



How to Appeal a Decision of a Municipal Court

Who Should Use This Packet?

If you have been found guilty and have been sentenced by a Municipal Court judge and you want to appeal, then this packet will show you how. Some reasons to file an appeal are:

- You believe the facts do not support the judge's decision; or
- You believe the judge's decision does not follow the law.

Important Points to Remember:

The Municipal Court must **receive** your Notice of Municipal Court Appeal form within 20 days (including weekends and holidays) from the date you were found guilty (see Steps 1 and 3 on page 4).

There is a **\$100 filing fee plus a transcript fee** which you must pay in advance. Both of these fees are non-refundable (see Steps 2 and 6).

If you were represented by a court appointed lawyer in your Municipal Court proceeding, please consult with that person prior to filing your appeal. The assigned counsel can help you file your appeal.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the **forms** will be available at the county courthouse, your local Municipal Court or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your appeal.

Things to Think About Before You Try to Represent Yourself in Court

Try to Get a Lawyer

The court system is often complicated and confusing. As a result, you may wish to consult with a lawyer before deciding whether to represent yourself in court. If you cannot afford a lawyer or do not know how to go about finding a lawyer, you can:

- Call the New Jersey Attorney Referral Office in your county; or
- Ask any of the State or County Bar Associations for the names of lawyers who may be able to represent you at a reduced price.

Note: If you believe you qualify for a court-appointed lawyer, ask the court staff at either the Municipal or Superior Court for more information. The court staff can give you the forms needed to apply for a court-appointed lawyer.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.

- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Court Rules About Municipal Court Appeals

You can get additional information on how to file a Municipal Court appeal by looking up *Rule 3:23* in the *Rules Governing the Courts of the State of New Jersey*. Although this packet will walk you through the appeal process, you should consider reading this rule if you decide to file your own Municipal Court appeal. A copy of the rule book is available at the State Library in

Trenton, law libraries, and at many of the county and municipal public libraries located throughout the State.

Checklist

Please feel free to use this Checklist as you complete each of the six steps discussed in the following section. Please pay close attention to the time frames indicated in each Step.

- ___ Complete Form A (*Notice of Municipal Court Appeal*) – See STEP 1
- ___ Complete Form B (*Transcript Request – Municipal Court*) – See STEP 2
- ___ Contact the Municipal Court to determine what the estimated cost of the Transcript will be – See STEP 2
- ___ After completing Form B (*Transcript Request – Municipal Court*), take it to the Municipal Court to order the correct number of transcripts. Please remember to bring/enclose a check to pay for the transcript – See STEP 2
- ___ Mail or deliver Form A (*Notice of Municipal Court Appeal*) to the Municipal Court – See STEP 3
- ___ Mail or deliver a copy of Form A (*Notice of Municipal Court Appeal*) to the Prosecuting Attorney(s) – See STEP 4
- ___ Complete Form C (*Certification of Timely Filing*) – See STEP 5
- ___ Mail or deliver a copy of Form A and the completed Form C, along with the \$100 filing fee, to the Criminal Division Manager at the Superior Court – See STEP 6

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ "x 11" white paper only. Forms cannot be filed on a different size or color paper. Use only the forms included in this packet. Be sure to keep a copy for your records.

Steps for Filing an Appeal

STEP 1: Fill out the *Notice of Municipal Court Appeal* (Form A)

STEP 2: Fill out the *Transcript Request Municipal Court* (Form B)

As part of the appeal process, you must order an original and a copy of the written record, also called a *transcript*, of your Municipal Court hearing. To order these transcripts, you must fill out Form B - *Transcript Request-Municipal Court* and mail or deliver it to the Municipal Court where your hearing took place.

NOTE: You will have to pay for the transcript in advance. This non-refundable fee depends on the length of your trial. Before you send or deliver the Transcript Request-Municipal Court form to the court, please call the court to get from them 1) the estimated cost of the transcript and 2) who the check should be written to. If you cannot afford to pay for the transcript, ask court staff at either the Municipal or Superior Court how you can apply to have the transcript produced at court expense.

One of the two transcripts you are required to order is for the Prosecutor and the other is for the Criminal Division Manager at the Superior Court (see STEPS 4 and 6). If you want a transcript for yourself, you should order a third copy when you place your original transcript order.

STEP 3: Mail or deliver Form A - *Notice of Municipal Court Appeal* to the Municipal Court

In order to let the Municipal Court Administrator of the Municipal Court in which you were originally found guilty know that you are filing an appeal, you must mail or deliver Form A - *Notice of Municipal Court Appeal* to that court. The Municipal Court must receive this form **no later than 20 calendar days (this includes weekends and holidays)** after the date you were found guilty. **If the Municipal Court does not RECEIVE the appeal form by the 20-day deadline, your appeal will not be heard.**

Note: Before you deliver or mail the original of Form A to the Municipal Court, please make some extra copies. The information contained in STEPS 4 and 6 will let you know how many copies you will need. These additional copies are needed to help you complete the filing of your appeal.

If you mail Form A instead of delivering it in person, you should send it certified mail, return receipt requested. Your post office can tell you how to do this.

