# Your Rights as a Defendant in the Municipal Courts in the State of New Jersey.

1. You are PRESUMED TO BE INNOCENT until proven guilty beyond a reasonable doubt.
2. You have the RIGHT TO BE INFORMED OF THE CHARGES against you.
3. You have the RIGHT TO REMAIN SILENT concerning the charges against you, and anything you say may be held against you.
4. You have the RIGHT TO RETAIN AN ATTORNEY.
5. You have the RIGHT TO BE ASSIGNED AN ATTORNEY if the judge determines that you cannot afford an attorney, and there is a likelihood that if you are convicted, you will either go to jail, receive a substantial fine or your driver's license will be suspended.
6. You have the RIGHT TO REQUEST A REASONABLE POSTPONEMENT so that you may have an opportunity to consult with your attorney and prepare a proper defense.
7. You have the RIGHT TO TESTIFY OR NOT TO TESTIFY on your own behalf.
8. You have the RIGHT TO CALL OR SUBPOENA WITNESSES to testify on your behalf.
9. You have the RIGHT TO APPEAL within 20 days of any conviction.

If you think you need the services of an interpreter, please notify the municipal court administrator prior to your appearance in court.

For more information regarding your case, contact the municipal court at the phone number found on the ticket or court notice. You may also find municipal court telephone numbers online at **www.njcourtsonline.com** or in the blue pages of your telephone book.

For general information regarding the municipal courts, you should contact one of the following regional offices:

## MUNICIPAL DIVISION OFFICES

*(Regional Offices)*

| | |
|---|---|
| ATLANTIC | 609-343-2298 |
| BERGEN | 201-527-2270 |
| BURLINGTON | 609-518-2603 |
| CAPE MAY | 609-343-2298 |
| CAMDEN | 856-379-2383 |
| CUMBERLAND | 856-853-3482 |
| ESSEX | 973-693-5790 |
| GLOUCESTER | 856-853-3482 |
| HUDSON | 201-795-6108 |
| HUNTERDON | 908-231-7606 |
| MERCER | 609-571-4010 |
| MIDDLESEX | 732-981-2177 |
| MONMOUTH | 732-677-4219 |
| MORRIS | 973-656-3978 |
| OCEAN | 732-929-2042 |
| PASSAIC | 973-247-8102 |
| SALEM | 856-853-3482 |
| SOMERSET | 908-231-7606 |
| SUSSEX | 973-656-3978 |
| UNION | 908-659-4194 |
| WARREN | 908-231-7606 |

NEW JERSEY JUDICIARY

Independence - Integrity
Fairness - Quality Service

New Jersey Judiciary
Municipal Court Services Division
PO Box 986
R. J. Hughes Justice Complex
Trenton, NJ 08625-0986
609-984-8241 phone
609-292-4255 fax

THE NEW JERSEY JUDICIARY MISSION STATEMENT

We are an independent branch of government constitutionally entrusted with the fair and just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and this State.

Rev 2/20/06

NEW JERSEY JUDICIARY

# MUNICIPAL COURTS

*of the*

**STATE of NEW JERSEY**

# Your Day in Court

## Do I need to appear in court if I choose to plead guilty and pay the fine?

If the "Court Appearance Required" box has **not** been checked on the complaint **and** if the charge is listed on either the Statewide Violations Bureau Schedule or the Local Violations Bureau Schedule, you may pay the fine without appearing in court. The Statewide Violations Bureau Schedule is a list of state offenses that may be paid without going to court. The Local Violations Schedule is a list of municipal ordinances that may be paid without going to court. You may pay your fine at the court's payment window, by mail or by using the Internet at **www.NJMCdirect.com**. If you pay without going to court, you will be pleading guilty and giving up your right to a lawyer and your right to a trial.

Court appearances are always required in criminal matters.

## If I can plead guilty without going to court, how much will I have to pay?

The amount of the fine is in the Statewide or Local Violations Bureau Schedules. These schedules are available for review at the Municipal Court office. The Statewide Violations Bureau Schedule is also posted on the Internet at **www.njcourtsonline.com**

## What should I expect when I go to court?

- Prior to entering the courtroom, please turn off or silence your phone or pager.
- When you get to court, check in with court staff.
- Listen to instructions from court staff and from the judge. The proceedings are sound recorded, so please remain quiet until it is your time to speak.
- The judge will give an opening statement explaining court procedures, defendants' rights and penalties.

Cases are usually called in the following order:

requests for postponements
uncontested motions
first arraignments
guilty pleas
contested motions
pleas of not guilty (with attorney)
pleas of not guilty (without attorney)

- A case may be postponed to give you time to obtain representation by a private attorney or by a public defender (if you qualify) and prepare your defense. If you need a postponement, ask the court staff for assistance.
- If your case involves a dispute between you and another person, you may be required to participate in a discussion with a mediator to attempt to settle the dispute without going in front of the judge.

## What is a plea agreement?

A plea agreement is a way to settle a case. Plea agreements are negotiated with the prosecutor, an attorney who represents the state. You will be given the opportunity to speak to the prosecutor to try to settle your case. You are not required to speak to the prosecutor. All plea agreements must be approved by the judge.

## What happens if I plead guilty in court?

If you plead guilty in court, the judge will ask questions regarding the offense charged to make sure there are facts to support the guilty plea and to determine that your plea is voluntary. The judge will then make a finding and impose a sentence. If you plead guilty or are found guilty of traffic offenses in court, the penalties listed on the Violations Bureau Schedule do not apply.

## What if I plead not guilty?

If you plead not guilty, the judge will preside over a trial to determine whether you are guilty or not guilty. The trial may be held that day, but in certain circumstances it may be rescheduled.

In a trial, the prosecutor first will call the state's witnesses (witnesses against you). They will answer the prosecutor's questions and present any other evidence they have. When the prosecutor is finished with each witness, you, or your attorney, will be permitted to ask them questions about their testimony.

When the prosecutor's case is complete, it will be your turn to call witnesses and present evidence on your behalf. You may testify, although you are not required to do so. If you testify, the prosecutor can ask you questions (cross-examine you). After all witnesses and evidence have been presented, the judge will decide whether you are guilty or not guilty. If you are found guilty, the judge will impose a sentence.

## Can I use the Internet to find more information or to plead guilty and pay a fine?

Yes. For certain offenses, where a court appearance is not required, you can find out the total amount that you must pay if you plead guilty and pay through the Internet at: **www.NJMCdirect.com**

You can obtain more information about the municipal courts and other parts of the New Jersey Judiciary at: **www.njcourtsonline.com**

## If I am found guilty, what happens after court?

You will be required to pay all monetary penalties, as ordered by the judge. Under certain circumstances, the court may permit you to pay over a period of time.

You will be given instructions on how to comply with any other parts of your sentence.

## How can I appeal a decision of the court?

If you disagree with the judge's decision, you may appeal, but if you appeal, you must file the appeal within 20 calendar days of your conviction. You will be required to pay a deposit that will be applied against the cost of preparing a transcript of the trial. You also will be required to pay a $75 filing fee. Please ask the court staff to provide you with a copy of the appeal packet, "How to Appeal a Decision of a Municipal Court." Information on representing yourself in an appeal is also available at **www.njcourtsonline.com**, the Judiciary's Web site.

## What happens when the court's orders are not obeyed?

People who do not come to court when summoned or subpoenaed, make payments as required, or comply with other requirements of their sentences, face additional punishments including fines, drivers' license suspensions, arrest and jail.