

➔ Adult Trial Section



The Adult Trial Section represents the State in the criminal proceedings which 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 the following: 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 15 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. 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. 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.

2008 - 2009 Achievements:

The Adult Trial Section continued to handle the largest and most serious caseload in the State.



LEGAL UNITS

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 2008, the Essex County Prosecutor's Office successfully indicted 4,967 defendants and resolved the cases of 5,164 previously indicted defendants, 51 percent of which involved first or second degree charges. In 2009, 4,501 defendants were indicted and 5,009 previously-indicted defendants had their cases resolved; 54 percent of these involved first or second degree charges.

In conjunction with the special crime squads, the Trial Section obtained 174 defendant dispositions by trial in 2008; the overall conviction rate including pleas and trials was 84%. In 2009 there were 161 defendant outcomes by trial, and the conviction rate including pleas and trials was 77%.

The Trial Section will continue its emphasis on mentorship and training for its Trial Assistant Prosecutors, and will continue to enhance 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 in order to ensure that justice will be achieved in Essex County.



➤ Appellate Section

The Appellate Section of the Essex County Prosecutor's Office is the largest appellate practice of the 21 county prosecutor's offices in the State. The Section routinely 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 by the adverse rulings. The Section also works directly with the trial staff by assisting or taking over some of the more difficult trial motions, by serving in a consulting capacity for trial attorneys, by providing legal updates and case summaries, by distributing memoranda on significant legal issues, and by running training programs in areas of need. Additionally, the Section created and maintains a network brief bank that is available to the entire staff via the ECPO office computer network.



Past practice in the Office was to include Appellate in a general rotation leading to a trial slot. Such is no longer the case, and all attorneys assigned to the Section are career appellate lawyers. Consequently, the quality of the work produced by the Section continues to be consistently high. Senior appellate attorneys supervise more junior staff members, ensuring an outstanding work product and uniformity in legal positions taken in the Section. Every Supreme Court brief is read by at least two supervisors, and a moot court is conducted for arguments in the Supreme Court, the federal Court of Appeals of the Third Circuit, and every significant argument in the state Appellate Division.

2008 – 2009 Achievements:

The Section has taken a substantial step towards becoming a paperless unit by implementing a scanning and electronic access procedure for all incoming documents received and sent out of the Section.

Trial attorney input – trial assistants are notified when their cases are on appeal. The trial assistants are given copies of defendants' briefs and are encouraged to speak with the Appellate attorney who is assigned to the particular case.

LEGAL UNITS

Trial briefs / legal resource – Appellate Section attorneys are increasingly involved in providing legal opinions to assistants assigned to trial and investigative sections and in drafting trial briefs on novel or complex issues.

Maintenance of the brief bank – the Section maintains an updated network brief bank for the ECPO staff. The Appellate Section coordinates all petitions for post-conviction relief and municipal appeals. For the last several years, Appellate Section attorneys have obtained dismissals or denials in a majority of petitions for habeas corpus relief filed in the District Court.

The Appellate Section also reviews gun permit applications and represents the State in gun permit hearings. The Appellate Section also handles Reciprocal Witnesses applications and requests for telephone records under N.J.S.A. 2A:81-19. The Section also responds to applications for name changes.

The Appellate Section supervises an increasingly active internship program. Over the course of the year and during the summer, interns from both local and national colleges and law schools participate in the program. Interns are assigned to units throughout the office and third year law students appear in court.



Training has long been a professional requirement for members of the Essex County Prosecutor's Office. In 2009, Hilary Brunell, Executive Assistant Prosecutor, with the support of the Appellate Section, developed a comprehensive program consisting of 16 one-hour lectures covering legal trends, trial advocacy, ethics and professionalism, and forensic technology. The program has been recognized by the CLE Boards of New Jersey, Pennsylvania, and New York.

Participation in the program will satisfy the CLE requirements in all three of these jurisdictions.

The program has grown in popularity and regular attendees now include attorneys from the office of Essex County Counsel and Newark Municipal Court. With the encouragement of the New Jersey Board of Continuing Legal Education, an application for Provider Status has been submitted and is now pending before the Board.

Significant cases included:

State v. Wessells – The Appellate Section successfully prosecuted this interlocutory appeal in the Appellate Division, where the trial court suppressed the defendant's statement in a triple homicide case. The Appellate Division held that pursuant to the federal and New Jersey Constitutions, a person who has asserted the right to counsel during police custodial interrogation and is subsequently released, may be interrogated

again if the break in custody afforded a reasonable opportunity to consult an attorney. Review by the Supreme Court is pending.