STEP 4: Mail or deliver a copy of Form A - *Notice of Municipal Court Appeal* to the Prosecutor

You must send a copy of Form A to the Prosecutor **no later than five (5) days** after you mailed or delivered the original copy of Form A to the Municipal Court. If you mail the form, instead of delivering it in person, you should send it certified mail, return receipt requested.

In almost all cases the prosecuting attorney is the County Prosecutor. However, in some cases the prosecuting attorney may be a different person. To determine if the prosecuting attorney for your case may be someone other than the County Prosecutor, please refer to the sheet at the end of this packet labeled *Determining the Prosecuting Attorney*.

STEP 5: Fill out Form C - *Certification of Timely Filing*

Fill out Form C - *Certification of Timely Filing* and attach it to a copy of Form A. Form C is your certification telling the court that you mailed the necessary papers on time and to the correct places.

Note: If you want the court to send you copies of the forms stamped “filed” include one extra copy of each form along with a self-addressed, stamped envelope.

STEP 6: Mail or deliver a copy of Form A - *Notice of Municipal Court Appeal* and the original of Form C - *Certification of Timely Filing* to the Criminal Division Manager at the Superior Court

You must send a copy of Form A - *Notice of Municipal Court Appeal* and the original of Form C - *Certification of Timely Filing* to the Criminal Division Manager at the Superior Court. The Superior Court must **receive** these forms **no later than five (5) days** after the original copy of Form A - *Notice of Municipal Court Appeal* was received by the Municipal Court. If you mail the forms, you should send them in one envelope certified mail, return receipt requested.

The copy of Form A and the original of Form C should be mailed or delivered to the Criminal Division Manager at the County Courthouse in the county where the original Municipal Court case was heard. This address can be found in the Directory of Superior Court Clerk’s Offices-Law Division contained in this packet. If you are not sure which county you should file your appeal in, ask someone at the Municipal Court for assistance.

Note: A filing fee of \$100 is required to file your Notice of Appeal with the Criminal Division Manager. Make the check or money order payable to the ***Treasurer, State of New Jersey***. However, if you cannot afford to pay for filing the appeal, ask the court staff at either the Municipal or Superior Court how to apply for the waiver of the filing fee.

Form A



New Jersey Judiciary Notice of Municipal Court Appeal



| | | | |
|---|------|--|-----|
| Title of Action v. | | Superior Court of | |
| Municipal Court Ticket or Complaint Number (refer to ticket or complaint) | | | |
| Your Information Name | | Contact Phone Number | |
| Street Address | City | State | Zip |
| Lawyer's Information (if applicable) Name | | Contact Phone Number | |
| Street Address | City | State | Zip |
| If you were represented by a lawyer, was he/she appointed by the court? | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| I, _____, am appealing to the Superior Court from a conviction entered in the _____ Municipal Court on _____. | | | |
| On that date, I was convicted of the following offense(s): | | | |
| The Municipal Court Judge found me guilty and ordered the following: | | | |
| <input type="checkbox"/> Fine (Specify Amount): \$ _____ | | | |
| <input type="checkbox"/> Restitution (Specify Type): _____ Amount \$ _____ | | | |
| <input type="checkbox"/> Jail Sentence (Length of Sentence): _____ | | | |
| <input type="checkbox"/> Community Service (Describe): _____ | | | |
| <input type="checkbox"/> Probation (Length): _____ | | | |
| <input type="checkbox"/> Driver License Suspension (Length of Suspension): _____ | | | |
| <input type="checkbox"/> Other Penalty (Specify): _____ | | | |

Form A

In connection with this outcome:

- No Fine was Assessed **or**
- A Fine was Assessed **and:**
 - has been paid
 - has not been paid
 - has been stayed pending appeal
- No Jail Term was Imposed **or**
- A Jail Term was Imposed:
 - however, I am not in jail
 - I am in jail confined at the following facility:

A Sound Recording was made in the above matter at the time of the trial, as required by *Rule 7:8-8*.

Docket Number _____
(Superior Court Use Only)

Form B

| | | |
|---|--|---|
|  <p style="font-size: 8px;">New Jersey Courts www.njcourts.gov Independence • Integrity Fairness • Quality Service</p> | <p>New Jersey Judiciary</p> <h3 style="margin: 0;">Transcript Request-Municipal Court</h3> |  |
|---|--|---|

| | | |
|--|--------------------------|-----------------------------|
| Title of Action _____ <div style="text-align: center; margin-top: 10px;">v.</div> | Municipal Court of _____ | |
| Name of Municipal Court Judge _____ | County _____ | Date(s) of Hearing(s) _____ |

Complete This Section Only If You Are Filing an Appeal of a Municipal Court Judgment

To file a Municipal Court appeal, you must order and pay in advance for a minimum of two (2) copies of your court case transcript. The Municipal Court Administrator will file the original copy of the transcript with the Criminal Division Manager at the Superior Court and a certified copy with the Prosecuting Attorney. You may also order one or more copies of the transcript for yourself if you choose, at an additional charge.

