

1. Provisional Decal Legal. Trautmann v Christie ____ NJ Super. ____ (App. Div. 2011) A-3139-09T3

This appeal challenges Chapter 37 of the Laws of 2009 which requires a driver under the age of twenty-one who holds a permit or provisional license to display a decal so indicating on the automobile he or she drives. The court held that a person's age or age group is not "personal information" protected under the Federal Drivers Privacy Protection Act, 18 U.S.C.S. §§ 2721-2725 and that Chapter 37 is therefore not preempted by the federal act. The court also rejects allegations that Chapter 37 violates the affected driver's rights to equal protection and freedom from unreasonable search and seizure.

02-22-11 Source:dailybriefing@njsba-njldailybriefing.com

2. On DWI, Court can Weigh Mitigating and Aggravating Factors. State v Henry ____NJ Super. ____ (Law Div. 2011) Mercer Municipal Appeal 2010-16

In determining the term of incarceration for a defendant convicted of a second DUI offense, the court held that aggravating and mitigating factors prescribed by the Criminal Code, N.J.S.A. 2C:44-1, if appropriately tailored, provide an appropriate guide for the exercise of sentencing discretion, although the factors are not mandated. The court also held that a driver's extremely high blood-alcohol level may be considered an aggravating factor, and does not constitute impermissible double counting of an element of the offense. The court also held that a probationary sentence conditioned on a jail term is authorized by N.J.S.A. 39:5-7, so long as the court imposes at least the mandatory custodial term under N.J.S.A. 39:4-50.

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3. Upcoming Events:

Join us at the Next exciting events. If you can't run or swim you can volunteer

June 17, 2011

Sandy Hookers Triathlon Club Friday night swims at Pier Village, Long Branch then snacks

afterwards only \$1.00

June 18, 2011

Long Branch Sprint Triathlon Series-1 .5k swim,
9.5 mile bike, 3 mile run 6:45am Long Branch NJ
732-614-6028 Sandyhookers.org

George Sheehan Classic 5 mile 5M, 8:30 Red
Bank jsrc.org

June 19, 2011

Happy Father's Day to my Dad, veteran of Korean
War, past president Metuchen First Aid, Senior
marcher of Edison Elks in Wildwood Patriotism
parade

June 20, 2011

PRESIDENT'S CUP NIGHT RACE, 5K, 8pm,
Charlie Browns, Millburn Free beer, big post race
party

June 24, 2011

Will seminar at Ken's office

June 25, 2011

Rumson 10 mile, 10 bar Long Branch to Belmar
This is not a race. You run, bike or walk 10 miles
to between 10-13 bars. Cheap beer Finish at Bar A

June 26, 2011

Yankees Old Timers Day

June 28, 2011

Tuesday night Raritan Valley Road Runners
RVRR 5k summer series New Brunswick
Bucclench Park 7pm

June 29, 2011

RVRR pub crawl New Brunswick

July 8, 2011

Vercammen Summer Happy Hour

The 35th Annual Vercammen Summer Blast

**Free Food 5-7 Hot & Cold Buffet with carving
station**

**\$1.00 Drafts 6-7 [need special wrist band from
Ken V]**

Games & prizes

We will be at outside bar #1 in the back, near cabana 1, not far from outdoor band duo called the Toxic Twins, who play 5-9

Hydrate for Belmar 5 mile Race the next day

- Meet the "SuperLawyers" of NJ

This is open to your friends. Please if attending also email Ken's Law Office at VercammenLaw@NJLaws.com so we can put your name on the list for wristbands

Appearances by the "Legends of Belmar" and Senator Vercammen

Bar Anticipation
703 16th Avenue
Belmar, NJ

July 9, 2011

**Belmar Five Mile Run 5 mile, 8:30am Belmar NJ
732-571-2162 free food at Bar a after race and reduced price beer Contact Ken to join our teams.**

We need 20 runners who can break 40 minutes for
5 mile. jsrc.org

**Editorial Assistance provided by Roman Guzik.
Mr. Guzik will be entering his second year of law
school at Rutgers - Newark School of Law and is
currently participating in our Kenneth
Vercammen's summer internship program.**