State v. Leonard – Successfully prosecuted this appeal in this carjacking case. The Appellate Division affirmed the trial court’s ruling which barred defense counsel from cross-examining the victim as to a remote, unrelated prior conviction.

State v. Echols – Successfully prosecuted this homicide case. The Supreme Court found that the defendant’s case did not meet the standard for ineffective assistance of trial or appellate counsel necessary to warrant a new trial. Defendant’s claims were based on, among other things, alleged improper comments by the prosecutor at trial, failure of trial counsel to object to the comments, and failure of appellate counsel to raise the issue on appeal.

State in the Interest of Z.W – Successfully prosecuted this interlocutory appeal in a sexual assault case involving an alleged juvenile victim and actor. The Appellate Division reversed the order of the Family Part judge who had ordered the Prosecutor’s Office to release the psychological evaluation report of the alleged victim to defense counsel without the court first conducting an in camera review of the document.

State v. Hasan – Successfully prosecuted this appeal in which an attorney was convicted of contempt of court. The Appellate Division rejected arguments that the municipal and Law Division judges should have recused themselves, and that the attorney’s conduct did not constitute contempt of court. The sentence imposed on the attorney was, however, modified.

State v. McGrath – Successfully prosecuted this vehicular homicide case where the defendant fell asleep while driving his vehicle, the vehicle swerved off the road and struck and killed two sisters. The Appellate Division rejected arguments by defendant relating to, among other things, the admission at trial of crime scene and autopsy photographs.

State v. Petgrave – Successfully prosecuted this interlocutory appeal where the defendant, 12 years after his conviction on drug and weapon charges, and after completion of his probationary sentence, moved for post-conviction relief on the basis that his trial attorney had erroneously advised him that he would not be subject to deportation as a result of the conviction, even though defendant was not a U.S. citizen but was a legal resident. The trial court granted the petition but the Appellate Division reversed, finding the petition time-barred, and the defendant’s argument to be without merit.

State v. Anderson and Yarrell – Successfully prosecuted this interlocutory appeal wherein the trial court suppressed over 250 envelopes of heroin found in the defendants’ possession during a warrantless search of the automobile they occupied.

LEGAL UNITS

➔ 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 Counties.

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 the evidence, character and arrest / conviction history of the defendant are all considered in 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.

2008 – 2009 Accomplishments:

In 2008, the CJP Court arraigned approximately 11,306 criminal defendants. Of these, 9,737 were referred for possible presentation to the Grand Jury, and 1,522 were referred to the Special Remand Court for resolution. In 2009, the CJP court arraigned another 12,247 defendants. Of these, 10,906 were referred for possible Grand Jury presentation, and 1,132 were referred to the Special Remand Court.

Over the past five years, the CJP Unit has worked in conjunction with the Essex County Chiefs of Police, the Essex County Sheriff's Office and other agencies to develop standardized arrest and incident reports in addition to a secure electronic data exchange also known as the ILEI (Integrated Law Enforcement Initiative). The ILEI will allow participating law enforcement agencies in Essex County and the New Jersey State Police to share and exchange information electronically through a secure fiber optic network. In 2008, the ILEI "went live", allowing the CJP Unit to electronically access police arrest and incident reports from the Newark Police Department. In 2009, the Unit worked closely with NPD and other ILEI participants to increase the availability and reliability of information. This development has enabled CJP and ISU attorneys to routinely utilize the network thereby enhancing the efficiency and effectiveness of case screening and evaluation. This Unit will continue to benefit as information from arrest activity from the Sheriff's Office becomes available. The system will eventually expand to all municipal police departments in Essex County.

➔ Drug Court



In 1999 Drug Court began in Essex County. This unique program links the criminal justice system with drug treatment and rehabilitation services. Participants are non-violent drug dependent offenders who are likely to respond to rehabilitation and do not pose a risk to public safety. Judges, prosecutors, public defenders, drug court professionals, substance abuse evaluators and probation officers work together to assist the participants in their endeavors to conquer their addictive behavior.

The program's purpose is to break the cycle of addiction and recidivism among these non-violent drug offenders. Offenders receive intensive supervision and swift sanctions for noncompliance 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. The program involves a team approach on the part of judges, court staff, attorneys, probation officers, substance abuse evaluators and treatment counselors who support and monitor a participant's recovery.

2008 – 2009 Achievements:

In 2008, a total of 186 defendants were admitted to participate in Drug Court. In 2009, a total of 110 defendants were accepted into Drug Court, with 35 participants graduating. As of December, 2009, there were 361 active participants in the Drug Court program.