Number of transcripts requested:

Copy for the Criminal Division Manager at the Superior Court (**required**) _____

Copy or copies for the Prosecuting Attorney or Attorneys (**a minimum of one is required**) _____

Additional copies (**optional**) _____

Total Copies Ordered _____

| | | | |
|----------------------|------------------------|-------------|-----------|
| Your Name _____ | Telephone Number _____ | | |
| Street Address _____ | City _____ | State _____ | Zip _____ |

I agree to pay for the preparation and all copies ordered of the transcript.

| | |
|-------------------------------|-----------------|
| Date _____ | Signature _____ |
| Type or Print Your Name _____ | |

New Jersey Court Rule 3:23-8(a) requires that when an appeal is filed, the original transcript must be filed with the Criminal Division Manager at the Superior Court and a certified copy with the Prosecuting Attorney.

Note: Before you send or deliver the Transcript Request-Municipal Court form to the court, contact the court for the estimated cost of the transcript and who to make the check out to.

| |
|--|
| (Court Use Only) Amount of Deposit: \$ _____ |
|--|

Form C
Certification of Timely Filing

I certify that a copy of the Notice of Municipal Court Appeal form (Form A) has been mailed or delivered to the Municipal Court Administrator of the _____ Municipal Court, and also to the Prosecuting Attorney(s), within the deadlines specified by the Rules of Court. In addition, I certify that I have contacted the Municipal Court Administrator of the Municipal Court stated above, before filing my Notice of Municipal Court Appeal, and I have ordered an original and a copy of the transcript of my proceedings.

Additionally, if required, I have paid the transcript deposit specified by the Municipal Court Administrator to have the transcript produced.

Date

Appellant Signature

Type or Print Your Name

List the name(s) and address(es) of the Prosecuting Attorney(s) who has been provided with a copy of Form A (*Notice of Municipal Court Appeal*).

(a) _____ (b) _____
(Name) (Name)

(Address) (Address)

(City, State & Zip Code) (City, State & Zip Code)

(c) _____ (d) _____
(Name) (Name)

(Address) (Address)

(City, State & Zip Code) (City, State & Zip Code)

Determining the Prosecuting Attorney

In order for you to file a copy of Form A (*Municipal Court Appeal*) with the Prosecuting Attorney, you must first determine who the Prosecuting Attorney for your case will be when it gets to the Superior Court. It may be an attorney representing the Municipality where your matter was heard, the County Prosecutor or even an attorney from the office of the State Attorney General. Who the Prosecuting Attorney will be is determined by the nature of the case on which you are appealing. For example:

- a) If one or more of the charges on which you were found guilty and are appealing is a municipal ordinance violation, a copy of Form A (*Notice of Municipal Court Appeal*) must be mailed or delivered to the Municipal Attorney for the town where the Municipal Court is located. Staff at the town's main administrative building can provide you with the name and address of the Municipal Attorney.
- b) If your appeal is based on a claim that a State law, statute, rule, regulation, or an order by the executive branch of government is unconstitutional, then a copy of Form A (*Notice of Municipal Court Appeal*) must be mailed or delivered to the Office of the Attorney General, at the following address:

Office of the Attorney General
R. J. Hughes Justice Complex
25 Market Street, P.O. Box 080
Trenton, NJ 08625

- c) For all other matters, a copy of Form A (*Notice of Municipal Court Appeal*) must be mailed or delivered to the County Prosecutor. This includes most traffic offenses and driving while intoxicated (DWI) violations. Please be aware that your case may require you to send a copy of Form A (*Notice of Municipal Court Appeal*) to more than one Prosecuting Attorney. For example, if one of the charges is a municipal ordinance violation and another a speeding offense, then you will need to send a copy of Form A to both the Municipal Attorney and the County Prosecutor. The Municipal Prosecutor, the local police department or Municipal Court staff can provide you with information on whether a particular charge is a municipal ordinance violation or a State law violation. Finally, if you are still unsure who the Prosecuting Attorney in your case will be, you may want to consider sending a copy of Form A (*Notice of Municipal Court Appeal*) to the County Prosecutor, the Municipal Attorney, and the State Attorney General. Please refer to the Summary Table below for information on determining the Prosecuting Attorney(s).

Summary

| If you are appealing: | You must send a notice to: |
|---|--|
| A Municipal Ordinance violation | The Municipal Attorney for the town where the Municipal Court is located |
| A violation of State law, (i.e., a traffic violation, assault charge or most other matters) | The County Prosecutor |
| The Constitutionality of the law, rule, regulation, or an Executive Order | The Office of the Attorney General |
| If you are not sure who the Prosecuting Attorney will be | Ask the Municipal Prosecutor or Municipal Court staff for help |

Directory of Superior Court Clerk's Offices- Law Division

A copy of the *Notice of Municipal Court Appeal* (Form A) must be sent to the Criminal Division at the Superior Court in the county where you are filing your Appeal.

