

➔ Adult Trial Section

The Adult Trial Section represents the State in the criminal proceedings that follow the filing of an indictable criminal complaint and/or arrest of a defendant. Trial Assistant Prosecutors present their cases to the Grand Jury and try those cases before a petit jury. These Trial Assistant Prosecutors are responsible for: bail review and bail source hearings; arraignment/status conferences; plea negotiations; motions; extradition waiver hearings; status reviews of civil commitments incident to criminal proceedings; jury and non-jury trials; sentencing hearings; hearings for probation violations; interlocutory appeals; municipal court appeals; and petitions for post-conviction relief.

Trial Assistant Prosecutors and Detectives assigned to the Trial Section work in teams consisting of three Prosecutors and two Detectives for each of the criminal trial courts in Essex County. The Trial Assistant Prosecutors work closely with their assigned Detectives who interview witnesses, prepare reports, take statements, schedule witness interviews, visit crime scenes, take photographs, locate evidence and reports from municipal police departments, serve subpoenas and take any other additional investigative steps as required.

Since 2004 the prosecution system for criminal cases has followed the “vertical” model which means each Trial Assistant Prosecutor handles each case from pre-indictment preparation through the Grand Jury process and remains primarily responsible for subsequent plea negotiations, trial presentation and sentencing. This process of having the same Trial Assistant Prosecutor and Detective continue with a case encourages efficiency, enhances accountability and permits a better response to victims and witnesses.

2014 Accomplishments

The Adult Trial Section continued to handle the largest and most serious caseload in the State. Essex County leads the State in the number of criminal filings and handles a higher-than-average proportion of first and second-degree offenses. All first and second-degree crimes of violence require mandatory periods of parole ineligibility, making disposition of these offenses more difficult.

In 2014, the Essex County Prosecutor’s Office successfully indicted or charged by accusations 4,410 defendants and resolved the cause of 4,350 defendants previously indicted or charged by accusation; 53% percent of those cases involved first or second degree charges.

In conjunction with the special crime squads, the Trial Section obtained 91 defendant dispositions by trial in 2014; the overall post-indictment/accusation conviction rate including pleas and trial was 80 percent.

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The Trial Section will continue its emphasis on mentorship and training for its Trial Assistant Prosecutors. The Unit also will further its coordination with all elements of the investigation process, especially given the increasing levels of distrust and hesitancy to cooperate on the part of victims and witnesses stemming from intimidation and threats of violence from organized street crime elements. Increased and more effective use of forensic evidence is also a priority for the Trial Section to ensure that justice is achieved in Essex County.



Vertical Trial Unit Support Staff

➔ Appellate Section

The Appellate Section of the Essex County Prosecutor's Office is the largest appellate practice of the 21 County Prosecutors' offices in the State. It is composed of career appellate lawyers, all of whom enjoy considerable experience in the state and federal appellate courts. In total, the sections attorneys have argued over 50 cases in the state Supreme Court, and combined have more than 140 years of experience as appellate attorneys.

The Section handles all litigation on behalf of the ECPO in the Appellate Division, the Supreme Court of New Jersey, whether it is pre-trial, during trial, or post-sentencing. It also initiates its own appeals from adverse pre-trial and post-trial rulings, often resulting in the successful re-instatement of prosecutions that were effectively terminated. The Section also handles all petitions for habeas corpus in federal court, and oversees all municipal appeals, gun permit applications and appeals, name change applications, reciprocal witness applications, and petitions for post-conviction relief.

The Section also takes great pride in being an always-ready resource for ECPO's trial attorneys. Providing legal advice, second-chairing trials or motions, drafting jury instructions, handling some of the more difficult trial motions, providing legal updates, teaching CLE courses, and maintaining a comprehensive brief bank are just a few of the ways the Section has become more integral to the ECPO's mission of seeking justice, serving justice, and doing justice.

The Section also includes the county's Police Legal Advisor, a seasoned attorney who is always on call to answer questions from law enforcement officers in the field, and who regularly teaches both police recruits and experienced officers. When the Police Legal Advisor is unavailable, calls from the field are handled by any one of the Section's attorneys.

