

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY


PHILIP S. CARCHMAN, J.A.D.  
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS



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[Questions or comments may  
be directed to 609-984-8241]

**MEMORANDUM TO:** Municipal Court Judges  
Municipal Court Directors  
Municipal Court Administrators

**FROM:** Philip S. Carchman, J.A.D. 

**SUBJECT:** PLEA BY MAIL FORM – (STATEMENT IN MITIGATION  
OR DEFENSE BY CERTIFICATION PER R. 7:12-3)

**DATE:** August 10, 2006

I am pleased to provide you with a new statewide Plea by Mail form to be used by a citizen who wishes to submit to the court a statement in mitigation or defense by certification in accordance with Court Rule 7:12-3. A copy of this form is attached. This form replaces the Statement in Defense or Mitigation of Penalty, dated 6/78, and is effective immediately.

The Plea by Mail form has been modified to: (1) require a certification, rather than an affidavit; (2) provide the revised rule number (from R. 7:6-6 to R. 7:12-3); (3) provide a separate, more clearly defined area for the defendant's address and telephone number; (4) allow the court to insert the date when the form must be returned to the court; and (5) include a space for the defendant to explain why it would be an undue hardship to come to court.

You may pre-print your court's information on the Plea by Mail form in the box located in the upper right hand corner. This information may include your court's name, address, phone and FAX numbers

Under R. 7:12-3, the court may permit a defendant, under certain circumstances, to present a written statement in defense or mitigation of penalty or permit the defendant to enter a guilty plea by certification. The Plea by Mail form is permitted in all traffic cases except:

- (a) those involving indictable offenses;
- (b) those involving accidents resulting in personal injury;
- (c) those involving the operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug;

August 10, 2006

Page -2-

- (d) those involving permitting another person who is under such influence to operate a motor vehicle owned by the defendant or in the defendant's custody or control;
- (e) reckless driving; and
- (f) leaving the scene of an accident.

Pursuant to the Rule, when a defendant who does not wish to appear in court for a non-excluded traffic case contacts the court, court staff should provide the Plea by Mail form and advise the defendant to complete it and return it directly to the court by the date set forth by the court, as indicated on the first line of the form.

Upon receipt, the court should review the form. If the court determines that the defendant must appear, the defendant must be so notified. Thereafter, a court date must be scheduled. If the judge proceeds with the case in court on the papers, the court is required to send the defendant a copy of the judgment by ordinary mail, R. 7:12-3(c).

If you have any questions or comments regarding the Plea by Mail form, please contact Robert W. Smith, Assistant Director, Municipal Court Services, at (609) 984-8241.

#### Attachment

c: Chief Justice Deborah T. Poritz  
Assignment Judges  
Conference of Presiding Judges-Municipal Courts  
John P. McCarthy, Jr., Director, Office of Trial Court Services  
Trial Court Administrators  
AOC Directors and Assistant Directors  
Conference of Municipal Division Managers  
Robert W. Smith, Assistant Director, Municipal Court Services Division  
John Podeszwa, Chief, Technical Assistance Unit  
Lawrence E. Walton, Chief, Judicial Services Unit  
Debra Jenkins, Chief, ATS/ACS Support Unit  
Florence S. Powers, Assistant Chief, Judicial Services Unit  
Steven D. Bonville, Special Assistant to the Director  
Frank W. Hoeber, Special Assistant to the Director

COURT I.D. <div style="border: 1px solid black; height: 25px; width: 100%;"></div>	PREFIX <div style="border: 1px solid black; height: 25px; width: 100%;"></div>	TICKET NUMBER <div style="border: 1px solid black; height: 25px; width: 100%;"></div>
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**PLEA BY MAIL**

(Statement in Mitigation or Defense by Certification (R. 7:12-3))

Please complete this form and return it to the court by \_\_\_\_\_ . If you fail to return the enclosed form by the date listed, you may be required to personally appear in court to resolve your case.

DATE DUE

**State of New Jersey**

vs.

**Defendant's Name:** \_\_\_\_\_

FIRST

M.I.

LAST

**Defendant's Address:** \_\_\_\_\_

STREET ADDRESS

**Defendant's Phone #:** \_\_\_\_\_

CITY

STATE

ZIP

**INSTRUCTIONS - PLEASE READ CAREFULLY**

I am the defendant in this case and certify that it would be an undue hardship for me to come to court for the following reasons:

I have been fully informed of my right to a reasonable postponement. I give up my right to have an attorney, to apply for a public defender, and to remain silent. I also give up my right to be present at the trial and to cross-examine any witnesses.

I understand that if I am convicted of a traffic offense, other than parking, a record of the conviction will be sent to the New Jersey Motor Vehicle Commission and, if my license was not issued by New Jersey, to the motor vehicle agency of the state that issued my driver's license.

I understand that the judgment of the court will be sent to me by ordinary mail at the above address and that if I am found guilty, I must pay all fines, penalties and costs imposed by the court. I may appeal my case within 20 days of the date of the decision. Information on how to appeal the municipal court's decision may be obtained from the municipal court or the Judiciary's website at [www.njcourtsonline.com](http://www.njcourtsonline.com).

**If I plead "Not Guilty,"** the judge will hear the testimony of the complaining witness or other witnesses, review the facts I present below in my defense, and decide the case based on the testimony and facts presented.

**If I plead "Guilty,"** the judge will consider the facts I present below to explain what happened before imposing any penalty against me. Before determining the penalty, the judge may consider comments from the complaining witness, other witnesses or from the prosecutor.

**Please check one:**  I plead **"Not Guilty"** to the above charge(s).  I plead **"Guilty"** to the above charge(s).

I present the following facts in defense or explanation:

(Continue on the back of this form, or use additional sheets, if necessary. You must date and sign each additional sheet.)

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

\_\_\_\_\_ Date

\_\_\_\_\_ Defendant's Signature