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**GLENN A. GRANT, J.A.D.**  
Acting Administrative Director of the Courts

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**TO:** Assignment Judges  
Criminal Presiding Judges

**FROM:** Glenn A. Grant, J.A.D.  **Directive #23-17**  
[Supersedes Directive # 5-02]

**SUBJ:** Criminal – Pretrial Memorandum and  
Written Acknowledgment (Notice of Trial)

**DATE:** August 21, 2017

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This Directive promulgates a revised Criminal Pretrial Memorandum form and reissues the Written Acknowledgment (Notice of Trial) form. Both forms were originally promulgated in 2002 by Directive #5-02 (“Pretrial Memorandum (R. 3:9-1); Written Acknowledgment (R. 3:16)”). The attached forms supersede these earlier versions, and should be used effective immediately.

The forms were initially promulgated in 2002 following the Supreme Court’s adoption of amendments to R. 3:9-1 and R. 3:16. The 2002 amendment to R. 3:9-1 required use of a standard pretrial memorandum form during the pretrial conference to ensure the defendant’s knowledge of the trial date and the consequences of a non-appearance. The 2002 amendment to R. 3:16 required the defendant’s signed acknowledgment of the trial date.

The revisions to the Pretrial Memorandum promulgated here, as recommended by the Conference of Criminal Presiding Judges, are as follows: (1) The acronym for the No Early Release Act (NERA) was added in question 4 on the mandatory period of parole ineligibility; and (2) The defendant’s acknowledgment of the consequences for a non-appearance was revised to include the loss of any posted “monetary” bail and a review of “any conditions of pretrial release.” (# 2 on page 3).

No changes are being made to the Written Acknowledgment (Notice of Trial) form, which requires the defendant to acknowledge that he or she has been advised of the trial date and that the trial will proceed in the event of his or her absence. This form thus simply is being reissued with a new promulgation date and reference.

Both English and Spanish versions of the revised Pretrial Memorandum form (Attachment A) and the Written Acknowledgment (Notice of Trial) form (Attachment B) are appended to this Directive. Any questions or comments regarding these forms may

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Criminal - Pretrial Memorandum and  
Written Acknowledgment (Notice of Trial)  
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be directed to Sue Callaghan, Assistant Director for Criminal Practice at 609-815-2900  
extension 55300 or [sue.callaghan@njcourts.gov](mailto:sue.callaghan@njcourts.gov).

G.AG.

Attachments

cc: Chief Justice Stuart Rabner  
Steven D. Bonville, Chief of Staff  
AOC Directors and Assistant Directors  
Melaney S. Payne, Special Assistant  
Ann Marie Fleury, Special Assistant

Trial Court Administrators  
Criminal Division Managers and Assistants  
Vance D. Hagins, Chief  
Maria Pogue, Assistant Chief

**ATTACHMENT A**  
**PRETRIAL MEMORANDUM**



**New Jersey Judiciary  
Pretrial Memorandum  
County**

**Defendant's**

**Name:** \_\_\_\_\_

**Judge:** \_\_\_\_\_

**Indictment No(s):** \_\_\_\_\_

**1. List all indictments, counts, degrees and maximum jail sentence.**

Indictment #	Count	Charges	Degree	Max Jail
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**Please Circle  
Appropriate Answer**

**2. Does the defendant qualify for extended term?** [Yes] [No]  
 If yes, discretionary \_\_\_\_\_  
 mandatory \_\_\_\_\_

**3. Does the presumption of imprisonment apply?** [Yes] [No]  
 If yes, what counts? \_\_\_\_\_

**4. Does a mandatory period of parole ineligibility apply?** [Yes] [No]  
 If yes, what counts? \_\_\_\_\_  
 85% Law (NERA) Term \_\_\_\_\_ Term \_\_\_\_\_  
 Graves Act Term \_\_\_\_\_ Term \_\_\_\_\_  
 School Zone Term \_\_\_\_\_ Term \_\_\_\_\_  
 Other Term \_\_\_\_\_ Term \_\_\_\_\_