Finally, the Section oversees and coordinates the Internship Program. Each year, in the spring, summer, and fall, students from colleges and law schools from around the country are assigned to units throughout the ECPO, and provide valuable assistance to the attorneys and support staff they work alongside. Third-year law students also appear in court, and write briefs to both the trial courts and the Appellate Division.

Significant 2014 Cases:

Supreme Court of New Jersey

State v. Wardrick and State v. McKinney - In this robbery case, two brothers were convicted at a single trial of various offenses. They appealed their convictions, and two Appellate Division panels reached different conclusions on the same issue, i.e.,

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whether the jury charge on robbery was sufficient. The Supreme Court of New Jersey granted both parties' petitions for certification, and heard oral argument on both cases on January 20, 2015. A decision is pending.

State v. Olivero – In this case, the jury found defendant guilty of burglary for his theft of printing rollers from a fenced and locked lot of a manufacturing facility in Newark, and the Appellate Division affirmed. The Supreme Court granted defendant's petition for certification to address the issue of whether a fenced-in parking lot of a manufacturing facility is a "structure" within the meaning of the burglary statute, such that the defendant could be convicted of burglary, an issue of first impression in New Jersey. The Court heard oral argument on January 6, 2015, and a decision is pending.

State v. Musa - In this robbery case, a deliberating juror failed to return to court to resume deliberations on the second day of trial and was replaced. Defendant was found guilty, but the Appellate Division reversed the conviction, finding that the trial court should have further explored why the juror failed to appear. The panel further found that the initial inquiry of the jury should have been more in depth, and should have included questions to the remaining jurors. The State's petition to the Supreme Court was granted, and the Court heard oral argument on March 2, 2015.

State v. Goodwin – After a jury found defendant guilty of insurance fraud, the Appellate Division reversed the conviction, finding that defendant's conduct did not establish a crime because defendant's fraudulent actions were uncovered before the insurance company paid his illicit claims. On October 24, 2014, the Supreme Court granted the State's petition for certification to address primarily whether the phrase "statement of material fact" in the insurance fraud statute requires proof of actual detrimental reliance by the victim insurance company. Oral argument will be heard during the 2015-2016 Supreme Court Term.

Appellate Division

State v. Ayers – A jury had found defendant guilty of murder and other offenses. The trial court granted defendant's petition for post-conviction relief, finding that his trial counsel's failure to properly advise defendant about the consequences of waiving his right to testify at trial amounted to constitutionally deficient representation. The Appellate Division reversed the order and reinstated the conviction, concluding that any deficiency did not prejudice defendant's right to a fair trial. The Supreme Court subsequently denied review.

State v. Brown – In this invasion of privacy case, after the trial court granted defendant's pretrial motion requiring the State to produce an expert to explain internet service provider and cell phone records it intends to introduce at defendant's trial to establish that defendant uploaded a video of his former girlfriend in a state of undress, the Appellate Division reversed and remanded for an evidentiary hearing on

the issue. The Supreme Court subsequently denied defendant's motion for leave to appeal, and the matter is now back in the trial court.

State v. Godinez, State v. Alfaro and State v. Gomez – In these cases arising out of the 2007 Newark Schoolyard homicides, the Appellate Division affirmed the convictions and sentence of defendant Godinez, the first to be tried. The Supreme Court subsequently denied review. It also denied review in defendant Alfaro's petition. A decision from the Appellate Division is pending in defendant Gomez's case.

State v. Lee – In this published opinion, the Appellate Division rejected the defendant's challenge to the Pretrial Intervention Guidelines, and found that they were not preempted by the PTI statute. It further held that ECPO did not abuse its discretion in denying this defendant, charged with resisting arrest and two counts of aggravated assault on Bloomfield police officers, entry into the program.

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➔ Central Judicial Processing Unit

Under the Rules Governing the Courts of New Jersey (R. 3:4-2), all defendants charged with an indictable complaint (as opposed to a disorderly persons offense) must appear before a judge to be informed of the charges against them and to arrange bail, if appropriate. In 1987, a Central Judicial Processing (CJP) Court was established in Essex County to handle this responsibility for all municipalities in the County. Other counties with a CJP Court include Union, Hudson and Camden.

