

SUPREME COURT OF NEW JERSEY

State of New Jersey v. Rami A. Amer

State of New Jersey v. Rami A. Amer · No. A-9-22; 086950 · Decided July 3, 2023

SUMMARY

The Supreme Court of New Jersey held that the Interstate Agreement on Detainers did not require dismissal of Rami A. Amer’s indictment. The Court ruled that defense counsel did not waive Amer’s IAD rights, that the 180-day period was tolled while his suppression motions were pending, and that he was brought to trial when jury selection began. The judgment was affirmed as modified.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Justice Patterson; Chief Justice Rabner; Justice Solomon; Justice Pierre-Louis; Justice Wainer Apter; Justice Fasciale; Judge Sabatino, temporarily assigned
JURISDICTION	New Jersey
DECIDED	July 3, 2023
DOCKET	A-9-22; 086950
DISPOSITION	affirmed
PROCEDURAL POSTURE	On certification from the Superior Court, Appellate Division, defendant challenged the denial of his motion to dismiss the indictment for an alleged violation of the Interstate Agreement on Detainers.
STANDARD OF REVIEW	Interpretation of the Interstate Agreement on Detainers presents a question of federal law; statutory interpretation begins with the statutory language and, where the language is clear and unambiguous, the interpretive inquiry ends.
PRECEDENTIAL VALUE	Published opinion; precedential New Jersey Supreme Court decision
PARTIES	Rami A. Amer v. State of New Jersey

TOPICS

- speedy trial
- criminal procedure
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

Criminal procedure

Interstate Agreement on Detainers

Speedy trial

Statutory interpretation

Appellate procedure

QUESTIONS PRESENTED

1. Whether defense counsel waived Amer's right under the Interstate Agreement on Detainers to be brought to trial within the applicable 180-day period.
2. Whether the IAD's 180-day period is tolled while a defendant's pretrial suppression motions are pending because the defendant is unable to stand trial.
3. What limitations apply to tolling the IAD period during the pendency of pretrial motions.
4. Whether a defendant is brought to trial under the IAD when jury selection begins or only when the jury is sworn and evidence is presented.
5. Whether the trial court violated Amer's IAD speedy-trial rights and should have dismissed the indictment.

HOLDINGS

1. Defense counsel did not waive Amer's rights under the IAD. Counsel conceded only that the trial could not be completed on July 31, 2018 and consistently asserted Amer's IAD rights.
2. A defendant who files a pretrial motion is unable to stand trial under N.J.S.A. 2A:159A-6(a) during the pendency of the motion, so the IAD's 180-day trial period is tolled during that period.
3. Tolling for a pending pretrial motion is limited to time that would be excludable under Rule 3:25-4(i)(3); the IAD period is not indefinitely tolled merely because a defendant files a motion.
4. For purposes of N.J.S.A. 2A:159A-3(a), a defendant is generally brought to trial when jury selection begins, not only when the jury is sworn or evidence is presented.
5. The trial court did not violate Amer's IAD speedy-trial rights because the fifty-three days during which his suppression motions were pending were tolled, moving the deadline to October 13, 2018, and jury selection began on July 24, 2018.

KEY QUOTATIONS

“Accordingly, a defendant who has filed a pretrial motion in an IAD case should be considered “unable to stand trial” under N.J.S.A. 2A:159A-6(a) during the pendency of a pretrial motion, with an important caveat: N.J.S.A. 2A:159A-3(a)’s 180-day trial deadline should not be tolled during any portion of the period in which the defendant’s motion was pending that would not be considered excludable time for speedy trial purposes under Rule 3:25-4(i)(3).” (27-28)

“As a general rule, we view a defendant to be “brought to trial” under N.J.S.A. 2A:159A-3(a) when jury selection begins.” (30)

FACTUAL BACKGROUND

Amer was arrested in New Jersey in November 2016 in connection with seventeen burglaries and was later arrested and charged in Pennsylvania for separate burglaries. After pleading guilty to the Pennsylvania charges and being incarcerated there, he requested disposition of his New Jersey charges under the Interstate Agreement on Detainers, and New Jersey received his notice on February 23, 2018. He filed two suppression motions on May 21, 2018, which were denied fifty-three days later. Jury selection began on July 24, 2018, before the original 180-day IAD deadline, but the presentation of evidence did not resume until September. The jury ultimately convicted him of four offenses.

