsel's arguments, the judge stated only that "we're here for . . . the appellate remand on the motion for reconsideration, and that's the way I ruled." The court entered a May 22, 2024 order denying defendant's request to reopen and vacate the July 19, 2022 order for pretrial detention.

The court also separately entered seventeen orders granting the State's requests for revocation of defendant's March 25, 2022 order releasing defendant on Level III+ monitoring.<sup>2</sup> Each order provides that

for the reasons set forth on the record and herein, the court finds by clear and convincing evidence that no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions would reasonably assure the defendant's appearance in court when required, the protection of the safety of any other

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<sup>2</sup> We list the orders by their respective complaint numbers and corresponding indictment numbers: (1) W-2022-0094-1222 and 24-02-0154; (2) W-2022-0095-1222 and 24-02-0154; (3) W-2022-0098-1222 and 24-02-0154; (4) W-2022-0098-1805 and 24-02-0154; (5) W-2022-0270-1334 and 24-02-0154; (6) W-2022-0292-1205 and 24-02-0154; (7) W-2022-0101-1222 and 24-02-0154; (8) W-2022-0102-1222 and 24-02-0154; (9) W-2022-0105-1222 and 24-02-0154; (10) W-2022-0277-1205 and 24-02-0154; (11) W-2022-0096-1222 and 24-02-0154; (12) W-2022-0099-1222 and 24-02-0154; (13) W-2022-0103-1222 and 24-02-0154; (14) W-2022-0108-1222 and 24-02-0154; (15) W-2022-0271-1334 and 24-02-0154; (16) W-2022-0292-1205 and 24-02-0154; and (17) W-2022-0295-1205 and 24-02-0154.

person or the community, that defendant will not obstruct or attempt to obstruct the criminal justice process.

Each order further states that the court's decision revoking defendant's release is based on "the following findings of fact and conclusions of law," but no findings or conclusions are included. The orders state only that the court's findings are "as stated on the record," even though the court did not make any findings supporting entry of the orders and had otherwise stated at the hearing that it was addressing only our remand order directing that the court reconsider anew defendant's motion to reopen the hearing that resulted in the July 19, 2022 pretrial detention order.

We granted defendant's motion for leave to appeal from the court's orders. In support of his appeal, defendant makes the following argument:

POINT I

[THE COURT] FAILED TO APPLY THE LAW AS DIRECTED BY THIS COURT IN ITS REMAND DECISION AND THE ORDER DENYING DEFENDANT'S MOTION TO REOPEN DETENTION MUST BE REVERSED.

POINT II

THE STATE'S UNREASONABLE DELAY IN FILING THE MOTIONS TO REVOKE DEFENDANT'S RELEASE SHOULD PROHIBIT THE COURT FROM CONSIDERING THEM.

## II.

As we explained in our prior decision on defendant's appeal from an order denying his motion to reopen his detention hearing, we review a trial court's decisions to release or detain a defendant for an abuse of discretion. State v. S.N., 231 N.J. 497, 515-16 (2018). There is an abuse of discretion where the court's decision "'rest[s] on an impermissible basis,' 'was based upon a consideration of irrelevant or inappropriate factors,' 'fail[s] to take into consideration all relevant factors,'" or "'reflects a clear error in judgment,'" ibid. (first alteration in original) (quoting State v. C.W., 449 N.J. Super. 231, 255 (App. Div. 2017)).

We also do not owe any "'deference to a trial court[']s decision that fails to 'provide factual underpinnings and legal bases supporting [its] exercise of judicial discretion.'"" Id. at 515 (alterations in original) (quoting C.W., 449 N.J. Super. at 255). "[A] trial court's detention decision not supported by articulable facts is not entitled to deference and may constitute an abuse of discretion." Ibid.; see also Flagg v. Essex Cnty. Prosecutor, 171 N.J. 561, 571 (2002) (citation omitted) (explaining a court abuses its discretion in part when its decision is "made without a rational explanation"). We conduct a de novo

review of a decision that is based on a misinterpretation or misapplication of the law. Ibid.

Defendant's appeal requires that we review the order denying defendant's motion to reopen the detention hearing that resulted in the July 19, 2022 pretrial detention order. We must also consider the seventeen orders granting the State's motion to revoke defendant's release from pretrial detention on Level III+ monitoring under the court's March 25, 2022 order. Because the relief granted in the orders is governed by different standards and was requested by different parties under separate provisions of the CJRA, we address the orders in turn.

A.