Essex County's CJP Unit handles all arraignment and bail hearings. CJP also performs an important case-screening function for custody and non-custody cases. All criminal complaints in Essex County charging an indictable crime are "screened" to separate indictable cases (those subject to prosecution in Superior Court) from cases that can be more quickly and appropriately resolved at another level. Cases can be also be diverted to the Municipal Courts, Family Court, Remand Court, and Drug Court.

Indictable cases are referred to any one of 15 Vertical Prosecution Courts or to a specialized prosecution squad. The nature of the offense, surrounding circumstances, quality of evidence, character and arrest/conviction history of the defendant are all considered when making the screening decision. By performing this type of early case screening, cases can be diverted before they enter the grand jury and trial stages, thereby conserving valuable judicial and prosecutorial resources.

2014 Accomplishments

During the 2014 calendar year, Central Judicial Processing handled 7,494 cases. Of them, 6,520 were referred to the Grand Jury and another 825 cases were referred to the Special Remand Court. The remaining cases were sent back to the Municipal Courts.



➔ Drug Court Program

The Drug Court Program began in Essex County in 1999. It was the original pilot program for the State of New Jersey. Judges, prosecutors, public defenders, court professionals, substance abuse evaluators, treatment facilitators and probation officers work together to assist participants in the program to conquer their addiction. The program links the criminal justice system with drug treatment and rehabilitative services promoting life skills. The purpose is to break the cycle of addiction and recidivism among these non-violent offenders.

Participants receive intensive probation supervision and swift graduated sanctions for non-compliance as they undergo treatment and counseling for their drug and alcohol addictions. Public safety concerns are addressed through the close monitoring of each defendant by probation officers and the Drug Court Team. The program involves a team approach on the part of judges, court staff, attorneys, probation officers, substance abuse evaluators and treatment facilitators who support and monitor every participant's recovery. The Drug Court Team discusses each participant weekly.

2014 Accomplishments

The Program's reporting year is from July 1 to June 30. For the 2014 Court year, 498 applications were submitted for legal consideration. A total of 345 TASC evaluations were conducted by substance abuse evaluators. A total of 201 defendants were admitted into the Essex County Drug Court Program. There are currently a total of 498 active participants in the program.

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➔ Forfeiture Unit

The Forfeiture Unit of the Essex County Prosecutor's Office prosecutes all asset forfeiture actions brought pursuant to N.J.S.A. 2C:64-1 et. seq., the State's forfeiture statute. The primary mission of the Unit is to fairly and efficiently forfeit all property seized from defendants within Essex County that can be linked to criminal activity, either as proceeds of such activity or as property used to facilitate the commission of said activity. This is done primarily through the filing of civil "in rem" complaints against the seized property with notice to the defendants. The forfeiture complaints must, by law, be filed within 90 days of the seizure. Therefore, it is essential that the Unit obtain the relevant police reports and other necessary documents in a timely manner.

The use of forfeiture funds obtained by the Prosecutor's Office is strictly regulated by law. Forfeited monies may only be used for law enforcement purposes as defined by Attorney General Guidelines. The funds cannot be used to defray normal operating expenses such as salaries, leases and other regularly-incurred expenses. Training expenses, special equipment purchases, and forensic witness fees are examples of permitted forfeiture expenditures.

2014 Accomplishments

In 2014, the Forfeiture Unit, through appropriate civil and criminal process, forfeited \$2,099,666 which was determined to be either proceeds or instrumentalities of crime. Of that amount, \$1,984,201 was in cash, \$100,474 was the value of motor vehicles, and \$14,991.00 was other property, including various items of electronics equipment.



➔ Grand Jury Unit

The Grand Jurors make an independent determination to indict, or formally charge, persons accused of crimes based on their assessment of the evidence presented to them by an Assistant Prosecutor. After listening to witnesses, viewing physical evidence, if any, and discussing the case, the Grand Jury can vote:

- A True Bill, which formally charges the accused,
- A No Bill, which dismisses the charges, or
- A No Bill with Remand, which refers the case back to the Municipal Court on lesser charges.

