

RULE 3:25A-CONSOLIDATED DISPOSITIONS

3.25A-1. Application for disposition

Notwithstanding the provisions of Rule 3:14, when a defendant has charges pending in more than one county at any stage prior to sentencing, either the defendant, or the prosecutor in any such county with the consent of the defendant, may move before the presiding judge of the criminal part in the county in which consolidation is sought, or before any judge designated to hear such motion, for consolidation for purposes of entering a plea or for sentencing. Written notice of such motion and an opportunity to be heard shall be given to the prosecutor in each county in which such a charge is pending. The motion shall be supported by certification that includes the information the court is required to consider under this Rule.

In deciding whether to order consolidation and, if so, the county to be the forum for the consolidated charges, the judge shall consider:

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- (1) the nature, number, and comparative gravity of crimes committed in each of the respective counties;
- (2) the similarity or connection of the crimes committed including the time span within which the crimes were committed;
- (3) the county in which the last crime was committed;
- (4) the county in which the most serious crime was committed;
- (5) the defendant's sentencing status;
- (6) the rights of the victims and the impact on any victim's opportunity to be heard
- (7) any other relevant factor.

Each county prosecutor of the county in which a charge is pending shall be allowed to participate fully in the disposition of that charge after consolidation is ordered. If a plea agreement is entered that resolves less than all of the consolidated charges, the judge in the forum county shall order each unresolved charge to be returned immediately to the originating county. In the event that the consolidated charges have not been resolved within a reasonable period after consolidation, the judge in the forum county shall order each charge to be returned immediately to the originating county.

Note: Adopted July 17, 1975 to be effective September 8, 1975; amended July 14, 1992, to be effective September 1, 1992.

3:25A-2. Order of disposition; filing

Every disposition made pursuant to R. 3:25A-1 shall be set forth in an order or judgment which shall be filed in the county where such disposition is made and the county where the matter was pending. Unless the disposition is set aside, all subsequent proceedings shall be had in the county where such disposition was made, and copies of all orders and judgments entered in connection therewith shall be filed there.

Note: Adopted July 17, 1975 to be effective September 8, 1975.