

NJ LAWS EMAIL NEWSLETTER E464

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E464

1. Recent Cases: Expungement of Single Judgment Encompassing Multiple Crimes Denied.
2. Hearsay at Rule 104 hearing not admission at trial for confession to driving.
3. Calendar of Events
4. New YouTube educational videos

Recent Cases:

1. Expungement of Single Judgment Encompassing Multiple Crimes Denied. I/M/O The Expungement of the Criminal Records of G.P.B. 436 NJ Super. 48 (App. Div. 2014).

The court held that expungement is not permitted by N.J.S.A. 2C:52-2(a), which allows expungement for a person convicted of "a crime," where the petitioner had pleaded guilty to multiple bribes over the course of two days even though those crimes had a single purpose and even though they were memorialized in a single judgment of a conviction.

2. Hearsay at Rule 104 hearing not admission at trial for confession to driving. State v. Harvey (App. Div. Decided September 9, 2014)A-2921-12T1 Unreported.

Following trial de novo on the record of the Northfield Municipal Court, the Law Division judge found defendant guilty of driving while intoxicated and sentenced him as a third-time offender. The appellate panel finds that the procedure employed in the Law Division violated defendant's rights to procedural due process and fundamental fairness. There was no basis for a 104 hearing on this record. Defendant was not seeking to suppress his statements to the arresting officer, nor did he assert that the officer lacked probable cause to arrest him for driving under the influence. The officer testified at the 104 hearing that he was dispatched to a doctor's office in response to a call stating that defendant appeared intoxicated and was "gonna drive home." Defendant made no objection to that testimony, which was not relevant to the issue before the municipal court, namely, whether defendant drank en route to the doctor's office or after he parked the pick-up truck in the parking lot. That testimony, however, became relevant when the State advanced its alternate theory of operation before the Law Division and the judge relied on it in finding that the State proved defendant's intent to drive away from the doctor's office. The testimony was hearsay. The Law Division judge rejected defendant's attempt to counter those proofs with the truncated testimony in the municipal court that he had arranged for someone else to drive him home and his offer to have that person testify in the Law Division. Because the Law Division determined that there was insufficient evidence to convict defendant under the only theory properly before it, namely that defendant drank en route to his doctor's appointment, that ruling was an adjudication on the merits of the charge entitling defendant to an acquittal. The panel reverses defendant's conviction and remands to the Law Division for entry of a judgment of acquittal. Source Daily Briefing - 9/10/2014

3. Calendar of Events

Friday, March 13, 2015
Happy Hour & Networking Social
5:00PM - 7:00PM
Bar Anticipation
703 16th Avenue
Lake Como/ Belmar, NJ 07719

Friends, Professionals, Business owners, 5k runners invited to St. Patrick Happy Hour & Networking Social
Friday, March 13, 2015
5:30PM - 7:30PM
at Bar Anticipation
703 16th Avenue Lake Como/ Belmar, NJ 07719
Free !

5:30-7:30PM Hot & Cold Buffet
The reduced price Happy Hour is 6-7PM with \$1.50 House Drink, Bud/BudLt draft & House Wine Special
Please bring a canned food donation for a community food bank, continuing to provide food and help to individuals in need.

Email Ken Vercammen's Law Office so we can put your name on the VIP list for wristbands. VercammenLaw@Njlaws.com

3/15/15 St. Paddy's 10 miler & 5k 9:30 Freehold Keg of beer and some food great FARC event keg is outside.

Edison Library
Wills, Estate Planning & Probate Seminar
March 24, 2015 at 7pm Free community program
340 Plainfield Ave.
Edison, NJ 08817

WILLS & ESTATE ADMINISTRATION- PROTECT YOUR FAMILY AND MAKE PLANNING EASY

SPEAKER: Kenneth Vercammen, Esq. Edison, NJ
(Author- Answers to Questions About Probate)

The NJ Probate Law made a number of substantial changes in Probate and the administration of estates and trusts in New Jersey.

Main Topics:

1. The New Probate Law and preparation of Wills
2. 2015 changes in Federal Estate and Gift Tax
3. NJ Inheritance taxes on estates over \$675,000
4. Power of Attorney
5. Living Will
6. Administering the Estate/ Probate/Surrogate
7. Questions and Answer

COMPLIMENTARY MATERIAL: Brochures on Wills, "Answers to Questions about Probate" and Administration of an Estate, Power of Attorney, Living Wills, Real Estate Sales for Seniors, and Trusts.

To register go to <http://www.edisonpubliclibrary.net/index-ek.shtml>

Municipal Court College
March 30, 2015 Monday
5:30pm-9pm
New Jersey Law Center
One Constitution Square
New Brunswick, NJ 08901

Law students can attend for free [dinner, book, CD not included.] email to customerservice@njicle.com
or call Customer Service at 732.214.8500

A guide to handling Municipal Court matters. This information-packed program is designed for attorneys and those involved in Municipal courts, such as Prosecutors, Police Judges and Court staff.

Program Agenda:

Initial client interview; getting retained; dealing with the prosecutor - Plus an update on the conditional dismissal program-
Driving While Suspended -
Drug Cases and DREs
Assault and miscellaneous proceedings
DWI/Blood , Alcotest/Ignition Locks/Alcotest Refusal
Q&A and closing comments

Speakers: Kenneth Vercammen Esq. Past Chair Municipal Court Section
John Menzel Esq.
Josh Reinitz, Esq.
Tara Auciello Edison Prosecutor
Norma Murgado Elizabeth & Woodbridge Prosecutor

Call : (732)214-8500 Seminar # S96200S5

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<http://www.njicle.com/category.aspx?catid=2115#10268>

4. New YouTube Educational Videos

We have discontinued our WCTC radio show since WCTC was charging us a \$+500 per week recording fee. Instead we are recording short 2-4 minute education videos on Youtube as part of this weekly email newsletter.

Violation of Probation

<https://www.youtube.com/watch?v=8hViccqLsy0>

Expungement of Criminal Charges

<https://www.youtube.com/watch?v=RyQzMSo5FTQ>

Evicting Tenants

<https://www.youtube.com/watch?v=pNhSCeBNoes>

Snow/Ice Fall Downs

https://www.youtube.com/watch?v=_3K8GIccxmk

More at:

<https://www.youtube.com/user/kvercammen>

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