The Grand Jury is an independent body consisting of 23 members of the community, with 12 affirmative votes needed to return an indictment. The proceedings are private, but a transcript is made for use by the Court, the Prosecutor's Office and the defendant. The defendant may or may not testify before the Grand Jury.

Grand Jurors in Essex County sit one day per week from fifteen to eighteen weeks. They hear approximately 25 to 30 cases per day between the hours of 9:00 a.m. and 4:00 p.m. To facilitate case scheduling, while respecting the wishes of most Grand Jurors to be released at the 4:00 p.m. closing time, the Essex County Prosecutor's Office has developed a "weighting" system. Under this system, Grand Jury Clerks receive advance notification of the complexity of a given presentation, allowing more efficient and realistic scheduling of cases.



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Under the present vertical prosecution system, Assistant Prosecutors from the Adult Vertical Trial Section present most cases before the Grand Jury. They remain assigned to their True Bill cases from initial pleading and bail setting through resolution.

2014 Accomplishments

In 2014, the Grand Jury disposed of 3,524 cases. Of them, True Bills were returned in 2,983 cases, while 51 cases were referred to Municipal Court. The remaining cases were either No Billed, withdrawn, or pleaded out.

➔ Initial Screening Unit

All criminal complaints in Essex County charging indictable crimes are screened by the Essex County Prosecutor's Office. It is the primary function of the Essex County Prosecutor's Office's Initial Screening Unit (ISU) to review criminal complaints with an emphasis on diverting those complaints not warranting prosecution on the Superior Court level to Municipal Court.

The first level of screening for the majority of cases reviewed by the Essex County Prosecutor's Office is at the municipal level. Thus, the ISU reviews criminal complaints involving indictable offenses originating from all 22 of Essex County's Municipal Courts. This is accomplished by telephonically reviewing cases for all municipalities, except Newark.

Since approximately 60 percent of the ISU's reviews originate from the City of Newark, the ISU is headquartered adjacent to the Newark Municipal Court. Case screening is facilitated through a close working relationship with Newark Police personnel and the Newark Municipal Court.

The ISU also pre-screens cases with Detectives of the Newark Police Department prior to the filing of criminal complaints. Complaints are also generated from the diverse law enforcement agencies operating throughout Essex County, including the Port Authority of NY/NJ, State Police, New Jersey Transit Police, the Essex County Sheriff's Department, and the Departments of Public Safety for Rutgers University, the New Jersey Institute of Technology, University of Medicine and Dentistry of New Jersey, and Essex County College. Each of these agencies files their criminal complaints with the Newark Municipal Court. These cases are then screened by the ISU.

The ISU is also assigned the task of reviewing matters referred by the New Jersey Department of Corrections and the New Jersey Division of Parole, entities within the jurisdiction of Essex County. These cases involve escapes from correctional institutions (including halfway houses), violations occurring within these institutions, and parole absconder cases.

ISU also identifies and recommends certain cases for prosecution in the Special Remand Court when circumstances indicate prosecution for disorderly person offenses, but the nature of the offense or the defendant's record warrants prosecution at the county level.

2014 Accomplishments

In 2014, the ISU reviewed a total of 13,792 custodial and non-custodial cases. Of these, 4,757 were referred to Central Judicial Processing. Another 7,522 were downgraded or prosecuted as disorderly persons offenses in Special Remand Court.

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The remaining cases were either referred to the Mental Health Unit or involve fugitives.

➔ Juvenile Trial Unit

The primary legal function of the Essex County Prosecutor's Office's Juvenile Trial Unit is to prosecute or resolve all complaints charging acts of juvenile delinquency. As defined by the New Jersey Code of Juvenile Justice (N.J.S.A. 2A: 4A-23 et. seq.), juvenile delinquency includes the commission of an act by an individual under the age of eighteen (18). Juveniles who are fourteen (14) years of age or older and commit serious offenses such as homicide, armed robbery, aggravated sexual assault, aggravated arson and aggravated assault may be waived and transferred to the Criminal Division of the Superior Court to be prosecuted as an adult.

