



New Jersey Superior Court
Appellate Division
Pretrial Detention Appeal (PDA) – State’s Response

Defendant's Name: _____

CDR 2#: W- _____

Co-defendant(s) Name(s): _____

PG #: _____

PSA Score: NCA: _____ FTA: _____ [] Violence

App. Div. #: A- _____

Date(s) of Detention Hearing: _____

County: _____

Check only one:

- [] No other pages are attached to this form (other than the detention order and risk assessment).
[] The State’s response is continued on the attached page(s) (not to exceed 2 pages unless compliant with R. 2:9-13).
[] Additional document(s) not provided by defendant have been uploaded separately.

I. State’s Response to PDA

What is the State’s position with respect to defendant’s procedural, factual, or legal basis for the PDA? Check all that apply and specify in detail below¹:

A. Procedural or Factual Basis:

- [] 1. The State established probable cause that defendant committed the offense(s) charged.
[] 2. The State met its burden to prove by clear and convincing evidence that no amount of monetary bail, non-monetary conditions or some combination thereof would reasonably assure defendant’s appearance in court, protect the safety of any other person or the community, and prevent the obstruction of the criminal justice process.
[] 3. The findings of fact and statement of reasons for the detention are sufficient and consistent with statutory and case law (explain).
[] 4. Defendant was provided an opportunity for a fair hearing prior to the entry of the pretrial detention order (explain).

¹ These categories are neither binding nor exclusive.

5. Contrary to defendant's assertions, defendant's criminal history or other information relied upon by the court is accurate and complete, and any mistakes are insufficient for reversal (explain).

6. Defendant has not sufficiently demonstrated that the Public Safety Assessment (PSA) is inaccurate or incomplete so as to warrant relief, such as reversal of the detention order (explain).

7. Defendant has failed to rebut by a preponderance of the evidence the presumption of pretrial detention, where the court found probable cause that defendant committed murder or any crime subject to an ordinary or extended term of life imprisonment.

8. Other (bases to affirm the detention order).

B. Legal Basis:

What are the legal citations (specify court rule, statute, regulation, case law, constitutional provision) that are most important in opposition to this appeal?

II. Record on Appeal

A. Documents: A complete record relevant to the issues raised in the PDA is required for the appeal to be considered on an expedited basis.

1. To the best of your knowledge, is the record supplied by defendant complete and in compliance with R. 2:9-13(d)? If "No," please explain in space below. Yes No

2. Are you relying on any other document(s) or material not submitted by defendant? If "Yes," please explain and identify the document(s) and material in the space below. Also, please upload the document(s) separately or explain when they will be available Yes No

B. Transcripts:

- 1. Do you assert that a transcript is necessary in order for the Appellate Division to consider this appeal?
 - a. Does the basis of this appeal depend on review of the witness testimony? Yes No
 - b. Does this appeal assert that there are material differences between the written order and the trial court's oral decision? Yes No
 - c. Does this appeal challenge an oral procedural or evidentiary ruling made by the trial court? Yes No
 - d. Does this appeal challenge the trial court's written findings of fact or statement of reasons? Yes No

NOTE: The court reserves the right to require appellant to furnish a transcript even if appellant has decided not to order one. *R. 2:9-13(b)*.

- 2. If defendant has not ordered a transcript but you believe that a transcript is necessary because you checked "Yes" to any of the boxes above, or for some other reason, please explain why.

Hearing Date(s): _____

By signing below, I certify that the factual statements contained in this application are true to the best of my knowledge.

Date: _____

Signature of Attorney: _____

Print/Type Name of Attorney: _____

Bar ID #: _____

Title/Position: _____

Office/Location: _____