

INSTRUCTIONS FOR ELECTRONICALLY FILING AN APPEAL FROM AN ORDER GRANTING PRETRIAL DETENTION

Per 2:9-13 (h), All pretrial detention appeals are required to be filed electronically through eCourts Appellate. Once logged in to the Judiciary's Single Sign On portal, select eCourts Appellate from the menu on the left of the enterprise landing page. Note: eCourts Appellate and eCourts (trial court) are two different filing applications. On the eCourts Appellate Welcome page, click File New Case.

For assistance in filing a Pretrial Detention Appeal, contact the Appellate Division PDA Helpline at 609-815-2950 X52580 in the Appellate Division Clerk's office or go to <https://portal.njcourts.gov/webe20/Default.aspx?nextPID=welcome>

For technical assistance, please contact the eTeam help line at 609-815-2950 ext 52590.

This document incorporates a small portion of the entire process. Please see the condensed PDA training manual under the PDA link for more information

The screenshot shows the eCourts Appellate website. At the top, it says "Welcome to eCourts Appellate" and "eCourts Appellate is an interactive, web based application to assist Attorneys, in good standing, to complete and/or upload legal forms for Appellate Court Matters in all case types." Below this, there's a "MESSAGES FROM THE CLERKS OFFICE" section with a "CUSTOMER SUPPORT PHONE NUMBERS" notice: "Our main number has changed. Please call the following number and then the extension needed: Call 609-815-2950 then for: Technical/registration/system issues (all case types), call x 52590 Assistance with PRE-TRIAL DETENTION Appeals: 1. Emergent matters ext. 52614." There's also a "SUPPORT & REFERENCE LINKS" section with icons for "eCourts Appellate Benefits", "FAQs", "PDA", and "Common Filing Deficiencies". At the bottom, a "FOR MORE INFORMATION" section says "Contact us at 609-815-2950 X52590 or send us an email at NJeDATNotices.milbox@judiciary.state.nj.us".

Documents needed to file a Pretrial Detention Appeal (PDA)

- 1) Notice of Appeal- system generated
- 2) Pretrial Detention Expedited Form-upload
- 3) Transcript Request form if requesting transcripts- system generated
- 4) Trial court order- upload
- 5) Public Safety Assessment-upload
- 6) Appendix (which contains exhibits that the trial court viewed and relied upon) if relying on Expedited form only. If filing a letter brief, then appendix should be submitted with brief-upload

1) Notice of Appeal

Pursuant to 2:9-13 (a), an order **granting** a motion for pretrial detention shall be appealable as of right and a **Notice of appeal** should be filed. The Notice of appeal form is system generated and is prompted by answering the following:

In the finality Question, select #3 Yes for the order/judgment is final. Click continue.

<p>Filing Progress... 4%</p> <p>✓ GETTING STARTED</p> <ul style="list-style-type: none">Trial Court InformationFinality QuestionCase Related Questions <p>CASE DATA</p> <ul style="list-style-type: none">Case DetailsAdditional Case DetailsTranscript <p>PARTY/ATTORNEY</p> <ul style="list-style-type: none">List of Parties <p>DOCUMENTS</p> <ul style="list-style-type: none">List of DocumentsAdd DocumentsProof of Service <p>FEES / PAYMENTS</p> <ul style="list-style-type: none">Fees Charged / Payments <p>SUMMARY/ SUBMIT</p> <ul style="list-style-type: none">Case SummarySubmit	<p>GETTING STARTED</p> <p>Finality Question</p> <p>PART 1</p> <p>Read Carefully: Choose Yes or No from one of the options below. The answer determines whether you are creating a Notice of Appeal (R. 2:2-3) or a Motion for Leave to Appeal from an interlocutory order (R. 2:2-4; R 2:5-6).</p> <p>IS THE ORDER/JUDGMENT YOU ARE APPEALING FINAL?</p> <p>1. <input type="radio"/> Yes, the ORDER/JUDGMENT is final (closed below or appealable as of right) and falls under one of the following categories below. (R. 2:2-3). This will create a system generated Notice of Appeal.</p> <p>2. <input type="radio"/> No, the ORDER/JUDGMENT is not final (not closed below or appealing an interlocutory order). This will create a system generated Motion For Leave to Appeal.</p> <p>OR, IS THE ORDER/JUDGMENT YOU ARE APPEALING PRE-TRIAL DETENTION?</p> <p>3. <input checked="" type="radio"/> Yes, the ORDER/JUDGMENT being appealed is from an order GRANTING Pre-Trial Detention. This will create a system generated Notice of Appeal.</p> <p>4. <input type="radio"/> No, the ORDER/JUDGMENT being appealed is from an order DENYING Pre-Trial Detention. This will create a system generated Motion For Leave to Appeal.</p> <hr/> <p>PART 2</p> <p>THE APPEAL IS FINAL PER THE EXCEPTION BELOW:</p> <p><input checked="" type="radio"/> R.2:9-13 Orders granting pretrial detention, pursuant to N.J.S.A. 2A:162-18 (c).</p> <hr/> <p>Return to Case List Previous Continue</p>
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2.) Case Details Information

