



New Jersey

CRIMINAL LAW MONOGRAPH

2017

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Grand Jury/Indictment

- Grand Jury: hears evidence, usually only by State's witnesses, against persons accused of crimes, to determine based on the evidence presented whether an indictment should be issued or the charges to be "no billed"; divided by county; may indict for crimes committed outside of county.
- New Jersey grants constitutional right to indictment on charged that expose one to a year or more in custody (**Article 1, Paragraph 8, N.J. Constitution**).
- Indictment is the formal charge that supersedes the original complaint

Discovery

- Defendant is not entitled to pre-trial discovery until he/she has been indicted (**Rule 3:13-3(b)**), unless the State has made a pre-indictment plea offer (Certain countries make discovery available at the Pre-Indictment Conference)
- Defendant is entitled to disclosure of all exculpatory evidence, i.e. evidence which is material to guilt or punishment.
- Documents which constitute "work product" are excluded from discovery. (**Rule 3:13-3(e)**).