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Acting Administrative Director of the Courts

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MEMORANDUM

To: Assignment Judges
Trial Court Administrators

From: Glenn A. Grant, J.A.D. *GAG
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SDS*

Subj: Municipal Courts -- Revised Plea-by-Mail Form – Elimination of
“Undue Hardship” Requirement

Date: May 28, 2020

By March 16, 2020 rule relaxation order issued as part of the Judiciary’s response to COVID-19, the Supreme Court removed the “undue hardship” requirement set forth in Rules 7:6-3 and 7:12-3 for allowing pleas by mail in the Municipal Courts. Defendants thus no longer need to assert that appearing personally in court would be an undue hardship for reasons such as “illness, physical incapacity, substantial distance to travel, or incarceration.”

In accordance with the Court’s order, the Plea-by-Mail form has been revised to remove all reference to “undue hardship.” The updated form is attached and is available for immediate use. For convenience, defendants will be able to access a fillable version of the form from the Municipal Court pages of the Judiciary website, www.njcourts.gov. Courts may also access the updated form on our Municipal Courts InfoNet site.

For questions regarding the new form, please contact Assistant Director Steven A. Somogyi at 609-815-2900, ext. 54850 or by email at steven.somogyi@njcourts.gov.

attachment

cc. Municipal Court Presiding Judges
Municipal Court Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Municipal Division Managers and Assistants
Julie A. Higgs, Chief
Rhonda Crimi, Chief
Municipal Court Directors and Administrators

COURT I.D. <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	PREFIX <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	TICKET / COMPLAINT NO <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	_____ Municipal Court
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PLEA BY MAIL (R. 7:12-3 and R. 7:6-3)

Charge: _____ NOTE: This form may only be used to enter a plea for one charge, i.e., one charge per form.
 Please complete all sections of this form and return it to the court. If you fail to return the enclosed form by the date listed on your court notice or complaint/ticket, you may be required to appear at your scheduled hearing.

State of New Jersey

Defendant's Name: First	M.I.	Last
Defendant's Address: Street	Defendant's Telephone Number	
City	State	Zip Code
Defendant's Email		

Section 1. Advisement and Plea Instructions

This form may only be used to plead not guilty or guilty in certain traffic or parking cases or guilty in certain non-traffic cases. R. 7:12-3; R. 7:6-3. Please contact the municipal court for any questions on whether your charge is eligible.

I have been fully informed of my right to a reasonable postponement. I give up my right to have an attorney, to apply for a public defender, and to remain silent. I also give up my right to be present at the trial and to cross-examine any witnesses.

I understand that if I plead guilty or the judge finds me guilty for an offense, other than parking, a record of the conviction may be sent to the New Jersey Motor Vehicle Commission and, if my license was not issued by New Jersey, to the motor vehicle agency of the state that issued my driver's license.

I understand that the judgment of the court will be sent to me by ordinary mail at the above address and that if I plead guilty or am found guilty, I must pay all fines, penalties and costs imposed by the court. If I plead not guilty and I am found guilty or if I disagree with the sentence, I may appeal my case or I may appeal the sentence within 20 days of the date of the decision or sentence. Information on how to appeal the municipal court's decision may be obtained from the municipal court or the Judiciary's website at www.njcourts.gov.

If I plead "Not Guilty," the judge will hear the testimony of the complaining witness or other witnesses, review the facts I present below in my defense, and decide the case based on the testimony and facts presented.

If I plead "Guilty," the judge will consider the facts I present below to explain what happened before imposing any penalty against me.

Before determining the penalty, the judge may consider comments from the complaining witness, other witnesses or from the prosecutor.

Section 2. Plea

FOR TRAFFIC OR PARKING CASES ONLY (please check one):

- I plead "Not Guilty" to the above charge
 I plead "Guilty" to the above charge

FOR NON-TRAFFIC CASES ONLY (please check):

- I plead "Guilty" to the above charge

I present the following facts in defense or explanation:

(Continue on the back of this form, or use additional sheets, if necessary. You must date and sign each additional sheet.)

Section 3. Certification

I have read and acknowledged the above. I agree and certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

_____ Date

_____ Defendant's Signature