LEGAL UNITS

➔ Forfeiture Unit



The Forfeiture Unit of the Essex County Prosecutor's Office is responsible for implementing New Jersey's forfeiture statute in Essex County. The statute, N.J.S.A. 2C:64-1 et seq., is designed to remove the profit motive from crime by seizing all proceeds of criminal activity and any property used to facilitate the commission of a crime. Examples of such property include money derived from the illegal sale of narcotics, vehicles used to transport such narcotics, or houses used to stash and/or sell such narcotics. While narcotics cases make up the large majority of these cases, the forfeiture statute applies to any indictable offense.

The Forfeiture Unit's day-to-day functions are primarily legal, in that it is responsible for generating all civil "in rem" forfeiture complaints on property that is seized throughout Essex County by all of the various law enforcement agencies and police departments. This includes those cases prosecuted by the Essex County Prosecutor's Office that may involve federal or state-wide agency participation. If, after reviewing a criminal case, the Forfeiture Unit determines that it is appropriate to seek forfeiture of any money or other property seized by the police agency, a civil forfeiture complaint must be filed within ninety days of the property's seizure.

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.

2008-2009 Achievements:

In 2008, the Forfeiture Unit generated \$1,045,860 in cash forfeitures from criminal defendants. It also obtained 37 vehicles, valued at approximately \$188,000, and computer equipment with an approximate value of \$1,000. In May of 2008, the Newark Police Department seized close to \$700,000 and five vehicles from a single defendant. Also in that month, a joint force of Prosecutor's Office personnel, assisted by Newark and West Orange police officers, recovered \$202,000 during a homicide investigation.

In 2009, the Forfeiture Unit generated \$1,376,282 in cash forfeitures from criminal defendants. This includes a significant seizure in July 2009 by the Belleville Police Department, whereby \$59,709 was obtained from two suspects at the culmination of a narcotics investigation. The Forfeiture Unit also obtained 68 vehicles valued at approximately \$375,556, and other property with an approximate value of \$14,300. All police agencies that participated in these seizures will share in the disbursement of funds and other property. In 2009, Prosecutor Dow also donated approximately \$3,000 to each police department in Essex County to help them defray the costs associated with purchasing equipment and obtaining advanced law enforcement training.

In 2009, the Forfeiture Unit became one of the first units in the Prosecutor's Office to take part in the new Integrated Law Enforcement Initiative. Through its participation in this computerized records sharing project, the Forfeiture Unit can now access all Newark Police Department criminal reports with a few keystrokes on the computer. This has greatly enhanced the speed and efficiency in which the Unit can process forfeiture cases emanating from the Newark Police Department.

LEGAL UNITS

➔ Grand Jury Unit



The Grand Jurors make an independent determination to indict or formally charge the accused 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 in order 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 for 15 weeks. They hear approximately 25 to 30 cases per day between the hours of 9 a.m. and 4 p.m. To facilitate case scheduling, while respecting the wishes of most Grand Jurors to be released at the 4 p.m. closing time (given domestic and child care responsibilities), 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.

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.

2008 - 2009 Achievements:

In 2008, 4,217 cases were presented to the Grand Jury with True Bills being returned for 3,359 cases, with an additional 24 cases referred to the Remand Court or municipal courts for resolution. In 2009, 3,953 cases were presented to the Grand Jury with True Bills being returned for 3,306 cases, with an additional 24 cases referred to the Remand Court or municipal courts for resolution.

LEGAL UNITS

➔ 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 Initial Screening Unit (I.S.U.) to review criminal complaints with an emphasis on diverting those complaints not warranting prosecution on the Superior Court level to the municipal court level.

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 I.S.U. reviews criminal complaints involving indictable offenses originating from all twenty two of Essex County's municipal courts. This is accomplished by telephonically reviewing cases for all municipalities except Newark.

As approximately sixty percent of the I.S.U.'s reviews originate from the City of Newark, the I.S.U. is headquartered in Newark 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 I.S.U. also pre-screens cases through reviews with Detectives of the Newark Police Department prior to the filing of criminal complaints.

Many complaints are also generated from the diverse law enforcement agencies operating throughout Essex County. These agencies include the Port Authority of NY/NJ; the New Jersey State Police; the New Jersey Transit Police; the Departments of Public Safety for Rutgers University; N.J.I.T.; U.M.D.N.J.; and Essex County College and the Essex County Sheriff's Office. Each of these agencies file their criminal complaints with the Newark Municipal Court. These cases are then screened by the I.S.U.



The I.S.U. is also assigned the additional task of reviewing matters referred by the NJ Department of Corrections and the NJ 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.