a) Please verify if the information is correct on the Case Details Page.

b) The date of the Pretrial Detention order must be within 7 days of filing the Notice of Appeal. If your appeal is out of time- after the case related questions, the system will prompt you to select you are either filing a motion As Within Time or an exception.

c) If the Case Caption needs to be edited for a spelling error, you may do that on this page. If this is not the correct case, please go back to the Trial Court Information page and choose the correct case.

d) To add additional complaint numbers listed on the order go to the additional case details page. Click on the blue link below

Filing Progress... 19% ✔ GETTING STARTED Trial Court Information Finality Question Case Related Questions ✔ CASE DATA Case Details Additional Case Details Transcript PARTY/ATTORNEY List of Parties DOCUMENTS List of Documents Add Documents Proof of Service FEES / PAYMENTS Fees Charged / Payments SUMMARY/ SUBMIT Case Summary Submit	GETTING STARTED CASE DATA
	Additional Case Details Additional Trial Court Information To add additional Trial Court Information or to appeal from an additional Trial Court Order, click here .  Related Appellate Case Information The primary trial court docket number you have entered for this case is: 17-05-00067-A Note: To continue, you are required to search for related cases using the main trial court docket number. This search will review the Appellate Case Management system and will then display any cases for that docket number. Initially, click on this required link to determine if there are any cases related to your filing for this trial court docket number. Click here , if you would like to add the related appellate cases using other parameters (i.e., same issues or co-defendants or prior appeals). Return to Case List Previous Save Continue

3.) Transcripts

a) In the transcript Request Form Verification page, select whether you are or you are NOT ordering transcripts.

b) If you are ordering transcripts, from the **Delivery Schedule** drop-down menu select **expedited** (transcripts are due within 7 days of filing the appeal). Click the **Add Hearing Dates** button. On the next screen enter the **Proceeding date** and **type**. Check the box for **Transcript to be Ordered**. Transcripts should not be ordered separately with the transcript office. The eCourts Appellate staff will upload the transcripts to the system when they are received by the transcript office and filed stamped copies will be available in eCourts Appellate.

Add New Hearing Date

You can add maximum of 10 Proceeding Dates at a time. All fields are required.

DATE OF PROCEEDINGS (MM/DD/YYYY)	TYPE OF PROCEEDING	NAME OF JUDGE/AGENCY	TRANSCRIPT TO BE ORDERED	REASON FOR NOT ORDERING TRANSCRIPT
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>

When ordering transcripts for appeal through the eCourts appellate eFiling system, it is not necessary to upload those documents. **Do Not** upload your copy of the transcript(s) received from the transcript office into system. The Clerk's office will automatically upload the ordered transcripts when the official certified transcript(s) have been sent to the Appellate Division by the county Court Reporter.

Transcripts already in your possession and not ordered from the system should be uploaded within 30 days of the filing of the notice of appeal, or with the Notice of Appeal.

c) If transcripts are in your possession, from the **Delivery Schedule** drop-down menu select **attorney possession**. Click the **Add Hearing Dates** button. On the next screen, enter the **Proceeding date** and **type**. From the drop down menu under Reason for Not Ordering Transcript, select Transcript in Attorney Possession. This information will be listed on page two of the notice of appeal.

