

AM - 507-04T3

A

ORDER ON THE MOTION

TED M. ROSENBERG
VS
STATE OF NEW JERSEY, DEP'T
OF LAW & PUBLIC SAFETY, ETC.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. AM-000507-04T3
MOTION NO. M-004017-04
BEFORE PART: F
JUDGE(S): CONLEY
LISA

FILED
APPELLATE DIVISION
MAY 12 2005

MOTION FILED: MARCH 31, 2005
ANSWER(S) FILED: APRIL 22, 2005
APRIL 25, 2005
APRIL 25, 2005

BY: STATE OF NEW JERSEY
BY: TED M. ROSENBERG
BY: BERGEN COUNTY RECORD
BY: NEWARK STAR LEDGER

Ann Flynn

RECEIVED
APPELLATE DIVISION

SUBMITTED TO COURT: MAY 11, 2005

ORDER

MAY 12 2005

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT ON THIS
12TH DAY OF MAY, 2005, HEREBY ORDERED AS FOLLOWS:

SUPERIOR COURT
OF NEW JERSEY

MOTION BY APPELLANT
- FOR LEAVE TO APPEAL

GRANTED DENIED OTHER
(X) () (X)

SUPPLEMENTAL:

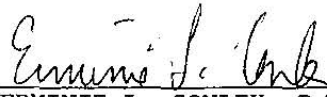
Except as to tapes which have already been released by the State, paragraphs 2 and 3 of the March 31, 2005, order is reversed. The State's claims of need to protect innocent third parties and criminal investigative methods and techniques, along with the motions to supplement the record, are remanded to the trial judge for an in camera proceeding limited to those claims. The proceeding shall consist of a review of the Vaughn indices and transcripts which have been provided by the State. We leave it to the discretion of the trial judge to determine the need to listen to some or all of the tapes, and/or to direct the State to provide more specific description of what is contained on the tapes supporting its innocent third party and criminal investigative methods and technique claims.

We do not retain jurisdiction. Upon completion of the in camera proceeding and the necessary findings of fact and conclusions of law,

the State may again seek leave to appeal. We express no view as to the outcome should further interlocutory appellate review be sought.


BUR L-147-05

FOR THE COURT:


ERMINIE L. CONLEY, P.J.A.D

JUKMC1

I hereby certify that the foregoing
is a true copy of the original on
file in my office


Clerk of the Appellate Division