The I.S.U. also identifies and recommends certain cases for prosecution in the Special Remand Court (see Remand Court Section, below), when circumstances indicate prosecution for disorderly persons offenses, but the nature of the offense or the defendant's record warrant prosecution at the county level.

2008 - 2009 Achievements:

In 2008 the I.S.U. reviewed a total of 17,657 cases. Of this total, 7,802 cases were screened out and 9,855 cases were referred to CJP. The I.S.U. recommended that 500 of the cases referred to CJP be downgraded and prosecuted as disorderly person offenses in the Special Remand Court.

Of the 17,657 case total, the weekday I.S.U. reviewed 15,743 cases and screened out 7,421 cases, referred 8,322 cases to CJP and recommended that 500 cases be downgraded to Special Remand Court. The Saturday, Sunday, Holiday I.S.U. reviewed 1,914 cases, screened out 381 cases and referred 1,533 cases to CJP.

In 2009 the I.S.U. reviewed a total of 16,501 cases. Of this total 8,342 cases were screened out and 8159 cases were referred to CJP. The I.S.U. recommended that 350 of the cases referred to CJP be downgraded and prosecuted as disorderly person offenses in the Special Remand Court.

Of the 16,501 case total, the weekday I.S.U. reviewed 14,842 cases and screened out 7,882 cases, referred 6,960 cases to CJP and recommended that 350 cases be downgraded to the Special Remand Court. The Saturday, Sunday, Holiday I.S.U. reviewed 1659 cases, screened out 460 cases and referred 1,199 cases to CJP.

In 2008 and 2009, the I.S.U. continued assisting the Orange and Irvington Police Departments in their initiatives regarding the prosecution of specified drug cases. The year 2009 also saw the implementation of the Integrated Law Enforcement Initiative (ILEI) at the I.S.U. level. This system presently permits the I.S.U. legal and investigative staff to access Newark Police Department reports in the review of cases and the preparation of packages and reports for forwarding to CJP and other units of the Essex County Prosecutors Office.

In late 2009 the High Risk for Violence initiative (HRV) was begun in conjunction with the Newark Police Department.

LEGAL UNITS

➔ Parole Notification Function

In August of 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 an inmate's parole release is solicited from the Assistant Prosecutor who prosecuted the inmate. Essex County consistently has the highest number of parole-eligible inmates of the 21 counties in the state. For example, the Parole Eligibility Notice dated November 2, 2009 listed 296 statewide parole eligible inmates; 51 of those inmates committed their crimes in Essex County. This number represents approximately 17 percent of the total number of parole eligible inmates in the State for that particular week. During the same week, Camden County, had a total of 42 parole-eligible inmates, the next highest number; this is approximately 14 percent of statewide parole-eligible inmates.

2008 – 2009 Achievements:

Between January 1, 2008 and December 31, 2008, a total of 128 pre-parole packages were requested and reviewed by the Parole Notification Unit. Of those 128 packets requested, 119 letters objecting to parole release were written to the Parole Board. Those 119 letters represented inmates convicted of the following crimes:

Murder: 8 inmates	Kidnapping: 5 inmates
Attempted Murder: 1 inmate	Carjacking: 2 inmates
Manslaughter: 15 inmates	CDS Related: 5 inmates
Assault: 24 inmates	Burglary: 1 inmate
Sexual Assault: 6 inmates	Arson: 2 inmates
Robbery: 38 inmates	Eluding Police: 3 inmates
Endangering the Welfare of a Child: 7 inmates	Racketeering: 2 inmates

Between January 1, 2009 and December 31, 2009, a total of 167 pre-parole packages were requested and reviewed by the Parole Notification Unit. Of those 167 packets requested, 154 letters objecting to parole release were written to the Parole Board. Those 154 letters represented inmates convicted of the following crimes:

Murder: 6 inmates	Kidnapping: 5 inmates
Attempted Murder: 5 inmates	Carjacking: 6 inmates
Manslaughter: 17 inmates	CDS Related: 6 inmates
Assault: 31 inmates	Burglary: 4 inmates
Sexual Assault: 11 inmates	Arson: 2 inmates
Robbery: 55 inmates	Racketeering: 1 inmate
Endangering the Welfare of a Child: 5 inmates	

➔ Police Legal Advisor

The primary function of the Police Legal Advisor is to advise law enforcement agencies operating within Essex County. The Police Legal Advisor is also responsible for training police, corrections and juvenile detention officer recruits at the Essex County College Police Academy, the Newark Police Academy and the State Police Academy. The Police Legal Advisor is also responsible for training the Deputy Sheriff and Auxiliary Police classes. The advisor also 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 and pre-indictment units on police procedures and legal issues. Additional responsibilities include reviewing gun permit applications, supervising and conducting physical lineups, drafting and applying for investigative detention orders, preparing communication data warrants, reviewing search warrants, and answering thousands of police inquiries regarding police activities annually.