The State prosecutes juvenile cases pursuant to the New Jersey Code of Juvenile Justice, which has a primary purpose to remove criminality from children and substitute supervision, care, rehabilitation and a range of sanctions for accountability and protection of the public. The cases are heard before the Chancery Division of the Superior Court, Family Part. There are six Assistant Prosecutors assigned to the juvenile trial unit and a supervising Director. They screen and review every juvenile petition filed in the Family part of Superior Court. The cases are then investigated, analyzed and litigated in court. Juvenile Trial Unit Assistant Prosecutors argue detention hearings, negotiate pleas, conduct bench trials and waive juveniles to the adult courts on a typical day.

For the past eight years, the Essex County Prosecutor's Office has been represented on the New Jersey Juvenile Detention Alternatives Initiative (JDAI) Steering Committee. The JDAI Steering Committee was convened by the Juvenile Justice Commission to create a Risk Screening Tool to be used by intake officers throughout New Jersey to determine whether a juvenile charged with an offense should be detained or, if not, to determine appropriate detention alternatives pending disposition of the matter. Essex County is one of five pilot counties implementing the Risk Screening Tool.

In December 2008, the JDAI State Steering Committee's name was changed to the New Jersey Council on Juvenile Justice System Improvement (NJCJJSI). This committee is a collaboration of juvenile justice partners, including the Juvenile Justice Commission, Administrative Office of the Courts and the Judiciary. Its mission is to institutionalize the core strategies of JDAI to examine juvenile justice in New Jersey systematically and to promote strategies that improve outcomes from arrest through adjudication and disposition. In 2009 the State of New Jersey became a JDAI Model Site for the Annie E. Casey Foundation.

2013 Accomplishments

In 2014, the Juvenile Trial Unit handled 2,305 cases filed in the Essex Vicinage Family Division Court. Of this number 898 cases were litigated and adjudicated delinquent; 641 cases were diverted to behavioral/mental health programs seeking to help and/or

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rehabilitate the juvenile. These cases ranged from petty disorderly persons offenses to offenses that, if the juvenile were an adult, would be indictable. (Offenses such as robbery, homicide, carjacking, criminal restraint, possession of firearms, narcotics possession and distribution, auto theft, assault, sexual offenses, bias crimes, thefts/burglary, terroristic threats, harassment and criminal mischief were handled by this Unit.) In addition the juvenile trial unit handled 230 violations of probation; 598 cases re-opened following an earlier unsuccessful diversion from the court and 328 cases transferred from another county.

This year also saw the Juvenile Trial Unit conduct 13 bench trials following unsuccessful attempts to resolve the cases. Eleven juveniles were adjudicated delinquent and two were adjudicated not delinquent after a review of the evidence by the Family Court.



Noteworthy in 2014 was the efforts of the Juvenile Unit and local Police Departments to re-vamp and revitalize Station House Adjustments, as required by the Attorney General's Office. The Police can divert a juvenile complaint at their level and retain the case with them for disposition. A stronger partnership and relationship was forged between the departments and the Family Crisis Intervention Unit (FCIU) of Essex County to provide counseling and other services to juveniles. The response from all parties involved including, the juvenile, their parents, the police and FCIU has been overwhelmingly positive. Juveniles are getting the help with drug issues, anger

management and other social issues in a timely manner at the local level in their community.

In 2014, sixty-one juvenile waivers were filed with an additional 35 motions that were pending from 2013, totaling 96 motions in year 2014. Of those cases, 20 were waived to the Criminal Division and 49 motions being withdrawn. Three motions were denied. While the overall number of offenses committed by juveniles has decreased, waiver filings have increased due to the nature of the offenses committed by juveniles—namely armed robberies, carjackings, aggravated assaults with firearms and homicides. The withdrawal of motions often gave the juvenile the option to remain in the juvenile justice system opting for a sentence to the juvenile correction facility Jamesburg Training School for Boys.