Atlantic County

Municipal Appeals Clerk
Atlantic County Courts
Complex
4997 Unami Boulevard
Mays Landing, NJ 08330
609-402-0100 ext. 47340

Bergen County

Criminal Division Manager
Bergen County Courthouse
10 Main Street, Room 124
Hackensack, NJ 07601
201-221-0700 ext. 25020

Burlington County

Criminal Division Manager
Burlington Courts Facility
50 Rancocas Rd. -1st Fl.
Mount Holly, NJ 08060
609-288-9500 ext. 38125

Camden County

Camden Criminal Records
Camden County Hall of
Justice
101 South Fifth St.
Camden, NJ 08103
856-650-9100, ext. 43650

Cape May County

Municipal Appeals Clerk
Criminal Division
Cape May County Superior
Court
4 Moore Rd.
Cape May Court House, NJ
08210
609-402-0100 ext. 47433

Cumberland County

Criminal Division Records
60 West Broad Street
Bridgeton, N.J. 08302
856-878-5050 ext. 15640

Essex County

Criminal Division Manager
Essex County Veterans
Courthouse
50 West Market Street
Newark, NJ 07102
973-776-9300 ext. 55934

Gloucester County

Criminal Division Records
Gloucester County Justice
Complex
70 Hunter Street
Woodbury, NJ 08096
856-878-5050 ext. 15430

Hudson County

Criminal Records Office
Hudson County Admin.
Building
595 Newark Ave., Room 101
Jersey City, NJ 07306
201-748-4400 ext. 60138

Hunterdon County

Municipal Appeals Clerk
Hunterdon County Criminal
Division
Hunterdon County Justice
Center
65 Park Avenue
Flemington, NJ 08822
908-824-9750 ext. 13110

Mercer County

Criminal Division Records
Mercer County Courthouse
400 S. Warren St.,
Room 109
Trenton, NJ 08650
609-571-4200 ext. 74074

Middlesex County

Municipal Appeals Clerk
Middlesex County
Courthouse
56 Paterson St.
P.O. Box 964
New Brunswick, NJ 08903
732-645-4300 ext. 88142

Monmouth County

Municipal Appeals Clerk
Monmouth County
Courthouse
71 Monument Park
Freehold, NJ 07728
732-358-8700 ext. 87360

Morris County

Criminal Division Manager
Morris Superior Courthouse
P.O. Box 910 Morristown,
NJ 07960 862-397-5700 ext.
75215

Ocean County

Criminal Case Processing
Ocean County Justice
Complex
120 Hooper Ave., Room 221
Toms River, NJ 08753
732-504-0700 ext 64282

Passaic County

Criminal Division Records
Passaic County Courthouse
77 Hamilton Street
Paterson, NJ 07505
973-653-2910 ext. 24397

Salem County

Criminal Division Records
Salem County Court House
92 Market Street
Salem, NJ 08079
856-878-5050 ext. 15780

Somerset County

Criminal Division Records
Somerset County Courthouse
- 2nd Fl.
20 North Bridge Street, P.O.
Box 3000
Somerville, NJ 08876
908-332-7700 ext. 13720

Sussex County

Municipal Appeals Clerk
Criminal Division
Sussex County Judicial
Complex
43-47 High Street
Newton, NJ 07860
862-397-5700 ext. 75316

Union County

Criminal Division Records
Union County Superior
Courthouse
2 Broad St., 5th Fl. Tower
Elizabeth, NJ 07207
908-787-1650 ext. 21150

Warren County

Municipal Appeals Clerk
Warren County Criminal
Division
P.O. Box 900
Belvidere, NJ 07823
908-750-8100 ext. 13130



CÓMO UTILIZAR ESTE FORMULARIO EN INTERNET

Este formulario puede llenarse en la pantalla de su computadora, guardarse en su unidad de disco local e imprimirse en su impresora local; o se puede imprimir en su impresora local para llenarlo a mano o con una máquina de escribir.

La información que usted introduzca NO se transmite electrónicamente.

Nota: Las demandas, los pedimentos y demás papeles presentados al tribunal deben estar en inglés.



Cómo apelar una decisión de un juzgado municipal

¿Quién debe usar este paquete?

Si lo han encontrado culpable y un juez de un Juzgado Municipal le ha dictado la pena y usted quiere apelar, entonces este paquete le indicará lo que tiene que hacer. Algunas de las razones para presentar una apelación son:

- Usted cree que los hechos no respaldan la decisión del juez; o
- Usted cree que la decisión del juez no está de acuerdo con las leyes.

PUNTOS IMPORTANTES QUE DEBE RECORDAR:

El Juzgado Municipal debe **recibir** su formulario de Aviso de Apelación de una Decisión de un Juzgado Municipal dentro de los 20 días (que incluyen fines de semana y días feriados) a partir de la fecha en que lo encontraron culpable (véanse los Pasos 1 y 3 en la página 3).

Hay una **tasa judicial de \$100 más el cargo de una transcripción** que usted debe pagar por adelantado. Estos dos cargos no son reembolsables (véanse los Pasos 2 y 6).

Si lo representó un abogado designado por el juzgado en su procedimiento en el Juzgado Municipal, consulte con esa persona antes de presentar su apelación. El abogado de oficio le puede ayudar a presentar su apelación.

Nota: La Oficina Administrativa de los Tribunales de Nueva Jersey ha preparado estos materiales para el uso de los litigantes que se representan a sí mismos. Las guías, instrucciones y formularios se pondrán al día periódicamente según sea necesario para reflejar los estatutos y las reglas judiciales actuales de Nueva Jersey. La versión más reciente de los [formularios](#) estará disponible en los tribunales de los condados, en su Juzgado Municipal local o en la página Internet del Poder Judicial (www.njcourts.com). Sin embargo, usted en definitiva se responsabiliza del contenido de su apelación.

