
Jury Misconduct

Carter v Rafferty 631 F Supp 533

Summer 6-20-1979

Joint Notice of Motion of Defendants for Leave to File an Overlength Brief

Myron Beldock

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STATE OF NEW JERSEY

Plaintiff,

-against-

RUBIN CARTER,

Defendant-Appellant.

STATE OF NEW JERSEY,

Plaintiff,

-against-

JOHN ARTIS,

Defendant-Appellant.

: SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

:
: CRIMINAL INDICTMENT NO.
: 167-66

: CARTER DOCKET NO. A-5166-76
: ARTIS DOCKET NO. A-5167-76

:
: CRIMINAL ACTION

: JOINT NOTICE OF MOTION OF
DEFENDANTS CARTER AND ARTIS
: FOR LEAVE TO FILE AN OVER-
LENGTH BRIEF

:

:

:

TO: Clerk of the Superior Court
of New Jersey
Appellate Division

Hon. Burrell Ives Humphreys
Passaic County Prosecutor
Passaic County Courthouse
Paterson, New Jersey 07505

S I R S:

PLEASE TAKE NOTICE that the undersigned, counsel for the defendants-appellants, in the above cause move before the Court for an Order permitting defendants-appellants to file an overlength brief in the herein entitled cause. The undersigned shall rely on the attached certification.

Ronald J. Busch, Esq.
Busch & Busch
Attorneys for Rubin Carter

By: Myron Beldock
MYRON BELDOCK, ESQ.

Jeffrey Fogel, Esq.
Attorney for John Artis

By: Myron Beldock
MYRON BELDOCK, ESQ.

I hereby certify that copies of the within pleadings have been served upon Burrell Ives Humphreys, Prosecutor of Passaic County, pursuant to the Rules of Court. Service will be accomplished by hand today.

Myron Beldock
MYRON BELDOCK, ESQ.

Dated: June 20, 1979

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

-----X
THE PEOPLE OF THE STATE OF NEW JERSEY, : CRIMINAL INDICTMENT NO. : 167-66
Plaintiff, : CARTER DOCKET NO. : A-5166-76
-against- : ARTIS DOCKET NO. : A-5167-76
RUBIN CARTER and JOHN ARTIS, : CRIMINAL ACTION
Defendants-Appellants.: CERTIFICATION IN SUPPORT
OF MOTION TO FILE AN
-----X OVERLENGTH BRIEF

MYRON BELDOCK, certifies as follows:

1. I submit this certification in support of defendants-appellants' application to file an overlength brief.

2. Defendants-appellants request this Court to permit nunc pro tunc their filing of an overlength brief. The reasons for this application are numerous. The procedural history of this case spans thirteen years: the crime for which defendants were indicted occurred in June, 1966; defendants were indicted in October, 1966; defendants' first lengthy trial occurred in 1967; numerous appeals and post-conviction proceedings, based on numerous different issues, followed, from 1967 to 1970 and 1974 to 1976; in 1976, defendants' motions for a new trial based on the recantation of witnesses, suppression of evidence and prosecutorial misconduct, were granted on appeal and the convictions were reversed; shortly thereafter, the State of New Jersey decided to re prosecute; defendants' second lengthy trial occurred in 1976.

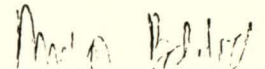
3. In view of the factual and procedural complexity of the issues raised, and in view of the fact that the transcript

from the "jury misconduct" hearing is over 700 pages long, and because defendant's Joint Appendix on Appeal of Convictions (Volumes V and VI) is over 200 pages long, it has become necessary for the Defendant-Appellants brief to exceed the length of pages limited by the Court Rules.

4. We recognize that the normal page limit in this Court is 65 typewritten pages. We recognize that our brief is 95 pages long, and that we are now requesting the Court to sanction overlength in excess of the standard size. We have conscientiously attempted to reduce the number of pages in the brief to as few as possible. We do not at this point see how we can further reduce the size of the brief maintaining both factual and procedural clarity. We respectfully request that the Court grant our application.

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 willfully false, I am subject to punishment.

Dated: June 20, 1979


MYRON BELDOCK