



New Jersey Superior Court
Appellate Division
Pretrial Detention Appeal (PDA) – Expedited Information Form

Defendant's Name: _____ CDR #: _____

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

Check only one:

- No other pages are attached to this form (other than the detention order and Public Safety Assessment (PSA), and any other document relied upon by the trial court). Respondent's reply is due within 10 days.
Continued on attached (not to exceed 2 pages unless compliant with R. 2:9-13). Respondent's reply is due within 10 days.
I intend to file a letter brief not to exceed 8 pages and appendix within 10 days as provided by R. 2:9-13. Respondent shall serve and file an answering brief and appendix within 10 days after service of appellant's brief.
I am ordering transcripts, therefore pursuant to 2:9-13(c), a letter brief and appendix will be submitted 10 days after receipt of the transcripts.

NOTE: Briefs that exceed 8 pages must be submitted with a motion to file an overlength brief.

I. Basis for Appeal

What is the 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 failed to establish probable cause that defendant committed the offense(s) charged.
2. The State failed to meet 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 were insufficient or inconsistent with statutory and case law (explain in detail).
4. Defendant was denied an opportunity for a fair hearing prior to the entry of the pretrial detention order (describe in detail).

¹ These categories apply only to eligible defendants who are appealing an order of pretrial detention. N.J.S.A. 2A:162-18 (c). They are neither binding nor exclusive.

5. Defendant's criminal history or other information relied upon by the court is inaccurate or incomplete (state in detail any alleged mistakes or omissions).

6. The Public Safety Assessment (PSA) is inaccurate or incomplete (explain why you believe the risk score is not accurate).

7. Defendant challenges the court's ruling that he/she 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 (describe with specificity the grounds for appeal).

B. Legal Basis:

What are the legal citations (specify court rule, statute, regulation, case law, constitutional provision) that are most important in support of 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. Is the entire **trial court order** attached, including the written findings of fact and statement of reasons? If "No," please explain in space below. Yes No
2. Is the public safety assessment (PSA) attached? If "No," please explain in space below. Yes No
3. If you plan to submit an appendix with a letter brief, as provided by *R. 2:9-13*, the appendix should include all documents and material² considered by the trial court. Please explain in the space below, if any documents that were relied upon by the trial court will not be included, and why.

Date expected: _____

² Non-documentary material considered by the trial court must be submitted by mail or delivery with one additional copy within 10 business days after the delivery to appellant of the transcript.

B. Transcripts:

- 1. You may be required to order a transcript in order for the Appellate Court to consider your appeal.
 - a. Does the basis of your appeal depend on review of the witness testimony? Yes No
 - b. Does your appeal assert that there are material differences between the written order and the trial court's oral decision? Yes No
 - c. Are you challenging an oral procedural or evidentiary ruling made by the trial court? Yes No
 - d. Are you challenging the trial court's written findings of fact or statement of reasons? Yes No
 - e. Is a transcript necessary for the court to consider your appeal? Yes No

NOTE If you checked "Yes" to any of the responses (a-e above) an expedited transcript is presumptively required under *R. 2:9-13 (b)*. If no transcript has been ordered, please explain why in section 2b below. The court reserves the right to require appellant to furnish a transcript even if appellant has decided not to order one.

- 2. Have you ordered a transcript for this appeal? Yes No
 - a. If "Yes", when will the transcript be available? Date expected: _____
 - b. If "No", and you checked "Yes" to a-e above, please explain why no transcript has been ordered:

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

Date: _____

Print/Type Name of Attorney or Self-Represented Litigant

Signature of Attorney or Self-Represented Litigant