The Honorable Stuart Rabner  
Chief Justice of the Supreme Court  
R.J. Hughes Justice Complex  
25 W. Market St.  
Trenton, NJ 08611

Dear Chief Justice Rabner:

I am writing to ask for the Supreme Court’s consideration of a proposed Order to Show Cause designed to commute or suspend county jail sentences currently being served by county jail inmates either as a condition of probation for an indictable offense or because of a municipal court conviction. Consideration of this measure is warranted by the current national health crisis caused by the spread of the coronavirus (COVID-19). It is inevitable that the virus will spread into the county jails and, when that happens, the health and well-being of inmates and jail staff members will be at tremendous risk. It is therefore incumbent upon the criminal justice system to reduce our county jail populations to the extent possible without compromising public safety. This is a moral imperative as well as a legal issue.

Against this backdrop, I am asking the Court to consider the relief sought by the proposed Order to Show Cause. It targets two categories of sentenced county jail inmates. First, there are inmates serving county jail sentences as a condition of probation for an indictable offense. These inmates have generally been convicted of third and fourth degree offenses, they have release dates in the reasonably near future anyway, and, perhaps most importantly, they will remain under probation supervision once released. Second, there are inmates serving municipal court sentences. They too have release dates in the reasonably near future anyway and, of course, they have been
convicted only of disorderly persons offenses or violations of Title 39. In other words, the inmates in both categories represent low to medium risk defendants whose release in this restricted access climate would not compromise public safety in a significant way. And, of course, their release would promote public health.

I recognize that there might be some very limited exceptions to these rules so I propose allowing prosecutors to object in specific cases. I believe it is better to put the onus on the State to object to release rather than forcing my attorneys (and many private attorneys) to file motion after motion seeking new sentencing hearings. There simply is not enough time to allow these matters to be addressed through traditional channels.

Thank you for your consideration of this matter.

Respectfully,

[Signature]
Joseph E. Krakora
Public Defender

c Hon. Gurbir Grewal, Attorney General
Hon. Angelo Onofri, Mercer County Prosecutor
Hon. Glenn Grant, J.A.D., Acting Administrative Director