



## HOW TO APPEAL A DECISION OF A MUNICIPAL COURT

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### 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:

1. 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).
2. There is a **\$75 filing fee plus a transcript fee, which** you must pay in advance. Both of these fees are non-refundable (see Steps 2 and 6).
3. If a court appointed attorney in your Municipal Court proceeding represented you, 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 [www.judiciary.state.nj.us](http://www.judiciary.state.nj.us). **However, you are ultimately responsible for the content of your appeal.**

## 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 on New Jersey*. This packet will help you through the appeal process. However, you should read 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.

### SIX STEPS FOR FILING YOUR APPEAL

#### **STEP I: Fill out FORM A** (*Notice of Municipal Court Appeal*)

#### **STEP 2: Fill out FORM B** (*Transcript Request -Municipal Court*)

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 made out 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 through 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 & 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.**

If you mail FORM A (*Notice of Municipal Court Appeal*) 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.

NOTE: Before you deliver or mail the original of FORM A (*Notice of Municipal Court Appeal*) to the Municipal Court, please make some extra copies. The information contained in STEPS 4 through 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.

#### **STEP 4: Mail or deliver a copy of FORM A to the Prosecutor**

You must send a copy of FORM A to the Prosecutor no later than 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.

**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:

1. 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.
2. 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

3. 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 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 Municipal Attorney, the County Prosecutor and the State Attorney General.

<b>If you are appealing</b>	<b>You must send a notice to:</b>
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.

**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.

**STEP 6: Mail or deliver a copy of FORM A and the original of FORM C to the Criminal Division Manager at the Superior Court**

You must send a copy of FORM A 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 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 \$75 is required to file your Notice of Appeal with the Criminal Division Manager. Make the check or money order payable to the *State of New Jersey—Judiciary*. 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.

## CHECKLIST

Use this checklist to ensure that you have followed every step involved in filing your Municipal Court Appeal. Please pay close attention to the time frames indicated in the instructions.

- ❑ 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 \$75 filing fee, to the Criminal Division Manager at the Superior Court. See STEP 6.

## INSTRUCTIONS FOR COMPLETING FORM A (NOTICE OF MUNICIPAL COURT APPEAL)

**The numbers below match the blanks on the form and tell you what to write in each blank. If you do not complete the entire form, it may result in a delay of your case, or your appeal may be denied.**

1. Type or print the *title of the action*. This is the name given to your case by the Municipal Court. For example, State of New Jersey vs. (your name).
2. Type or print your name, as it appears in the original caption, address and home telephone number.
3. If you have a lawyer, type or print the name, address and telephone number of the lawyer. If you do not have a lawyer and are representing yourself, leave this space blank.
4. Type or print your name as it appears in the original caption.
5. Type or print the date you were found guilty by the Municipal Court Judge.
6. Type or print the offense(s) for which you were found guilty. Some examples are: simple assault, driving without a license or speeding.
7. Complete the lines that apply to your case.
8. Check the block that describes what happened in your case. A *stayed* matter is one where the judge has agreed to not begin your sentence until the appeal is decided.
9. Check the block that applies to your case.

Form A  
**NOTICE OF MUNICIPAL COURT APPEAL**  
**Washington Township Municipal Court**  
**Morris County**

Judge Frank P. Leanza

(1) \_\_\_\_\_ v. \_\_\_\_\_ Superior Court of New Jersey  
(Title of Action)

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

(2)  
Your Name: \_\_\_\_\_  
Your Address: \_\_\_\_\_  
\_\_\_\_\_  
Your Phone: \_\_\_\_\_

(3)  
Lawyers Name: \_\_\_\_\_  
Lawyers Address: \_\_\_\_\_  
\_\_\_\_\_  
Lawyers Phone: \_\_\_\_\_

If a lawyer represented you, did the court appoint him/her? \_\_\_\_\_ Yes or \_\_\_\_\_ No (check one)

