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Megan's Law

MEGAN'S LAW APPELLATE DIVISION PROCEDURES

A registrant may appeal the trial court's determinations of tier classification and scope and means of community notification. These appeals are filed on an expedited basis using special forms.

The Supreme Court, by order dated December 24, 1997, temporarily assigned four retired Appellate Division judges, serving on recall, to the Appellate Division as a special part to handle appeals from tier classification and notification determinations by the trial courts under the Registration and Community Notification Laws, N.J.S.A. 2C:7-1 to -11, hereinafter referred to as Megan's Law. The current members of the special part are Judges David Landau (Presiding), Michael Patrick King, Richard Newman and Howard H. Kestin. Motions and appeals involving Megan's Law will, in the discretion of the Presiding Judge of the part, be decided by panels of two or three of these four judges.

To ensure the expeditious processing and disposition of Megan's Law appeals, the Supreme Court ordered that briefs not be filed in these appeals without leave of court, that the attorney appointed in the trial court will remain the attorney for any appeal, unless relieved by the Appellate Division, that these appeals be considered by the court following oral argument, which oral argument shall be in camera and recorded verbatim. The record in these cases is impounded.

Special forms and procedures for Megan's Law appeals have been developed by the Appellate Division. These forms are available at the Appellate Division Clerk's office, in Trenton, at the chambers of the trial court judges designated to handle Megan's Law matters, and on the internet at www.njcourtsonline/appdiv/forms. Before an appeal is filed, counsel for appellant should contact the Clerk's office staff attorney assigned to Megan's Law appeals, at (609) 292-8745. After conferring with the Presiding Judge, the staff attorney will direct counsel where to serve the notice of appeal, supporting documents and transcripts. There is a \$200 filing fee.

The prescribed short form combined notice of appeal and case information statement shall be used in all appeals involving Megan's Law. These cases are identified by the use of the caption "In the Matter of Registrant . . ." (initials are used). A copy of the trial court order must be attached to the notice of appeal.

Transcripts

A certified written transcription of the trial court proceedings will not be required unless ordered by an Appellate Division judge. Following the conclusion of the matter in the trial court, the court reporter will give a duplicate ASCII diskette of the Megan's Law conference and any hearing to the party wishing to appeal. Counsel should contact the court reporter as soon as possible to obtain a copy of the diskette and to determine the appropriate cost of same.

If there is no emergent application, the appellant will submit four copies of the unedited transcript, an original and two copies of the notice of appeal and case information statement, and supporting documents to the Appellate Division Clerk's office. A copy of the unedited transcript shall also be served on the prosecutor.

Emergent Applications

If a trial judge affirms the Prosecutor's Tier Two or Three classification and denies a stay pending appeal, it is anticipated that notification will generally take place within a short time. The Supreme Court has decided that trial court notification orders should provide that they will not become effective until the expiration of two full business days from the date of the final order. Therefore, a short form emergent application for a stay of notification to the Appellate Division has been developed. Copies of that form are provided to the trial court judges handling Megan's Law matters, who will make it available to any party wishing to file such an application.

A party wishing to file an emergent application should contact Marjjean Stevens, Esq., at the Clerk's office in Trenton at (609) 292-8745, for the name of the designated Appellate Division judge. The prescribed form notice of appeal and case information statement and the short form emergent application for stay should be completed by the appellant and copies served on the trial judge and prosecutor. The originals of the forms, along with the unedited transcript of the trial court proceedings, shall be filed with the Clerk's office and a copy delivered to the chambers of the emergent judge, if so directed by the Clerk's office.

The moving party should also provide copies of the following items:

1. Registration Form;
2. Notice to the Registrant and Application for Judicial Review filed in the trial court;
3. Presentence Report to include the prior arrest and criminal history (rap sheet);
4. ADTC (Avenel) and all other expert reports;
5. Any briefs filed in the trial court.

The record on appeal should be bound, numbered consecutively and include a Table of Contents.

The emergent judge will review the aforesaid record, listen to any oral argument in person or telephonically outside the presence of the public and may confer with one or two of the other judges on the special part. At the discretion of the judges, the merits of the appeal may be decided at the same time as the emergent application. If the merits of the appeal are going to be so decided, oral argument will be heard either in person or telephonically and recorded verbatim. The verbatim record of oral argument will provide an Appellate Division record should either party seek to appeal to the Supreme Court. An order will then be entered disposing of the emergent application and, if applicable, the merit of the appeal.

Calendaring of Cases

Megan's Law appeals not disposed of on emergent application will be calendared on an expedited basis. After conferring with the judges, the staff attorney notifies counsel of the date and time of the argument and the names of the assigned judges. It is the responsibility of appellant to arrange the telephone conference. No briefs shall be filed in these appeals without leave of court and they will be argued telephonically which will be recorded verbatim. The verbatim record of oral argument will provide an Appellate Division record should either party seek to appeal to the Supreme Court.

To expedite the disposition of these appeals, they may be concluded by an order without formal written opinion in the discretion of the judges.

Megan's Law Emergent Application
Notice of Appeal and Case Information Statement (Megan's Law)