A defendant who has been detained pretrial under the CJRA may apply to reopen a detention hearing at any time prior to trial. State v. Hyppolite, 236 N.J. 154, 164 (2018). N.J.S.A. 2A:162-19(f) governs applications to reopen detention hearings under the CJRA. The statute provides in pertinent part that a detention

hearing may be reopened . . . if the court finds that information exists that was not known to the prosecutor or the eligible defendant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release that will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not

obstruct or attempt to obstruct the criminal justice process.

[N.J.S.A. 2A:162-19(f).]

The statute provides the "path" for reconsideration of a detention decision "when (1) there is new information, or a change in circumstances, (2) that is material to the release decision." In re Pretrial Detainees, 245 N.J. at 235.

In our prior decision, we determined the court had erred by finding defendant did not establish a sufficient change in circumstances satisfying the first prong of the statutory standard. Green, slip op. at 15-16. We found defendant's then-nineteen-month pretrial detention on charges the parties' agreed would result in a sentence not exceeding eighteen months constituted a change in circumstances supporting a reopening of the detention hearing under the Matter of Pretrial Detainees' standard. Ibid.

The second prong of the required analysis "turn[s] on the particular facts of each case." In re Pretrial Detainees, 245 N.J. at 237. The "critical question" that must be answered in that analysis is "whether the circumstances at the time of the" hearing on the motion to reopen the detention hearing "warrant a defendant's continued detention." Ibid. As required under N.J.S.A. 2A:162-19(f)'s plain language, the court must determine whether "the new information



[has] a 'material bearing' on the standard that governs release decisions[.]" Ibid. (quoting N.J.S.A. 2A:162-19(f)).

In our prior decision, we remanded for the court to address and make findings of fact and conclusions of law on the materiality prong of the statutory standard for reopening a detention hearing. Green, slip op. at 18; see also N.J.S.A. 2A:162-19(f); In re Pretrial Detainees, 245 N.J. at 237. We explained that in determining the materiality of defendant's changed circumstances, the trial court should consider whether there were "any combination of conditions" that "would reasonably assure against the risk of non-appearance, danger, or obstruction in light of" defendant's continued pretrial detention beyond the time he could expect to be sentenced if convicted. Id. at 17 (quoting In re Pretrial Detainees, 245 N.J. at 237). We also identified the factors the Court suggested must be considered in making the materiality determination, including the length of detention, the projected length of detention, whether the defendant has been or will likely be in detention longer than the amount of time he would actually spend in jail if convicted, the nature and existence of a plea bargain, and other factors relevant to a pretrial release decision under N.J.S.A. 2A:162-20. Id. at 18 (citing In re Pretrial Detainees, 245 N.J. 237-39).

Defendant correctly argues the motion court failed to comply with our remand order. The court did not address or make findings pertinent to a determination of materiality under the standard set forth in Matter of Pretrial Detainees, 245 N.J. at 237. The court did not consider defendant's due process arguments or make any findings concerning the materiality of the changed circumstance—defendant's lengthy pretrial detention in relation to his potential maximum sentence—based on the risks presented by a reopening of the detention hearing. Instead, the court simply repeated the error we identified in our prior decision—it denied defendant's motion based solely on the pendency of other charges. See Green, slip op. at 15.

Our remand order did not constitute a request. "Whether in agreement or not, a trial judge is 'under a peremptory duty to obey in the particular case the mandate of the appellate court precisely as it is written.'" State v. Kosch, 454 N.J. Super. 440, 443-44 (App. Div. 2018) (quoting Flanigan v. McFeely, 20 N.J. 414, 420 (1956)).

The motion court did not abide by the requirements of our remand order, did not provide the requisite statement of reasons pertinent to a disposition of a motion to reopen a detention hearing, see Hyppolite, 236 N.J. at 172 (explaining a court's decision on a motion to reopen a detention hearing should be tethered

to "a statement of reasons for review on appeal"), or provide the findings of fact and conclusions of law otherwise required under Rule 1:7-4.

Because the court failed to comply with our remand order or make the requisite findings of fact and conclusions of law that compliance with our remand order required, we are constrained to once again vacate the order denying defendant's motion to reopen his detention hearing and remand for the court to consider the motion anew in accordance with our prior remand order. See Green, slip op. at 16-18.

As we previously instructed, and as part of its analysis, the court shall consider and make findings, as required under In re Pretrial Detainees, 245 N.J. at 226, 237, as to whether defendant's continued pretrial detention on the fourth-degree tampering and hindering apprehension charges violates his due process and statutory rights given that he has now been detained pretrial on those charges for many months beyond the time he could be sentenced if convicted of those charges. The court shall also make findings of fact and conclusions of law supporting its determination of each argument presented by defendant in support of his motion. See R. 1:7-4. We also require that the court consider and decide whether it is appropriate to grant defendant's motion for pretrial release on the

tampering and hindering apprehension charges even if it otherwise determines defendant may properly be detained on other pending charges.