**5. Maximum sentence if convicted.** \_\_\_\_\_  
 (Including extended term, if applicable)

**6. Maximum parole ineligibility period.** \_\_\_\_\_

**7. Do you understand that if you are found guilty, the Court in its discretion could impose a minimum period of confinement to be served before you become eligible for parole, which could be up to one-half of the total sentence imposed?** [Yes] [No]

**8. Do you understand that if you are found guilty, the Court could order that any sentence imposed be served consecutively to any sentence on a violation of probation, and/or parole, and/or sentence presently being served?** [Yes] [No]

- a. Are you presently on probation?** [Yes] [No]
- b. Are you presently on parole?** [Yes] [No]
- c. Are you presently serving a custodial sentence on another charge?** [Yes] [No]

Defendant's Initials \_\_\_\_\_

**9. Plea Offer**

Set forth in detail the plea agreement offered including sentencing recommendations.

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10. Do you understand that if you reject this plea offer, the Court could impose a more severe sentence than recommended by the plea offer, up to the maximum sentence permitted if you are convicted after trial? [Yes] [No]

11. Do you understand that if you reject this plea offer today, no negotiated plea can be accepted by this Court unless specifically authorized by the Criminal Presiding Judge pursuant to R. 3:9-3(g)? [Yes] [No]

12. Additional/Supplemental information.

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**13. Discovery**

- a. All Pretrial discovery is complete.
- b. The following Pretrial discovery is required.

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- c. Pretrial discovery to be completed by

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**14. Motions / Hearings**

- a. There are no further Pretrial Motions/Hearings.
- b. Trial: The following non-dispositive motions can be made and heard immediately prior to trial.

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**15. Co-Defendant Status:**

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**16. Unique Evidential Issues:**

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- a. No brief required
- b. Brief required by \_\_\_\_\_

Defendant's Initials \_\_\_\_\_

17. Stipulations:

\_\_\_\_\_  
\_\_\_\_\_

18. Estimated trial time: State's case: \_\_\_\_\_  
Defense case: \_\_\_\_\_

19. Interpreter needed? [Yes] [No]

If yes, please provide the following information:

If the defendant, what language? \_\_\_\_\_

If a witness, what language? \_\_\_\_\_

20. Defendant and all counsel are hereby directed to return to court on the following date at 9:00 AM ready for trial. There will be no further notices required.

Any problems with witness availability must be brought to the Court's attention within ten (10) days of the signing of this Memorandum, or if discovered thereafter, as promptly as known.

Trial Date: \_\_\_\_\_

Defense Counsel: \_\_\_\_\_

Assistant Prosecutor: \_\_\_\_\_

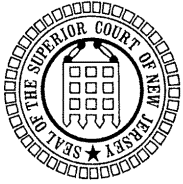
Judge: \_\_\_\_\_

Date of Memo: \_\_\_\_\_

1. **I have been advised of my right to be present at the trial of this case. If I fail to appear for trial on the date scheduled for trial, the Court has the right to conduct the trial in my absence. If my case is not reached for trial on that date the judge will schedule a new date for trial. If I am not present on the original trial date, or any rescheduled trial date, the trial will proceed without me and I will be bound by the jury's verdict.**
2. **I further understand that if I do not appear for trial on the date fixed above or any adjourned trial date thereafter, I will lose any monetary bail that has been posted, any conditions of pretrial release may be reviewed, and a bench warrant will be issued for my arrest.**
3. **I understand that except in extraordinary circumstances, the filing of this Memorandum ends all plea negotiations, and no further bargaining will take place. Any subsequent plea of guilty will be without a plea recommendation.**

\_\_\_\_\_  
(Defendant)

\_\_\_\_\_  
(Defense Counsel)



**Poder Judicial de Nueva Jersey  
Memorándum Precedente al Juicio  
Condado de**

New Jersey Judiciary  
**Pretrial Memorandum**  
County

**Nombre y apellido del acusado:** \_\_\_\_\_

**Defendant's Name:**

**Juez:** \_\_\_\_\_

Judge:

**Nro. de la acusación formal o de las acusaciones formales:** \_\_\_\_\_

Indictment No(s):

**1. Enumere todas las acusaciones formales, cargos, grados y sentencia máxima de encarcelación.**

List all indictments, counts, degrees and maximum jail sentence.

