



**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.

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.

13. Discovery

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

- c. Pretrial discovery to be completed by

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.

15. Co-Defendant Status:

16. Unique Evidential Issues:

- 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)