In addition, and out of an abundance of caution, we direct that a different judge be assigned to address the issues presented on remand to avoid any claim of impartiality based on the judge's prior findings and conclusions. See Graziano v. Grant, 326 N.J. Super. 328, 349 (App. Div. 1999) (explaining a remand to a different judge may be appropriate "when there is a concern that the trial judge has a potential commitment to his or her prior findings"); Carmicheal v. Bryan, 310 N.J. Super. 34, 49 (App. Div. 1998) (noting that a judge's expression of opinion might evidence a "commitment to his [or her] findings").

B.

We also consider defendant's appeal from the seventeen orders granting revocation of defendant's March 25, 2022 release on Level III+ monitoring. Defendant argues the State's revocation motions are procedurally flawed and otherwise should have been denied because the State unreasonably delayed making them. He further contends he would not have incurred the expense of appealing from the denials of his motions to reopen his detention hearing on the fourth-degree charges for which has been detained, and would not have accrued excludable time on those charges while the appeals were pending, had the State

moved to revoke his release sooner on the numerous charges the State had filed against him in complaint-summonses and for which the State sought to revoke his release following his indictment.

At a hearing on the State's motion to revoke a defendant's release from pretrial detention under N.J.S.A. 2A:162-24, the State must "prove [a] violation of a condition of release by a preponderance of the evidence," and the court must first find the "eligible defendant while on release has violated a restraining order or condition of release, or . . . probable cause to believe that the eligible defendant has committed a new crime while on release."<sup>3</sup> State v. White, 452 N.J. Super. 417, 429 (App. Div. 2017) (emphasis added) (quoting N.J.S.A. 2A:162-24); see also R. 3:26-2(d)(1). If the court makes that finding, the court may revoke a defendant's release only if it also

finds clear and convincing evidence that no monetary bail, non-monetary conditions of release or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

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<sup>3</sup> We observe that the court's orders granting the State's motions for revocation are entered under indictment No. 24-02-0154. The indictment, which was returned against defendant in February 2024, charges 152 separate offenses, every one of which is alleged to have been committed prior to the court's March 25, 2022 order releasing defendant on Level III+ monitoring.

[White, 452 N.J. Super. at 429 (quoting N.J.S.A. 2A:162-24).]

Here, the seventeen orders granting the State's motions to revoke defendant's March 25, 2022 release on Level III+ monitoring are bereft of the findings required under N.J.S.A. 2A:162-24. See ibid. At the only hearing held concerning defendant's detention status following the filing of the State's motions, the court stated it intended to address only defendant's motion to reopen his detention pursuant to our remand, and the court did not make a single finding of fact addressed to the State's then-pending separate revocation motions. However, in its seventeen orders granting the State's revocation motions, the court referred to, and exclusively relied on, findings purportedly made on the record at the hearing as support for its revocation decisions. The problem is that, as noted, the court had not made any findings addressed to the revocation motions.


The absence of any of the requisite findings supporting a revocation of defendant's release from pretrial detention pursuant to the March 25, 2022 order under the principles we explained in White, requires vacatur of the orders and a remand, again to a different judge, for a reconsideration of the State's motions anew. At the remand hearing on the State's motions, the court shall consider

and address all the parties' arguments, including defendant's claim the State's long delay in filing the motions requires their denial, based on the record presented. The remand court shall include in its decision findings of fact supporting its determination of whether the State carried its burden of establishing an entitlement to revocation under the requirements of N.J.S.A. 2A:162-24, as we explained in White, ibid. The remand court's factual findings and conclusions of law shall be set forth in writing.

Our decision to remand shall not be construed as expressing an opinion on the merits of defendant's motion or the State's revocation motions.<sup>4</sup> The court shall decide the motions anew based on the record presented.

Vacated and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.



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<sup>4</sup> We also note that this appeal does not require that we address a decision on a detention motion under N.J.S.A. 2A:162-19 based on defendant's indictment on additional charges following the March 25, 2022 order releasing him on Level III+ monitoring on the four charges in the then-pending two complaint-warrants. As we noted in White, 452 N.J. Super. at 430, "the CJRA makes no distinction between a motion to detain filed immediately following an arrest or at a subsequent time" and N.J.S.A. 2A:162-19(a) permits the filing of a detention motion "at any time before or after release." The State, however, did not move for detention based on the charges for which defendant was indicted following his March 25, 2022 release and instead moved solely for revocation of release based on those charges under N.J.S.A. 2A:162-24.