

SUPREME COURT OF NEW JERSEY

State v. Antoine McCray; State v. Sahaile Gabourel

McCray · No. A-75/76-18; 082744 · Decided July 20, 2020

SUMMARY

The Supreme Court of New Jersey held that the Criminal Justice Reform Act does not authorize criminal contempt charges for ordinary violations of pretrial release conditions. The Court distinguished violations of no-contact orders, which may still support contempt prosecutions under State v. Gandhi. The Court reversed the Appellate Division and dismissed the contempt charges against Antoine McCray and Sahaile Gabourel.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Chief Justice Stuart Rabner; Justice Jaynee LaVecchia; Justice Barry T. Albin; Justice Anne M. Patterson; Justice Faustino J. Fernandez-Vina; Justice Lee A. Solomon; Justice Walter F. Timpone
JURISDICTION	New Jersey
DECIDED	July 20, 2020
DOCKET	A-75/76-18; 082744
DISPOSITION	reversed
PROCEDURAL POSTURE	Consolidated appeal from the Appellate Division, involving McCray's petition for certification and Gabourel's motion for leave to appeal, concerning whether violations of conditions of pretrial release may be prosecuted as criminal contempt.
STANDARD OF REVIEW	De novo review of statutory interpretation and legislative intent.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of New Jersey
PARTIES	Antoine McCray, Sahaile Gabourel v. State of New Jersey

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- plain meaning rule
- appellate jurisdiction

PRACTICE AREAS

- criminal procedure
- pretrial release
- statutory interpretation
- criminal contempt
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Criminal Justice Reform Act authorizes criminal contempt prosecutions for violations of nonmonetary conditions of pretrial release.
2. Whether violations of no-contact orders imposed as conditions of pretrial release remain prosecutable as criminal contempt under *State v. Gandhi*.
3. Whether the defendants' remaining notice and double-jeopardy arguments needed to be addressed after dismissal of the contempt charges.

HOLDINGS

1. The Criminal Justice Reform Act does not authorize criminal contempt charges for violations of conditions of pretrial release, including a condition prohibiting new offenses or a curfew condition.
2. Violations of no-contact orders imposed as conditions of pretrial release may still be prosecuted as criminal contempt.
3. Because neither defendant was charged with violating a no-contact order, the contempt charges were properly dismissed.

KEY QUOTATIONS

“The history of the CJRA reveals the Legislature did not intend to authorize criminal contempt charges for violations of release conditions.” (2-3)

“No-contact orders are treated differently, however, because the CJRA did not modify settled law relating to them.” (3)

“Here, the Legislature amended the original bill to remove contempt of court proceedings as an option -- an indication of its intent.” (18-19)

“That calibrated approach is at odds with the State’s interpretation -- that the Act permits prosecutors to charge defendants with criminal contempt, a fourth-degree crime, for a violation of any release condition, even missing a single court appearance.” (21-22)

“As a result, defendants who violate no-contact orders that are included as conditions of release can still be prosecuted for contempt.” (27)

FACTUAL BACKGROUND

McCray was released on nonmonetary conditions after being charged with robbery, including a condition that he not commit another offense during release. After he was charged with theft and credit-card-related offenses, a grand jury also indicted him for contempt based on the alleged release violation. Gabourel was released on conditions including a 6 p.m. curfew; after police found him outside at 8:09 p.m. and discovered Percocet pills, he was charged with contempt for violating the curfew and with possession. Neither defendant was charged with violating a no-contact order.

PROCEDURAL HISTORY

McCray and Gabourel were separately released before trial subject to nonmonetary conditions. Each was later charged with fourth-degree criminal contempt for allegedly violating a release condition. The trial courts dismissed the contempt charges, but the Appellate Division consolidated the matters and reversed. The Supreme Court of New Jersey granted McCray's petition for certification and Gabourel's motion for leave to appeal, reversed the Appellate Division, and reinstated the trial-court dismissals.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Supreme Court reversed the Appellate Division and reinstated the trial-court orders dismissing the contempt charges against both defendants. No further remand instructions were stated.

CASES CITED

- State v. Gandhi, 201 N.J. 161 (2010)
- State v. Robinson, 229 N.J. 44 (2017)
- State v. Johnson, 61 N.J. 351 (1972)
- Sussex Commons Assocs., LLC v. Rutgers, 210 N.J. 531 (2012)
- In re T.B., 236 N.J. 262 (2019)
- DiProspero v. Penn, 183 N.J. 477 (2005)
- Cherry Hill Manor Assocs. v. Faugno, 182 N.J. 64 (2004)
- Burns v. Belafsky, 166 N.J. 466 (2001)
- Richmond Black Police Officers Assoc. v. Richmond, 548 F.2d 123, 127 n.3 (4th Cir. 1977)
- State v. McCray, 458 N.J. Super. 473 (App. Div. 2019)
- State v. Williams, 234 N.J. Super. 84 (App. Div. 1989)
- State in Interest of S.S., 367 N.J. Super. 400 (App. Div. 2004), *aff'd*, 183 N.J. 20 (2005)
- Great Atl. & Pac. Tea Co. v. Borough of Point Pleasant, 137 N.J. 136 (1994)
- Johnson v. Scaccetti, 192 N.J. 256 (2007)