PROCEDURAL HISTORY

Amer was charged in New Jersey with offenses arising from a series of burglaries while he was incarcerated in Pennsylvania on unrelated charges. After New Jersey received his Interstate Agreement on Detainers notice requesting final disposition, he was transferred to New Jersey and filed suppression motions. The trial court denied his IAD-based motion to dismiss, and he was convicted of four offenses. The Appellate Division affirmed the convictions and the IAD ruling but remanded for resentencing, reasoning in part that counsel waived the IAD claim. The Supreme Court granted certification, rejected the waiver rationale, but affirmed as modified because the IAD period was tolled during the suppression motions and trial commenced when jury selection began.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Supreme Court affirmed as modified the Appellate Division's judgment. The Appellate Division's remand for resentencing was not disturbed; the IAD-based dismissal was properly denied.

CASES CITED

- State v. Amer, 471 N.J. Super. 331, 353-54, 359 (App. Div. 2022)
- Carchman v. Nash, 473 U.S. 716, 718-19 (1985)
- United States v. Ford, 550 F.2d 732, 737 (2d Cir. 1977)
- New York v. Hill, 528 U.S. 110, 112-18 (2000)
- State v. Buhl, 269 N.J. Super. 344, 357 (App. Div. 1994)
- State v. Miller, 277 N.J. Super. 122, 128-30 (App. Div. 1994)
- State v. Hudson, 209 N.J. 513, 529 (2012)
- State v. Hupka, 203 N.J. 222, 232 (2010)
- Richardson v. Bd. of Trs., PFRS, 192 N.J. 189, 195-96 (2007)
- DiProspero v. Penn, 183 N.J. 477, 493 (2005)
- United States v. Peterson, 945 F.3d 144, 154-55 (4th Cir. 2019)
- United States v. Ellerbe, 372 F.3d 462, 468 (D.C. Cir. 2004)
- United States v. Cephas, 937 F.2d 816, 819 (2d Cir. 1991)
- United States v. Roy, 771 F.2d 54, 59 (2d Cir. 1985)

- United States v. Nesbitt, 852 F.2d 1502, 1516 (7th Cir. 1988)
- United States v. Johnson, 953 F.2d 1167, 1172 (9th Cir. 1992)
- United States v. Collins, 90 F.3d 1420, 1427 (9th Cir. 1996)
- United States v. Sawyers, 963 F.2d 157, 162 (8th Cir. 1992)
- United States v. Walker, 924 F.2d 1, 5 (1st Cir. 1991)
- State v. Brown, 953 A.2d 1174, 1181 (N.H. 2008)
- Diaz v. State, 50 P.3d 166, 167-68 (Nev. 2002)
- Commonwealth v. Montione, 720 A.2d 738, 741 (Pa. 1998)
- State v. Batungbacal, 913 P.2d 49, 56 (Haw. 1996)
- Birdwell v. Skeen, 983 F.2d 1332, 1340-41 (5th Cir. 1993)
- Stroble v. Anderson, 587 F.2d 830, 838 (6th Cir. 1978)
- State v. Bjorkman, 199 A.3d 263, 267-69 (N.H. 2018)
- United States v. Odom, 674 F.2d 228, 231 (4th Cir. 1982)
- Bowie v. State, 816 P.2d 1143, 1147 (Okla. Crim. App. 1991)
- State v. Singletary, 80 N.J. 55, 62 (1979)
- State v. W.A., 184 N.J. 45, 54 (2005)
- United States v. Brown, 819 F.3d 800, 810 (6th Cir. 2016)
- Government of the Virgin Islands v. Duberry, 923 F.2d 317, 320 (3d Cir. 1991)
- United States v. Fox, 788 F.2d 905, 908 (2d Cir. 1986)
- State v. D.F.W., 468 N.J. Super. 422, 435 (App. Div. 2021)