Nro. de la acusación formal Indictment #	Cargo Count	Cargos Charges	Grado Degree	Encarcelación máxima Max Jail
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**Marque la respuesta  
apropiada con un círculo  
Please Circle  
Appropriate Answer  
[Sí/Yes] [No/No]**

**2. ¿Reúne el acusado los requisitos para un término extendido?**

Does the defendant qualify for extended term?

Si es así, discrecional \_\_\_\_\_

If yes, discretionary

obligatorio \_\_\_\_\_

mandatory

**3. ¿Corresponde la presunción de encarcelamiento?**

Does the presumption of imprisonment apply?

Si es así, ¿en cuáles cargos? \_\_\_\_\_

If yes, what counts?

[Sí/Yes] [No/No]

**4. ¿Corresponde un período obligatorio de inelegibilidad antes de salir en libertad condicional? [Sí/Yes] [No/No]**

Does a mandatory period of parole ineligibility apply?

Si es así, ¿en cuáles cargos? \_\_\_\_\_

If yes, what counts?

Término de la Ley Contra Excarcelación

Prematura (NERA) de 85%

85% Law (NERA) Term

\_\_\_\_\_ Término \_\_\_\_\_  
Term

Término de la Ley Graves

Graves Act Term

\_\_\_\_\_ Término \_\_\_\_\_  
Term

Término de la Zona Escolar

School Zone Term

\_\_\_\_\_ Término \_\_\_\_\_  
Term

Otro término

Other Term

\_\_\_\_\_ Término \_\_\_\_\_  
Term

Iniciales del acusado/Defendant's Initials \_\_\_\_\_

5. **Sentencia máxima** si se le condena. \_\_\_\_\_  
(que incluye el término extendido, si corresponde)  
Maximum sentence if convicted.  
(Including extended term, if applicable)

6. **Período máximo de inelegibilidad antes de salir en libertad condicional.** \_\_\_\_\_  
Maximum parole ineligibility period.

7. ¿Entiende usted que si lo adjudican culpable, el juez, a su discreción podría imponerle un período mínimo de reclusión que tendrá que cumplir antes de ser elegible para salir bajo libertad condicional, y que dicho período podría ser de hasta la mitad de la sentencia total que se le imponga? [Sí/Yes] [No/No]  
Do you understand that if you are found guilty, the Court in its discretion could impose a minimum period of confinement to be served before you become eligible for parole, which could be up to one-half of the total sentence imposed?

8. ¿Entiende usted que si lo encuentran culpable, el juez podría ordenar que la sentencia que imponga se cumpla consecutivamente a cualquier sentencia por un incumplimiento de la libertad a prueba, la libertad condicional, o ambas, la sentencia que está cumpliendo actualmente a todas ellas? [Sí/Yes] [No/No]  
Do you understand that if you are found guilty, the Court could order that any sentence imposed be served consecutively to any sentence on a violation of probation, and/or parole, and/or sentence presently being served?

a. ¿Está usted actualmente bajo libertad a prueba? [Sí/Yes] [No/No]  
Are you presently on probation?

b. ¿Está usted actualmente bajo libertad condicional? [Sí/Yes] [No/No]  
Are you presently on parole?

c. ¿Está usted actualmente cumpliendo una sentencia con reclusión por otro cargo? [Sí/Yes] [No/No]  
Are you presently serving a custodial sentence on another charge?

9. **Oferta de una sentencia reducida**  
Plea Offer

Exponga detalladamente el acuerdo de una reducción de sentencia que se le haya propuesto e incluya las recomendaciones en cuanto a la sentencia.  
Set forth in detail the plea agreement offered including sentencing recommendations.

