

SUPREME COURT OF NEW JERSEY

WHEREAS the Supreme Court issued its decision in State v. Eileen Cassidy, 235 N.J. 482 (2018), holding that breath test results from Alcotest machines calibrated without using a thermometer that produces NIST-traceable temperature readings in the calibration process are inadmissible as evidence; and

WHEREAS the Judiciary has been notified by the Office of the Attorney General that there are 20,667 DWI cases in which defendants' breath samples were procured using such improperly calibrated machines; and

WHEREAS the Court by order of January 29, 2019 designated retired Appellate Division Judge Robert A. Fall, serving on recall, as special master for purposes of coordination of the management of such cases on a statewide basis to develop better processing of these cases, to provide greater consistency and efficiency, and to minimize conflicts and delays, and with the special master having the authority to make judicial and administrative decisions relating to such cases that have been adjudicated; and

WHEREAS the special master has recommended the assignment of a number of retired Superior Court judges on recall to sit as Municipal Court judges to resolve certain of these cases;

It is ORDERED that, effective immediately and until further order, the following retired Superior Court judges presently serving on recall, in addition to their existing recall assignments, are assigned to sit as Municipal Court judges with statewide jurisdiction to resolve matters subject to the statewide administration of cases affected by the Court's Cassidy decision:

Judge Robert A. Fall (lead judge)

Judge Linda G. Baxter

Judge Stephan C. Hansbury

Judge Robert B. Reed

For the Court,



Chief Justice

Dated: July 25, 2019