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➔ Mental Health Unit

The Essex County Prosecutor's Office, Mental Health Unit, manages a Diversion Program focusing on defendants living with serious and persistent mental illnesses, such as Bipolar Disorder or Schizophrenia. The purpose of the Program is to combine community-based therapeutic treatment plans with traditional punishment-only oriented criminal case dispositions. The Program has been greatly enhanced over the past year as the Unit continued to develop. ECPO was successful as one of only two county Prosecutor's Offices in New Jersey (the other is Ocean County) in obtaining a grant from the New Jersey Attorney General's Office, Division of Law and Public Safety, for \$150,000 to be distributed equally over a two year period, and aides County Prosecutor-led Mental Health and Co-Occurring Substance Abuse diversion programs.

Funded by the OAG grant, Essex County Hospital Center has hired a full-time case manager to work exclusively with the ECPO's Program participants. The Case Manager is responsible for linking participants to a treatment developed by a mental health professional, and will also assist participants with applying for social entitlements, housing, education, vocation, and other benefits that contribute toward greater functioning in the community.

The County Hospital Center also hired a Clinician to screen and assess applicants for acceptance into the Program. This Clinician, a Licensed Specialist Clinical Social Worker, or LCSW, will develop a comprehensive community-based therapeutic treatment plan for acceptable Program candidates.

Also funded by the OAG grant, ECPO has partnered with Rutgers, School of Psychiatric Rehabilitation and Counseling Professions. Rutgers will be responsible for analyzing data collected from Program participants by making formative and summative evaluations as to the efficacy of the Program's goal of reducing recidivism and reintegrating the target population into society.

2014 Accomplishments

In 2014, the Mental Health Unit continued to grow and provide a place to refer defendants with a history of mental illness. Funded by a state grant, the Essex County Hospital Center has hired a full-time case manager to work exclusively with the ECPO's Program participants. The Case Manager is responsible for linking participants to a treatment developed by a mental health professional, and will also assist participants with applying for social entitlements, housing, education, vocation, and other benefits that contribute toward greater functioning in the community.

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Also funded by a state grant, ECPO has partnered with Rutgers, School of Psychiatric Rehabilitation and Counseling Professions. Rutgers is now analyzing data collected from program participants to help determine the effectiveness of the program in reducing recidivism and reintegrating the target population into society.

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➔ Parole Notification Function

In August 2000, the Essex County Prosecutor's Office created a formal system for advising the New Jersey State Parole Board of its position regarding the release of parole-eligible inmates.

As inmates become eligible for release, input regarding the appropriateness of the parole release is solicited from the Assistant Prosecutor who prosecuted the inmate. In any given week, of New Jersey's 21 counties, Essex County has the highest number of parole-eligible inmates.

2014 Accomplishments

In 2014, a total of 125 pre-parole packages were requested and reviewed by the Parole Notification Unit. Of those 125 packets requested, 97 letters objecting to parole releases were written to the Parole Board. Those 125 letters represented inmates convicted of the following crimes:

Murder:	25	Inmates
Attempted Murder:	9	Inmates
Manslaughter:	5	Inmates
Assault:	3	Inmates
Sexual Assault:	5	Inmates
Robbery:	30	Inmates
Endangering the Welfare of a Child:	2	Inmates
Kidnapping:	3	Inmates
Carjacking:	15	Inmates
Burglary:	4	inmates
Other Crimes:	28	Inmates

➔ Police Legal Advisor

The primary function of the Police Legal Advisor is to advise law enforcement agencies operating within Essex County. The Advisor trains police, corrections officers, juvenile detention officers, deputy sheriffs, auxiliary police and special law enforcement officers at the Essex County College Police Academy.

The Advisor keeps officers abreast of the law by preparing and disseminating legal memoranda, conducting in-service training classes, and advising Assistant Prosecutors assigned to the trial section on police procedures and legal matters. Additional responsibilities include preparing and reviewing communication data warrants, arrest warrants, search warrants and answering a myriad of inquiries regarding police activities annually.

The Police Legal Advisor is on call around the clock.