CONSIDERE LO SIGUIENTE ANTES DE REPRESENTARSE A SÍ MISMO EN EL JUZGADO

DECIDA SI NECESITA UN ABOGADO

El sistema judicial a menudo es complicado y confuso. Como resultado de ello, es posible que usted quiera consultar con un abogado antes de decidir si se va a representar a sí mismo en el tribunal. Si usted no puede pagar por los servicios de un abogado o no sabe cómo encontrar un abogado, puede:

- Llamar a la Oficina de Nueva Jersey de Recomendación de Abogados de su condado; o
- Pedir a cualquiera de los Colegios de Abogados del Estado o del Condado los nombres de abogados que tal vez lo podrán representar a un precio reducido.

NOTA: Si usted cree que reúne las condiciones necesarias para un abogado designado por el juzgado, pida más información al personal judicial o bien del Juzgado Municipal o del Tribunal Superior. El personal judicial le podrá dar los formularios necesarios para solicitar un abogado designado por el tribunal.

LO QUE PUEDE ESPERAR SI SE REPRESENTA A SÍ MISMO

Aunque usted tiene derecho a representarse a sí mismo en el juzgado, no debe esperar del juzgado ningún tratamiento, ayuda, ni atención especial. Lo que sigue es una lista de algunas cosas que el personal del juzgado puede hacer para usted y lo que no puede hacer. Por favor léala detenidamente antes de pedirle ayuda al personal del tribunal.

- *Podemos* explicar y contestar preguntas acerca del funcionamiento del juzgado.
- *Podemos* indicarle los requisitos para que el juez considere su causa.
- *Podemos* darle algunos datos relativos al expediente de su causa.
- *Podemos* explicar y contestar preguntas sobre cómo llenar los formularios.
- *Podemos* darle muestras de los formularios del juzgado que estén disponibles
- *Podemos* darle asesoramiento sobre cómo llenar los formularios
- *Podemos*, por lo general, contestar preguntas sobre los plazos máximos que hay en el juzgado.
- *No podemos* darle consejos legales. Solamente su abogado le puede dar consejos legales.
- *No podemos* decirle si debe presentar su caso ante el juez, o si no debe hacerlo.
- *No podemos* darle una opinión sobre lo que ocurrirá si usted le presenta su caso al juez.
- *No podemos* recomendarle un abogado, pero podemos darle el número de teléfono de un servicio regional que recomienda abogados.
- *No podemos* hablar con el juez en su nombre sobre lo que irá a pasar en su causa.
- *No podemos* permitirle hablar con el juez fuera de la sala del juzgado.
- *No podemos* cambiar ninguna orden emitida por un juez.

REGLAS JUDICIALES SOBRE APELACIONES DE DECISIONES DE JUZGADOS MUNICIPALES

Usted puede obtener información adicional sobre cómo presentar una apelación de una decisión de un Juzgado Municipal buscando la Regla 3:23 en el *Reglamento que Rige los Tribunales del Estado de Nueva Jersey (Rules Governing the Courts of the State of New Jersey.)* Aunque este paquete le enseñará paso por paso el proceso de una apelación, debe considerar leer esa regla si decide presentar su propia apelación de una decisión de un Juzgado Municipal. Puede consultar una copia del reglamento en la Biblioteca Estatal en Trenton, las bibliotecas de derecho, y en muchas de las bibliotecas públicas de los condados y municipios en todo el Estado.

LISTA DE VERIFICACIÓN

No vacile en utilizar esta Lista de Verificación mientras completa cada uno de los seis pasos tratados en la siguiente sección. Preste mucha atención a los plazos indicados en cada Paso.

- _____ Complete el FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) –Consulte el PASO 1
- _____ Complete el FORMULARIO B (*Solicitud de una Transcripción – Juzgado Municipal*) – Consulte el PASO 2
- _____ Contacte el Juzgado Municipal para determinar el costo estimado de la Transcripción – Consulte el PASO 2
- _____ Después de completar el FORMULARIO B (*Solicitud de una Transcripción – Juzgado Municipal*), llévelo al Juzgado Municipal para pedir la cantidad correcta de transcripciones. Acuérdesse de llevar/adjuntar un cheque para pagar la transcripción – Consulte el PASO 2
- _____ Envíe por correo o entregue el FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) al Juzgado Municipal - Consulte el PASO 3
- _____ Envíe por correo o entregue una copia del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) al (a los) Fiscal(es) – Consulte el PASO 4
- _____ Complete el FORMULARIO C (*Certificación de una Presentación Oportuna*) – Consulte el PASO 5
- _____ Envíe por correo o entregue una copia del FORMULARIO A y del FORMULARIO C, completados, junto con la tasa judicial de \$100, al Administrador de la División Penal del Tribunal Superior - Consulte el PASO 6

6 PASOS PARA PRESENTAR SU APELACIÓN

PASO 1: Llene el FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*).

PASO 2: Llene el FORMULARIO B (*Solicitud de una Transcripción de un Juzgado Municipal*).

Como parte del proceso de apelación, usted debe ordenar un original y una copia del acta escrita, que también se llama una *transcripción*, de su audiencia en el Juzgado Municipal. Para ordenar dichas transcripciones, usted debe llenar el FORMULARIO B (*Solicitud de una Transcripción-Juzgado Municipal*) y enviarlo por correo o entregarlo al Juzgado Municipal donde tuvo lugar su audiencia.