The Police Legal Advisor is on call “24/7” and also assists the Appellate Section by preparing appellate briefs, representing the state at oral argument and answering Habeas Corpus Petitions.

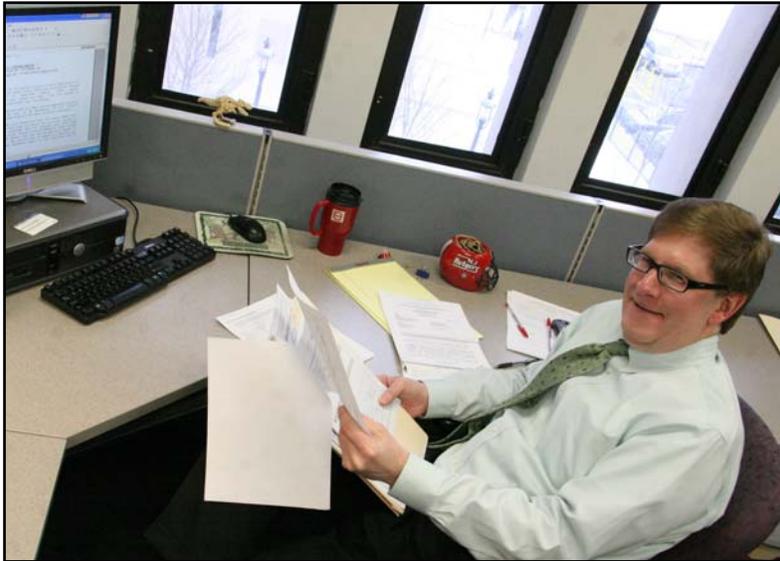


2008 – 2009 Achievements:

In both 2008 and 2009, the Police Legal Advisor provided training for five police recruit classes, two Deputy Sheriff Classes, two Juvenile Detention Officer Classes, and two Corrections Officer classes. The Police Legal Advisor also taught at the State Police Academy, the Auxiliary Police Program, Junior Police Academy, and at dozens of in-service training programs throughout the County. The Police Legal Advisor also maintains an active relationship with the County Chiefs of Police and made several presentations at their Association Meetings.

LEGAL UNITS

➔ Pre-Trial Intervention & Expungement Unit



The Pre-Trial Intervention (PTI) & Expungement Unit has two separate functions. First, the Unit is responsible for the complete review and processing of all applications for the Pre-Trial Intervention program. This program is somewhat similar to probation, but allows a participant to avoid a criminal conviction. Appropriate candidates are placed into the program with necessary conditions to fulfill. At the end of the PTI

term, an Assistant Prosecutor from the Section reviews and signs a dismissal order. If an applicant is deemed inappropriate for PTI, a rejection letter is prepared, reviewed and disseminated by Section personnel. The letter must fully and accurately articulate the grounds for rejection. Requests for reconsideration and appeals sometimes follow and are appropriately responded to.

The Unit is also responsible for reviewing applications for expungement, a process for clearing a criminal record. The application is usually prompted by employment concerns and requires the Unit to conduct a thorough and extensive check of the applicant's entire criminal history to determine eligibility (as provided for by statute). If eligible, Section personnel prepare, review and submit appropriate orders for the Court's signature. If not, orders for dismissal are prepared and forwarded to the Court.

2008 – 2009 Achievements:

In 2008-2009, the volume of the PTI Unit remained extremely high as defendants filed a total of 557 applications for admission in the Essex County Pretrial Intervention Program. Specifically, we accepted 375 defendants into the program and rejected 182 individuals during this time. Only one of our decisions was appealed to the Appellate Division, which affirmed our decision.

➔ Remand Court Section

The Remand Court Section of the Essex County Prosecutor's Office handles cases that have been referred to the Remand Court from CJP, the Vertical Trial Court Units, and the specialized prosecution 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, nor for the usual Municipal Court case, 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 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%.

2008 – 2009 Achievements:

In 2008, the Special Remand Court Section disposed of 7,870 charges for 3,517 defendants. The Courts also imposed fines in the amount of \$ 693,198.

The Special Remand Court continued to be productive through the year 2009. In 2009, the Section disposed of 8,402 charges for 3,625 defendants. There were 2,185 guilty pleas. The Courts also imposed fines in the amount of \$ 742,859.