

### **RULE 3:24. Appeals From Orders In Courts Of Limited Criminal Jurisdiction**

- **(a)** Either the prosecuting attorney or the defendant may seek leave to appeal to the Superior Court, Law Division from an interlocutory order entered before trial by a court of limited criminal jurisdiction.
- **(b)** The prosecuting attorney may appeal, as of right, a pre-trial or post-trial judgment dismissing a complaint and, notwithstanding the provisions of paragraph (a), an order suppressing evidence entered in a court of limited criminal jurisdiction.
- **(c)** Appeals pursuant to this rule shall be taken within 20 days after the entry of such order by filing with the Superior Court, Law Division in the county of venue a notice of motion for leave to appeal under paragraph (a) or the notice of appeal under paragraph (b), except that an appeal from the grant of a motion to suppress shall be taken within 30 days after the entry of the order. A copy of the notice shall be filed with the clerk of the court below, and a copy thereof shall be served on the prosecuting attorney as defined by R. 3:23-9 or on the defendant or defendant's attorney, as appropriate, at least 10 days prior to the return date fixed therein. The original filed with the court and the copy served shall have annexed thereto copies of all papers of record and any affidavits essential to the determination of the motion and shall be accompanied by a brief. The respondent shall file and serve any answering brief and other papers in opposition at least 3 days before the hearing. With respect to interlocutory applications, the court may grant or deny leave to appeal on terms and may elect simultaneously to grant the motion and decide the appeal on the merits on the papers before it, or it may direct the filing of additional briefs or make such other order as it deems appropriate for the expeditious disposition of the matter. A copy of any order or judgment entered by it shall be promptly transmitted to the clerk of the court below.
- **(d)** On appeal by the State from the grant of a motion to suppress the matter shall be tried de novo on the record. In cases in which the Attorney General or county prosecutor did not appear in the municipal court, the State shall be permitted to supplement the record and to present any evidence or testimony concerning the legality of the contested search and seizure. The defendant shall be permitted to offer related evidence in opposition to the supplementary evidence offered by the State.

Note: Adopted February 25, 1969 to be effective September 8, 1969. Caption amended, paragraph designation added, former rule amended and designated as paragraphs (a) and (c), and new paragraph (b) adopted July 16, 1979 to be effective September 10, 1979; paragraphs (b) and (c) amended, paragraph (d) added June 9, 1989 to be effective June 19, 1989; paragraph (c) amended July 10, 1998 to be effective September 1, 1998.