NOTA: Usted tendrá que pagar la transcripción por adelantado. Este costo, no reembolsable, depende de la duración de su juicio. Antes de enviar por correo o entregar el formulario de *Solicitud de una Transcripción-Juzgado Municipal* al juzgado, sírvase llamar al juzgado para saber 1) el costo estimado de la transcripción y 2) la persona a quien tiene que girar el cheque. Si no puede pagar la transcripción, pregunte al personal del Juzgado Municipal o del Tribunal Superior cómo puede solicitar que el juzgado produzca la transcripción sin cobrársela.

Una de las dos transcripciones que se requiere que usted ordene es para el Fiscal y la otra es para el Administrador de la División Penal del Tribunal Superior (véanse los PASOS 4 y 6). Si usted quiere una transcripción, debe ordenar una tercera copia cuando haga su orden original de una transcripción.

PASO 3: Envíe por correo o entregue el FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) al Juzgado Municipal.

A fin de hacer saber al Administrador del Juzgado Municipal del Juzgado Municipal en que lo encontraron culpable originalmente que usted va a presentar una apelación, debe enviar por correo o entregar el FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) a ese juzgado. El Juzgado Municipal tiene que recibir ese formulario **a más tardar para los 20 días calendarios (esto incluye fines de semana y días feriados)** subsiguientes a la fecha en que lo encontraron culpable. **Si el Juzgado Municipal no RECIBE el formulario de apelación para la fecha límite de 20 días, no se verá su apelación.**

NOTA: Antes de entregar o enviar por correo el original del FORMULARIO A al Juzgado Municipal, sírvase hacer unas copias extras. La información contenida en los PASOS 4 y 6 le dirá la cantidad de copias que necesitará. Estas copias adicionales se necesitan para ayudarle a completar la presentación de su apelación.

Si usted envía el FORMULARIO A por correo en lugar de entregarlo personalmente, lo debe enviar por correo certificado con acuse de recibo. Su oficina de correos le puede decir cómo hacerlo.

PASO 4: Envíe por correo o entregue una copia del FORMULARIO A (*Aviso de la Apelación de una Decisión de un Juzgado Municipal*) al Fiscal.

Usted tiene que enviar una copia del FORMULARIO A al Fiscal **a más tardar unos cinco días** después que haya enviado por correo o entregado la copia original del FORMULARIO A al Juzgado Municipal. Si envía el formulario por correo en lugar de entregarlo personalmente, lo debe enviar por correo certificado con acuse de recibo.

En casi todas las causas, el fiscal es el Fiscal del Condado. Sin embargo, en algunos casos, el fiscal puede ser otra persona. Para determinar si el fiscal de su causa es otra persona distinta del Fiscal del Condado, sírvase referirse a la hoja al final de este paquete, titulada *Determinación del Fiscal*.

PASO 5: Llene el FORMULARIO C (*Certificación de una Presentación Oportuna*)

Llene la *Certificación de una Presentación Oportuna* (FORMULARIO C) y adjúntela a una copia del FORMULARIO A. El FORMULARIO C es su certificación que le informa al tribunal que usted envió los documentos necesarios oportunamente y a los lugares apropiados.

PASO 6: Envíe por correo o entregue una copia del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) y el original del FORMULARIO C (*Certificación de una Presentación Oportuna*) al Administrador de la División Penal del Tribunal Superior.

Usted debe enviar una copia del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) y el original del FORMULARIO C (*Certificación de una Presentación Oportuna*) al Administrador de la División Penal del Tribunal Superior. El Tribunal Superior debe **recibir** esos formularios, **a más tardar, 5 días** después de que la copia original del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) fue recibida por el Juzgado

Municipal. Si usted envía los formularios por correo, debe enviarlos en un solo sobre por correo certificado con acuse de recibo.

La copia del FORMULARIO A y el original del FORMULARIO C se deben enviar por correo o entregar al Administrador de la División Penal de los Tribunales del Condado en el condado en que se vio la causa original en el Juzgado Municipal. Esa dirección se puede encontrar en la Guía de las Oficinas de los Secretarios de los Tribunales Superiores-División de Derecho contenida en este paquete. Si usted no está seguro del condado en que debe presentar su apelación, pida ayuda a alguien del Juzgado Municipal.

NOTA: Se requiere una tasa judicial de \$100 para presentar su Aviso de Apelación al Administrador de la División Penal. Gire el cheque o giro bancario o postal pagadero al *Treasurer, State of New Jersey*. Sin embargo, si usted no puede pagar el costo de la presentación de la apelación, pregunte al personal del tribunal del Juzgado Municipal o del Tribunal Superior cómo solicitar una exención de la tasa judicial.

Form A
STATE OF NEW JERSEY
NOTICE OF MUNICIPAL COURT APPEAL

v.
(Title of Action)

Superior Court of

Municipal Court Ticket or Complaint #. (refer to ticket or complaint):

Your Name: _____ Lawyer's Name (If applicable): _____

Your Address: _____ Lawyer's Address (if appl): _____

Contact Phone #: () - _____ Lawyer's # (if appl): () - _____

If you were represented by a lawyer, was he/she appointed by the court? Yes or No (check one)

I, _____, am appealing to the Superior Court from a conviction entered in the _____ Municipal Court on _____.