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10. ¿Entiende usted que si rechaza esta oferta de una sentencia reducida y se le condenara después de un juicio, el juez podría imponerle una sentencia más dura que la que se recomienda en la oferta de una sentencia reducida hasta la sentencia máxima permitida? [Sí/Yes] [No/No]  
Do you understand that if you reject this plea offer, the Court could impose a more severe sentence than recommended by the plea offer, up to the maximum sentence permitted if you are convicted after trial?

11. ¿Entiende que si usted rechaza hoy esta oferta para admitir su culpabilidad, este Juez no puede aceptar un acuerdo negociado con una condena reducida, a menos que sea autorizado específicamente por el Juez Presidente de lo Penal de acuerdo con la R. 3:9-3(g)? [Sí/Yes] [No/No]  
Do you understand that if you reject this plea offer today, no negotiated plea can be accepted by this Court unless specifically authorized by the Criminal Presiding Judge pursuant to R. 3:9-3(g)?

Iniciales del acusado/Defendant's Initials \_\_\_\_\_



12. Información adicional/suplementaria.  
Additional/Supplemental information.

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13. Proposición de pruebas

Discovery

- a. Se ha completado la proposición de pruebas. .  
All Pretrial discovery is complete.
- b. Se requiere la divulgación de las siguientes pruebas documentales.  
The following Pretrial discovery is required.

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- c. La proposición de pruebas se tiene que completar antes del  
Pretrial discovery to be completed by

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14. Pedimentos/Audiencias

Motions / Hearings

- a. No hay más pedimentos/audiencias precedentes al juicio.  
There are no further Pretrial Motions/Hearings.
- b. Juicio: Los siguientes pedimentos que no son dispositivos se pueden hacer y ver inmediatamente antes del comienzo del juicio.  
Trial: The following non-dispositive motions can be made and heard immediately prior to trial.

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15. Status del coacusado:

Co-Defendant Status:

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16. Cuestiones probatorias únicas:

Unique Evidential Issues:

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- a. No se requiere ningún escrito judicial  
No brief required
- b. Se requiere un escrito judicial para el día \_\_\_\_\_  
Brief required by

17. Acuerdos probatorios:

Stipulations:

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18. Duración estimada del juicio: Causa de la fiscalía: \_\_\_\_\_  
Estimated trial time: State's case:
- Causa de la defensa: \_\_\_\_\_  
Defense case:

Iniciales del acusado/Defendant's Initials \_\_\_\_\_

19. ¿Se requerirá un intérprete?

[Sí/Yes] [No/No]

Interpreter needed?

Si es así, por favor suministre la siguiente información:

If yes, please provide the following information:

Si es para el acusado, ¿de qué idioma? \_\_\_\_\_

If the defendant, what language? \_\_\_\_\_

Si es para un testigo, ¿de qué idioma? \_\_\_\_\_

If a witness, what language? \_\_\_\_\_

20. Por la presente se ordena que el acusado y todos los abogados vuelvan al tribunal en la siguiente fecha a las 9:00 de la mañana listos para el juicio. No se requerirá ningún aviso adicional.

Cualquier problema con la disponibilidad de testigos tiene que ser divulgado al juez dentro de los diez (10) días subsiguientes a la firma de este Memorándum, o si se descubre después de dicho período, en cuanto se sepa.

Defendant and all counsel are hereby directed to return to court on the following date at 9:00 AM ready for trial. There will be no further notices required.

Any problems with witness availability must be brought to the Court's attention within ten (10) days of the signing of this Memorandum, or if discovered thereafter, as promptly as known.