Add New Hearing Date

You can add maximum of 10 Proceeding Dates at a time. All fields are required.

DATE OF PROCEEDINGS (MM/DD/YYYY)	TYPE OF PROCEEDING	NAME OF JUDGE/AGENCY	TRANSCRIPT TO BE ORDERED	REASON FOR NOT ORDERING TRANSCRIPT
02/01/2017	MOTION	AIMEE R. BELGARD	<input type="checkbox"/>	TRANSCRIPT IN ATTORNEY POSSESSION

Note: When adding/uploading attorney possession transcripts in eCourts Appellate, you must fill out 2 required fields on the "Add Document-Document Information" page: "Proceeding Date" and "Volume Number" as shown below.

Add Document

DOCUMENT INFORMATION

*CATEGORY: TRANSCRIPT Category Description

*DOCUMENT TYPE: DECISION

*PROCEEDING DATE: ←

*VOLUME NUMBER: ←

SEALED DOCUMENT BASED ON COURT RULE, STATUTE OR COURT ORDER.
SEALED DOCUMENTS FOR THE COURT'S VIEWING ONLY MUST BE SUBMITTED IN PAPER FORM.

*FILING PARTY: TEST


Note: System accepts documents in PDF format only. If your file size exceeds 28 MB, you will need to break it up into multiple smaller files. File size may be affected with briefs and appendices, which must be text searchable. Please make sure your scanner is set to compress and set to black and white, no color.
To save your attachment once uploaded, click on "Continue" button.


4) List of parties


a) The parties will automatically populate. They will appear in red. Click on the edit button to complete each party.

Please Note: Check with the county prosecutor to see if someone specific is handling the appeals. Some counties are having their appellate section handle them and prefer service on that attorney as opposed to the regional prosecutor.

b) To edit party information, click on the edit operation for that party in the List of Parties page.

Click  **EDIT** option to modify party/attorney information that you entered for cases in DRAFT status OR add a new attorney.

Click  **DELETE** option to delete party and associated attorney information that you entered for cases in DRAFT status.

5) List of Documents Anything in red/Draft status must be completed by clicking on the edit button  **EDIT** to either complete the system generated document or upload the required document.

6.) Pretrial Detention Expedited Information Form- See Instructions for Completing PDA Expedited form

a) Ensure that all Yes/No boxes are checked, comments are added and includes signature. (electronic signature acceptable)

b) The PDA Expedited form has been updated and can be found on the homepage of Appellate courts.

7) Public Safety Assessment (PSA)

To upload the PSA- Add a document, select Category=Exhibit, select Document Type= Public Safety Assessment.

8.) Supporting documents cited in trial court order must be submitted (exhibits from hearing).

a) All documents that were relied upon by the trial court except for the Public Safety Assessment (PSA) should be filed in the appendix with the letter brief.

b) If the appellant is relying on the Expedited form only, these documents should be attached with the Expedited form with a table of contents or as a separate Appendix Pursuant to R:2:6-1.

Complaints

Preliminary Law Enforcement Report

Affidavit probable cause

additional documents relied upon by the trial court except for PSA

C) Please note the Public Safety Assessment(s) (PSA) should be filed as an exhibit

9.) Briefs-

a) Pursuant to Rule 2:9-13(c) In those appeals in which a transcript has been ordered, the appellant shall serve and file a letter brief and appendix within ten days after the delivery to the appellant of the transcripts and should not exceed 8 pages.

b) briefs must be in OCR Recognizable format (optical character recognition or text searchable- See July 6, 2015 Notice to the Bar)

c) Pursuant to 2:9-13 (c) letter briefs are limited to 8 pages. See Rule 2:6 for preparation, contents and formatting of brief and appendix.

Please note: The procedural history and statement of facts must include page references to the page of the appendix where that document is located.

10.) Appendix

Please note that Pursuant to 2:6-2(a) 1, 4, the appendix needs to be consecutively numbered and the procedural history and statement of facts need to have page references to the page of the appendix where the document is located.

11.) Signature Documents that are uploaded (PSA, Briefs) should have a signature (electronic signature is acceptable)