



NEW JERSEY STATE BAR ASSOCIATION

JOHN E. KEEFE JR., PRESIDENT
Keefe Law Firm
125 Half Mile Road
Floor 1, Suite 100
Red Bank, NJ 07701
732-224-9400 • FAX: 732-224-9494
jkeefe@keefe-lawfirm.com

October 15, 2018

Passaic County New Courthouse
Civil Division Intake Office
77 Hamilton Street. First Floor
Paterson, NJ 07505
Attn: Cecilia Nardone, CSSII

Re: In the Matter of the Dismissal of Unresolved Municipal Court Cases That Involve
Certain Minor Offenses That are More Than 15 Years Old
Docket No. PAS-L-3211-18

Dear Ms. Nardone:

I submit these written comments on behalf of the New Jersey State Bar Association (NJSBA) in response to the Court's October 2, 2018 Notice to the Bar scheduling hearings on the dismissal of certain municipal court complaints pending for more than 15 years. The NJSBA will rely on these written comments and does not wish to speak before the panel.

The NJSBA agrees that warrants relating to non-moving violations, including parking tickets, ordinance violations and fish/game charges that are 15 years or older should be dismissed. Warrants related to moving violations, however, raise additional issues that weigh against automatic dismissal.

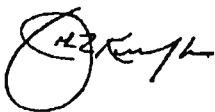
Keeping older warrants relating to non-moving violations open for more than 15 years is a drain on court resources and serves no real public purpose. Defendants charged with minor non-moving violations, without more, are not likely to pose a danger to the public. Furthermore, after the passage of such a significant amount of time, the likelihood of being able to successfully prosecute a minor non-moving violation is very small. Defendants may be difficult to locate, police officers may no longer be available, and the memories of witnesses, if any, are faded. Successful convictions are unlikely, and the potential deterrence value and the monetary amount of fines collected will be minimal. Therefore, continued pursuit of these matters will continue to tax the courts system without any real benefit to the fair administration of justice.

Other issues arise in connection with defendants charged with moving violations, however. In those cases, the fair administration of justice may require continued pursuit. Some moving

violations could have fairly serious ramifications, so it would be important to ensure that, if dismissal is a possibility, only the most minor offenses are subject to dismissal. Improper passing, for example, results in four points assessed to one's license, while equipment failures result in a monetary penalty but no points assessed. Defendants may have other violations that, when coupled with resolution of the older violations, would result in a requirement for attendance at a remedial driver improvement program or in reversing the active status of their driver's license. Dismissing a more serious older violation would simply reward a defendant's behavior in not following through with required court appearances, resulting in more favorable treatment of those defendants that avoid court as compared to those who follow-through with their court appearances. While some of the same prosecutorial difficulties may be present that exist in non-moving violations, there is more likely to be a more comprehensive record in the case of moving violations that will have recorded the purported offensive action at the time it was committed. For these reasons, the NJSBA recommends that moving violations, even if they are open for more than 15 years, not be automatically dismissed.

Thank you for the opportunity to submit these comments. I hope they are helpful in the panel's consideration of the issue.

Very truly yours,

A handwritten signature in black ink, appearing to read "John E. Keefe Jr.", written in a cursive style.

John E. Keefe Jr., Esq.
President

/sab

cc: Evelyn Padin, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director