2014 Accomplishments

In 2014, the Advisor taught three classes of sheriff deputies, one class of auxiliary police officers, two police classes, and two classes of corrections officers. In addition, the Advisor conducted in-service training for over 700 Newark Police Officers, as well as two (2) separate four day in-service trainings at the Essex County College Police Academy.



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➔ Pre-Trial Intervention & Expungement Unit

The Pre-Trial Intervention (PTI) & Expungement Unit is responsible for the complete review and processing of all applications for the PTI Program. This program is similar to probation, but allows participants to avoid criminal conviction. Appropriate candidates are accepted into the program and required to fulfill certain conditions. At the end of the PTI term, an Assistant Prosecutor from the Unit reviews and signs a dismissal order.

If an applicant is deemed inappropriate for PTI, a letter outlining grounds for rejection is prepared, reviewed and disseminated by Unit personnel. Requests for reconsideration and appeals receive appropriate responses.

The Unit also reviews expungement applications aimed at clearing an offender's criminal record. Since 2010, the State Legislature eased many of the time limits and criteria for expungements. The new statute also allows for "Early Pathway" or "Discretionary" applications, which require significantly more preparation and court time, and has led to the filing of more appeals.

Expungement applications are typically prompted by employment concerns and require the Unit to extensively examine, as per the statute, the applicant's full criminal history to determine eligibility. If eligible, Unit personnel prepare, review and submit appropriate orders for the Court's signature. If the applicant is deemed ineligible, orders for dismissal are prepared and forwarded to the Court.

2014 Accomplishments

In 2014, the volume of applications to the PTI Unit remained extremely high as defendants filed a total of 384 applications for admission. The PTI Unit accepted 240 defendants into the program and rejected 144 applications.

One 2014 PTI case of note was **State v. Justin Lee**, where the State successfully opposed defendant's application for PTI. Defendant was charged with several counts of Aggravated Assault upon a police officer. The defendant appealed his denial to the Appellate Division, which, in a published decision, reiterated that our Office properly exercised its discretion in denying the PTI application.

The PTI Unit also processed 803 expungement applications. A noteworthy 2014 expungement case was **State v. Marcus Brittle**, where the State successfully opposed both the granting of a discretionary "Early Pathway" as well as a "traditional" expungement.

➔ Remand Court Section

The Remand Court Section of the Essex County Prosecutor's Office handles cases that have been referred from Central Judicial Processing, Vertical Courts and Special Squads. The Essex County Remand Court was established in June 1990 to address a significant backlog in the processing and prosecution of indictable offenses. The Remand Court acts as a municipal court, handling disorderly persons cases, while retaining county-wide jurisdiction. The expanded jurisdiction of the Remand Court gives the Prosecutor's Office the option of downgrading an indictable offense to a disorderly persons charge while retaining prosecutorial responsibility. Before the Remand Court was established, all disorderly persons cases had to be referred to the municipal level. Given the high volume of cases handled in Essex County, this represents an important option, as it combines the professional resources of the County Prosecutor with the procedural speed of a municipal court.

The Assistant Prosecutors assigned to the Remand Court craft plea bargains, address victim/witness concerns including restitution and counseling in addition to preparing cases for trial in a speedy manner. Dispositions include probation, offense specific treatment and counseling, fees and fines and/or jail time. Remand Court is not appropriate for more serious indictable cases or for typical Municipal Court cases, but for lower to middle-level criminal offenses. The court allows greater flexibility in the exercise of prosecutorial discretion, improves efficiency, maintains the protection of victims' rights as well as defendants' rights and imposes appropriate sentences in accordance with the offense(s) committed.

The Remand Court is a high volume court and designed to dispose of 200 or more cases per month, compared to the 50 cases per month in each of the post-indictment trial courts. The majority of cases calendared in the Remand Court are scheduled directly from Central Judicial Processing where all defendants are initially arraigned. The swift and certain punishment meted out in the Remand Court is reflected in a custodial sentencing rate continually in excess of 70 percent.

2014 Accomplishments

During 2014, Assistant Prosecutors handled 2,384 defendants and 5,119 cases in Remand Court.