I, (your name)(4) \_\_\_\_\_, am appealing to the Superior Court for a conviction entered in the Washington Township Municipal Court on (5) (date) \_\_\_\_\_ The offense(s) on which I was convicted include (6) \_\_\_\_\_  
\_\_\_\_\_

The Municipal Court Judge found me guilty and ordered the following: (7)

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

**Mail this form to:**

Superior Court of New Jersey  
Morris County Criminal Div.  
Morris County Court House  
PO Box 910  
Morristown, NJ  
07963-0910

In connection with this outcome:

(8) No Fine was Assessed \_\_\_\_\_  
The Fine Assessed:  
\_\_\_\_ has been paid  
\_\_\_\_ has not been paid  
\_\_\_\_ has been stayed pending appeal

(9) No Jail Term was Imposed, \_\_\_\_\_  
A Jail Term was Imposed:  
\_\_\_\_ but I am not in jail  
\_\_\_\_ I am in jail confined at the following  
facility: \_\_\_\_\_

**Docket #**  
(Superior Court Use Only)

## **INSTRUCTIONS FOR COMPLETING FORM B (TRANSCRIPT REQUEST – MUNICIPAL COURT)**

The numbers below match the blanks on the form and tell you what to write in each blank. You must complete all the blanks.

1. Type or print the *title of the action*. This is the name given to your case by the Municipal Court. For example, State of New Jersey vs. (your name).
2. Type or print the date(s) the hearing took place.
3. Type or print the number of transcripts you need to order. If you want a copy of the transcript for your records, you should order it at this time.

Note: When ordering transcripts as part of a Municipal Court Appeal, you must order a minimum of two (2) transcripts – one for the Criminal Division Manager at the Superior Court and one for the Prosecuting Attorney. New Jersey Court Rules 2:5-3(e) and 2:23-8 require that, on appeal, one original transcription must be prepared for the Superior Court Clerk and one copy for the Prosecuting Attorney. If you are ordering a transcript for any other reason, these additional copies may not be required.

4. Type or print your name.
5. Type or print your address.
6. Type or print your phone number. If appropriate, use another person's phone number.
7. Sign your name
8. Type or print the date you signed the form.

Note: The Municipal Court Administrator will tell you how much the deposit will be. You must pay this amount when you order the transcripts.



**Form B**

**TRANSCRIPTION REQUEST – MUNICIPAL COURT**

Washington Township Municipal Court

Title of Action: (1) \_\_\_\_\_

Name of Municipal Court Judge: Frank P. Leanza, JMC

Name of County: Morris County

Date(s) of Hearing(s): (2) \_\_\_\_\_

**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 (3)**

Your name: (4) \_\_\_\_\_

Address: (5) \_\_\_\_\_

Telephone # (6) \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
(7) (Your Signature)

\_\_\_\_\_  
(8) (Date)

*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.*

Amount of deposit \$ \_\_\_\_\_  
(Court Use Only)

## **INSTRUCTIONS FOR COMPLETING FORM C (AFFIDAVIT OF TIMELY FILING)**

The numbers below match the blanks on the form and tell you what to write in each blank. If you do not complete the entire form, it may result in a delay of your case, or your appeal may be denied.

1. This section tells the court that you certify that you have complied with the notice requirements established by the Rules of Court. Read this section carefully before you sign your name.
2. Type or print the date and sign this form
3. Type or print the name and address of the Prosecuting Attorney to whom you have provided a copy of the *Notice of Municipal Court Appeal* form. (Note: Please refer to STEP 4 in the accompanying instructions to determine who the Prosecuting Attorney of your case will be.

**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 Washington Township 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 copies 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.

\_\_\_\_\_  
(2) (Your Signature) Appellant

\_\_\_\_\_  
(2) (Date)

\_\_\_\_\_  
(2) (Type or print your name)

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

(a) (3) Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

(b) (3) Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

(c) (3) Name: \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

: