

## 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](http://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

	<p>New Jersey Judiciary <b>Notice of Municipal Court Appeal</b></p>	
Title of Action <span style="float: right;">v.</span>		Superior Court of _____
Municipal Court Ticket or Complaint Number (refer to ticket or complaint) _____		
<b>Your Information</b>		
Name _____		Contact Phone Number _____ ext. _____
Street Address _____	City _____	State _____ Zip _____
<b>Lawyer's Information (if applicable)</b>		
Name _____		Contact Phone Number _____ ext. _____
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 checked="" type="checkbox"/> Fine (Specify Amount):    \$ _____		
<input checked="" type="checkbox"/> Restitution (Specify Type): _____ Amount \$ _____		
<input checked="" type="checkbox"/> Jail Sentence (Length of Sentence): _____		
<input checked="" type="checkbox"/> Community Service (Describe): _____		
<input checked="" type="checkbox"/> Probation (Length): _____		
<input checked="" type="checkbox"/> Driver License Suspension (Length of Suspension): _____		
<input checked="" 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

	New Jersey Judiciary <b>Transcript Request-Municipal Court</b>	
Title of Action _____ v. _____		Municipal Court of _____
Name of Municipal Court Judge _____	County _____	Date(s) of Hearing(s) _____
<b>Complete This Section Only If You Are Filing an Appeal of a Municipal Court Judgment</b>		
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.		
<b>Number of transcripts requested:</b>		
Copy for the Criminal Division Manager at the Superior Court (required)		_____ <u>1</u>
Copy or copies for the Prosecuting Attorney or Attorneys (a minimum of one is required)		_____
Additional copies (optional)		_____
<b>Total Copies Ordered</b>		_____ <u>1</u>
Your Name _____		Telephone Number _____ ext. _____
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		
<b>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.</b>		
<b>Note:</b> 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.		
<b>(Court Use Only)</b>		
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) _____ (Name)	(b) _____ (Name)
_____ (Address)	_____ (Address)
_____ (City, State & Zip Code)	_____ (City, State & Zip Code)
(c) _____ (Name)	(d) _____ (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**

<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
<b>If you are not sure who the Prosecuting Attorney will be</b>	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 County Courthouse  
Washington St.  
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., 5<sup>th</sup> 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