On that date, I was convicted of the following offense(s):

The Municipal Court Judge found me guilty and ordered the following:

- Fine (Specify Amount): _____
- Restitution (Specify Type): _____ Amount: _____
- Jail Sentence (Length of Sentence): _____
- Community Service (Describe): _____
- Probation (Length): _____
- Driver License Suspension (Length of Suspension): _____
- Other Penalty (Please Specify): _____

In connection with this outcome:

- No Fine was Assessed, or
- A Fine was Assessed and:
 - has been paid
 - has not been paid
 - has been stayed pending appeal

In connection with this outcome:

- No Jail Term was Imposed, or
- A Jail Term was Imposed:
 - however, I am not in jail
 - I am in jail confined at the following facility: _____

A Sound Recording was made in the above matter at the time of the trial, as required by Rule 7:8-8.

| |
|---|
| Docket # _____ (Superior Court Use Only) |
|---|

Form B
TRANSCRIPT REQUEST-MUNICIPAL COURT

Name of Municipal Court:

Title of Action: _____ v. _____

Name of Municipal Court Judge:

Name of County:

Date(s) of Hearing(s):

**COMPLETE THIS SECTION ONLY IF YOU ARE FILING AN
APPEAL OF A MUNICIPAL COURT JUDGMENT**

To file a Municipal Court appeal you must order and pay in advance for a minimum of two (2) copies of your court case transcript. The Municipal Court Administrator will file the original copy of the transcript with the Criminal Division Manager at the Superior Court and a certified copy with the Prosecuting Attorney. You may also order one or more copies of the transcript for yourself if you choose, at an additional charge.

Number of transcripts requested:

_____ 1 Copy for the Criminal Division Manager at the Superior Court (**required**)
_____ Copy or copies for the Prosecuting Attorney or Attorneys (a minimum of one is**required**)
_____ Additional copies (**optional**)

_____ **Total Copies Ordered**

Your name:

Address:

Telephone #: () - _____

I agree to pay for the preparation and all copies ordered of the transcript.

(Your Signature)

(Date)

(Type or Print your name)

New Jersey Court Rule 3:23-8(a) requires that when an appeal is filed, the original transcript must be filed with the Criminal Division Manager at the Superior Court and a certified copy with the Prosecuting Attorney.

Note: Before you send or deliver the *Transcript Request-Municipal Court* form to the court, please call the court to get from them 1) the estimated cost of the transcript and 2) who the check should be written to.

Amount of Deposit: \$ _____
(Court Use Only)

Form C
CERTIFICATION OF TIMELY FILING

I certify that a copy of the Notice of Municipal Court Appeal form (FORM A) has been mailed or delivered to the Municipal Court Administrator of the _____ Municipal Court, and also to the Prosecuting Attorney(s), within the deadlines specified by the Rules of Court. In addition, I certify that I have contacted the Municipal Court Administrator of the Municipal Court stated above, before filing my Notice of Municipal Court Appeal, and I have ordered an original and a copy of the transcript of my proceedings. Additionally, if required, I have paid the transcript deposit specified by the Municipal Court Administrator to have the transcript produced.

I certify that the foregoing statements made by me are true. I am aware that if any of these statements made by me are not true, I am subject to punishment.

(Your Signature) Appellant

(Date)

(Type or print your name)

List the name(s) and address(es) of the Prosecuting Attorney(s) who has been provided with a copy of Form A (*Notice of Municipal Court Appeal*).

(a) Name:
Address:

(b) Name:
Address:

(c) Name:
Address:

Determinación del Fiscal

Determinación del Fiscal – Para que usted pueda presentar una copia del FORMULARIO A (*Apelación de una Decisión de un Juzgado Municipal*) al Fiscal, primero tiene que determinar quién será el Fiscal de su causa cuando llegue al Tribunal Superior. Puede ser un abogado que representa al Municipio en que se vio su asunto, el Fiscal del Condado o hasta un abogado de la oficina del Procurador General del Estado. La naturaleza de la causa cuya decisión usted va a apelar determina quién será el Fiscal. Por ejemplo:

a) Si uno o más de los cargos de que lo encontraron culpable y que usted va a apelar es la infracción de una ordenanza municipal, usted tiene que enviar por correo o entregar una copia del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) al Abogado Municipal del pueblo en que está ubicado el Juzgado Municipal. El personal del edificio administrativo principal del pueblo le puede dar el nombre y la dirección del Abogado Municipal.

b) Si su apelación se basa en la afirmación de que es inconstitucional una ley, estatuto, regla, reglamento estatal o una orden del poder ejecutivo del gobierno, entonces debe enviar por correo o entregar una copia del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) a la Oficina del Procurador General a la siguiente dirección:

Office of the Attorney General
R. J. Hughes Justice Complex
25 Market Street, P.O. Box 080
Trenton, NJ 08625

c) Para todos los demás asuntos, debe enviar por correo o entregar una copia del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) al Fiscal del Condado. Esto incluye la mayoría de las infracciones de tránsito y delitos de manejar mientras está embriagado (DWI). Sepa que su causa puede requerir que usted envíe una copia del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) a más de un Fiscal. Por ejemplo, si uno de los cargos es la infracción de una ordenanza municipal y otro es la infracción de la velocidad máxima, entonces tendrá que enviar una copia del FORMULARIO A al Abogado Municipal y otra al Fiscal del Condado. El Fiscal Municipal, la jefatura de policía local o el personal del Juzgado Municipal le puede dar información sobre si un cargo en particular es la infracción de una ordenanza municipal o de una ley estatal. Finalmente, si usted todavía no está seguro en cuanto a quien será el Fiscal en su causa, puede querer considerar el envío de una copia del FORMULARIO A (*Aviso de Apelación de una Decisión de un Juzgado Municipal*) al Fiscal del Condado, al Fiscal Municipal y al Procurador General del Estado. Sírvase referirse a la Tabla de Resumen que sigue a continuación para obtener información sobre la determinación del (de los) Fiscal(es).

RESUMEN

| Si usted va a apelar: | Tiene que enviar un aviso de apelación a: |
|--|--|
| Una infracción de una ordenanza municipal | >> El abogado municipal del pueblo en que está localizado el Juzgado Municipal |
| Una infracción de una ley estatal (es decir, una infracción de tránsito, un cargo de agresión o la mayoría de los demás asuntos) | >> El Fiscal del Condado |
| La constitucionalidad de la ley, regla, reglamento o una Orden Ejecutiva | >> La Oficina del Procurador General |
| Si usted no está seguro de quién será el Fiscal | >> Pida ayuda al Fiscal Municipal o al personal del Juzgado Municipal |

Guía de las Oficinas de los Secretarios de los Tribunales Superiores - División de Derecho

Se debe enviar una copia del *Aviso de una Apelación de una Decisión de un Juzgado Municipal* (Formulario A) a la División Penal del Tribunal Superior del condado en que usted presenta su Apelación.

Condado de Atlantic
Municipal Appeals Clerk
Atlantic County Courts Complex
4997 Unami Boulevard
Mays Landing, NJ 08330
609-909-8148

Condado de Bergen
Criminal Division Manager
Bergen County Courthouse
10 Main Street, Room 116
Hackensack, NJ 07601
201 - 527-2409

Condado de Burlington
Criminal Division Manager
Burlington Courts Facility
50 Rancocas Rd. -3rd Fl.
Mount Holly, NJ 08060
609-518-2578

Condado de Camden
Criminal Division Manager
Camden County Hall of Justice
101 So. Fifth St., Rm 380
Camden, NJ 08103
856-379-2230

Condado de Cape May
Municipal Appeals Clerk
Criminal Division
Cape May County Superior Court
4 Moore Rd.
Cape May Court House, NJ 08210
609-463-6550

Condado de Cumberland
Assistant Criminal Division Manager
60 West Broad Street
Bridgeton, N.J. 08302
856-453-4300

Condado de Essex
Criminal Division Manager
Essex County Veterans Courthouse
50 West Market Street
Newark, NJ 07102
973-766-9300

Condado de Gloucester
Criminal Division Manager
Gloucester County Justice Complex
70 Hunter Street
Woodbury, NJ 08096
856-686-7500

Condado de Hudson
Criminal Records Office
Hudson County Admin. Building
595 Newark Ave., Room 101
Jersey City, NJ 07306
201-217-5217

Condado de Hunterdon
Municipal Appeals Clerk
Hunterdon County Criminal Division
Hunterdon County Justice Center
65 Park Avenue
Flemington, NJ 08822
908-237-5851

Condado de Mercer
Criminal Division Manager
Mercer County Courthouse
209 So. Broad St.
Trenton, NJ 08650
609-571-4104

Condado de Middlesex
Criminal Division Manager
Middlesex County Courthouse
56 Paterson St.
P.O. Box 964
New Brunswick, NJ 08903
732-519-3837

Condado de Monmouth
Municipal Appeals Clerk
Monmouth County Courthouse
Court St., East Wing, 1st Fl.
Freehold, NJ 07728
732-677-4562

Condado de Morris
Criminal Division Manager
Morris County Courthouse
Washington St.
Morristown, NJ 07960
973-326-6950

Condado de Ocean
Criminal Case Processing
Ocean County Justice Complex
120 Hooper Ave., Room 220
Toms River, NJ 08753
732-929-4780

Condado de Passaic
Criminal Division Manager
Passaic County Courthouse
77 Hamilton Street
Paterson, NJ 07505
973-247-8344

Condado de Salem
Assistant Criminal Division Manager
Salem County Court House
92 Market Street
Salem, NJ 08079
856-878-5050 x.15851

Condado de Somerset
Criminal Division Manager
Somerset County Courthouse - 2nd Fl.
20 North Bridge Street, P.O. Box 3000
Somerville, NJ 08876
908-231-7666

Condado de Sussex
Municipal Appeals Clerk
Criminal Division
Sussex County Judicial Complex
43-47 High Street
Newton, NJ 07860
973-579-0913

Condado de Union
Criminal Division Manager
Union County Courthouse
Tower Bldg., 7th Fl., 2 Broad St.
Elizabeth, NJ 07207
908-659-4662

Condado de Warren
Municipal Appeals Clerk
Warren County Criminal Division
P.O. Box 900
Belvidere, NJ 07823
908-475-6990