Fecha del juicio/Trial Date: \_\_\_\_\_

Abogado Defensor/Defense Counsel: \_\_\_\_\_

Fiscal Auxiliar/Assistant Prosecutor: \_\_\_\_\_

Juez/Judge: \_\_\_\_\_

Fecha del Memo/Date of Memo: \_\_\_\_\_

1. **Me han informado sobre mi derecho de estar presente en el juicio de esta causa. Si no comparezco para el juicio en la fecha fijada para el mismo, el juez tendrá derecho a proceder con el juicio sin que yo esté presente. Si mi causa no se enjuicia en esa fecha, el juez fijará otra fecha para el juicio. Si no estoy presente en la fecha original del juicio, o en cualquier fecha en que se vuelva a fijar, el juicio proseguirá sin mí y me veré obligado a atenerme al veredicto del jurado.**

I have been advised of my right to be present at the trial of this case. If I fail to appear for trial on the date scheduled for trial, the Court has the right to conduct the trial in my absence. If my case is not reached for trial on that date the judge will schedule a new date for trial. If I am not present on the original trial date, or any rescheduled trial date, the trial will proceed without me and I will be bound by the jury's verdict.

2. **Entiendo además que si no comparezco para el juicio en la fecha fijada más arriba o en cualquier otra fecha hasta la cual se aplace el juicio, perderé cualquier fianza monetaria que se haya depositado, se pueden revisar cualquiera de las condiciones de libertad antes del juicio, y el juez emitirá una orden para que se me arreste.**

I further understand that if I do not appear for trial on the date fixed above or any adjourned trial date thereafter, I will lose any monetary bail that has been posted, any conditions of pretrial release may be reviewed, and a bench warrant will be issued for my arrest.

3. **Entiendo que, salvo en circunstancias extraordinarias, la presentación de este Memorándum pone fin a todas las negociaciones para declararme culpable, y no se realizará ninguna negociación adicional. Cualquier declaración de culpabilidad subsiguiente será sin una recomendación de condena reducida**

I understand that except in extraordinary circumstances, the filing of this Memorandum ends all plea negotiations, and no further bargaining will take place. Any subsequent plea of guilty will be without a plea recommendation.

(Acusado/Defendant)

(Abogado Defensor/Defense Counsel)

**ATTACHMENT B**  
**WRITTEN ACKNOWLEDGMENT**  
**(NOTICE OF TRIAL) FORM**

State of New Jersey

Superior Court of New Jersey  
Law Division - \_\_\_\_\_ County  
Indictment No. \_\_\_\_\_

v.

\_\_\_\_\_  
Defendant

**Written Acknowledgment  
Notice of Trial**

I hereby acknowledge that I have been advised that I am to appear for trial on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at 9:00 a.m. (unless the time is otherwise specified herein to be \_\_\_\_\_) and if I fail to appear on that date, or any rescheduled trial date, the trial will proceed without me and I will be bound by the jury's verdict.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant's signature

Tribunal Superior de Nueva Jersey  
Superior Court of New Jersey

Estado de Nueva Jersey  
State of New Jersey

División de Derecho - Condado de \_\_\_\_\_  
Law Division - County

contra  
v.

Nro. de la Acusación Formal \_\_\_\_\_  
Indictment No.

\_\_\_\_\_  
Acusado(a) / Defendant

**Confirmación por escrito  
Aviso de la fecha del juicio  
Written Acknowledgment  
Notice of Trial**

Por la presente confirmo que se me ha notificado que debo comparecer a un juicio el día \_\_\_\_\_ de \_\_\_\_\_, del 20\_\_ a las 9:00 de la mañana (a menos que aquí se especifique que la hora será \_\_\_\_\_) y que si no comparezco en esa fecha, o en cualquier otra fecha que se señale para el juicio, el juicio procederá sin que esté presente y me veré obligado a cumplir con el veredicto del jurado.

I hereby acknowledge that I have been advised that I am to appear for trial on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at 9:00 a.m. (unless the time is otherwise specified herein to be \_\_\_\_\_) and if I fail to appear on that date, or any rescheduled trial date, the trial will proceed without me and I will be bound by the jury's verdict.

Fecha / Dated: \_\_\_\_\_

\_\_\_\_\_  
Firma del acusado(a) / Defendant's signature