

7:12-3. Statement in Mitigation or Defense by [Affidavit] Certification; Judgment

(a) Statement in Mitigation or Defense by [Affidavit] Certification. In all traffic cases, except those involving indictable offenses, accidents resulting in personal injury, operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug or permitting another person who is under such influence to operate a motor vehicle owned by the defendant or in the defendant's custody or control, reckless driving or leaving the scene of an accident, the court may permit the defendant to present a statement in defense or mitigation of penalty imposed upon conviction or enter a guilty plea by [affidavit] certification, provided the court determines that it would be an undue hardship on the defendant to require appearance in person at the time and place set for trial, and the defendant, having been fully informed of his or her right to a reasonable postponement of the trial, waives in writing the right to be present at the trial.

(b) Certification Language. The certification shall include the following language and must be signed by the defendant: "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment."

(c) [(b)] Judgment. If a defendant presents a statement in mitigation or defense by [affidavit] certification, the court shall send the defendant a copy of the judgment by ordinary mail.

Note: Source -- R. (1969) 7:6-6. Adopted October 6, 1997 to be effective February 1, 1998; caption amended, paragraph (a) caption and text amended, former paragraph (b) amended and redesignated as paragraph (c), and new paragraph (b) adopted July 28, 2004 to be effective September 1, 2004.