



The Star-Ledger

Relieving a caseload crunch

Thursday, September 14, 2006

Tough sentencing laws carry a price, and the state is beginning to feel the pinch as the courts attempt to deal with a growing caseload of post-conviction relief applications.

Applying for post-conviction relief is a kind of legal Hail Mary pass. Following a trial and a conviction, with direct appeals exhausted, criminal defendants can file post-conviction relief petitions. The most common grounds are "ineffective assistance of counsel," though this claim can rarely be backed up enough to have a conviction tossed out.

Still, more New Jersey inmates than ever are filing petitions, which are up 46 percent over the last four years. Why? Mandatory sentencing laws -- coupled with New Jersey's No Early Release Act, which requires convicts to serve 85 percent of their sentences before they are eligible for parole -- have produced a larger prisoner population seeking relief.

Whatever the reasons for bringing a case, post-conviction relief is a defendant's last chance at justice. Some applications are frivolous, but others are not. All should be dealt with fairly.

That said, the system could be more efficient. Defendants have five years after conviction to file relief petitions. Shaving that to two or three years would be beneficial. Cases would get through the courts more quickly and would be heard before evidence disappears, memories fade or witnesses leave the state.

All sides, particularly the judiciary, recognize these petitions threaten to clog the courts. The state Supreme Court's Criminal Practice Committee will begin looking at ways to tackle that problem when it meets next Wednesday. It is well-suited to finding a fair way to streamline the process while protecting the rights of the convicted.

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