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1. Single tablet dismissed as de minimis. State v. Cancio, (App. Div. Decided March 16, 2015) 14-3-6154, Unpublished.

Defendant Alvin Cancio filed a motion to dismiss River Edge summons No. W-2014-000101, in which he was charged with possession of a controlled dangerous substance as de minimis, pursuant to N.J.S.A. 2C:2-11. Defendant was charged with this offense, as well as driving while intoxicated, careless driving and failure to maintain lane after being stopped by police and arrested. The application for de minimis dismissal was opposed by the Office of the Bergen County Prosecutor. The small quantity of Alprazolam found was of little value and no violence or weapons were involved. The pill remained in defendant's wallet. The court found the prosecutor would be hard-pressed to show prosecuting defendant for possession of a single tablet of Alprazolam under a belief the pill was a sexual enhancer would attack either the supply side or demand side of the drug problem. Further, the court found it unclear what societal harm was caused by defendant's possession of a single tablet under the belief it was a sexual enhancer. Defendant's conduct was "trivial," at least as it pertains to creating a permanent record

for a young offender attempting to work and pay off hundreds of thousands of dollars of medical bills that arose from a car accident that left him severely injured. Incarceration or a permanent record for inadvertently possessing a single tablet of a CDS would not help defendant, the hospital or society. Defendant's motion to dismiss complaint-summons number 0252-S-2014-000101 as de minimis was granted.

Source: N.J.L.J Daily Briefing Unapproved Opinions: March 12-18, 2015

2. Police should not have ordered driver out of car on traffic stop. State v. Keaton ___NJ___ (2015) (A-92-13)

The law enforcement officer was required to provide defendant with the opportunity to present his credentials before entering the vehicle. If after giving a defendant that opportunity, he or she is unable or unwilling to produce the registration or insurance information, only then may an officer conduct a search for those credentials. Here, because defendant was never provided with such an opportunity, the seizure of the contraband was unlawful under the plain view doctrine. Further, the community-caretaking doctrine was inapplicable because there was no need for an immediate warrantless search to preserve life or property.

3. Reasons to Join the Edison Elks or an Elks in your community

The Elks have been synonymous with charity and community for over 100 years. They have distributed more than 3 billion dollars in cash, goods, and services to our country's youth, veterans and disadvantaged. In Edison and other towns, they sponsor Hoop Shoot, Soccer Shoot, college scholarship and drug education and prevention programs.

I have enjoyed my Community Elks membership in the Edison Elks for 20 years.

ELKS - MY TOP 15 FUN EVENTS

Kenneth Vercammen

1. Wildwood Convention
2. Lobster Night
3. St. Patty's Dinner
4. Good Friday Dinner
5. Officers Installation & Dinner
6. Easter Egg Hunt for Children
7. Friendship at hundreds of clubs on the USA
8. Swim Club opening for Elks/YMCA Edison Pool
9. Family Pool Day
10. Beef & Brew
11. Family Pool Night
12. Nascar Night
13. Soccer Shoot out for Children
14. Halloween Party for Children
15. Ladies Auxiliary Christmas Party
16. Christmas Party for Children

We Elks are a nationwide fraternal organization of well over a million American citizens. We love our country and desire to preserve its cherished institutions, traditions and values. We respect our neighbors and constantly seek to promote their well being. We love and enjoy life and believe this enjoyment is increased by sharing it with family, friends and all with whom we come in contact.

We expend over two million dollars yearly to bring encouragement, cheer and comfort to hospitalized veterans throughout the United States in fulfillment of our solemn

pledge: "So long as there are veterans in our hospitals, the Benevolent and Protective Order of Elks will never forget them."

Through our local Lodge, district, state and national programs, we provide healthful activities, guidance and assistance to over eight million boys and girls every year. We fund scholarships, athletic teams, summer camps, scouting, and drug education programs, We encourage civic, environmental, and patriotic involvement through essay contests, seminars and distribution of materials; as well as family-oriented activities in our Lodges.

Elks operate numerous camps, hospitals, clinics, training centers and in-home services for the care and treatment of children and adults with physical disabilities including vision and speech problems, all across the county.

In our many benevolence Elks and Lodges throughout the United States spend over forty-five million dollars annually in our various works of community betterment and charitable programs. This does not take into consideration donated hours equivalent to over thirty-five million dollars.

In approximately 2,300 Elks Lodges throughout the United States, persons prominent in public, business and professional life can be found. In these Lodges, located in the principal cities and towns throughout America, the hand-clasp of fraternity and a warm welcome as a visiting Brother await you.

4. September Fun Upcoming Running Races Charity events Selected by Kenneth Vercammen

If you are attending any of these charity races, please call or email Ken V. at Kenv@njaws.com Often we car pool or

meet at these events. I update this list at
<http://vercammensport.blogspot.com/>

9/19 Ocean Grove Run for Arts 5k 9am Co-Sponsor
Wakefern Shoprite
9/20 Asbury Park One More Tri 7:30
9/20 JSRC Picnic at Monmouth Park Racetrack
9/27 Race Against Hunger 5k Roosevelt Park
10/3 Metuchen Fair [not a race] followed by Asbury
Park Zombie walk
10/4 Jersey Shore Half Marathon & Lighthouse
5k Sandy Hook 9:05, then nice view from On the Deck
Restaurant in Atlantic Highlands
10/11 East Brunswick 5k & 10k 1pm RVRR well run
event Road closed to traffic www.ebrr.org , post race we go
to Laurie's Lakeside on Farrington Lake, North Brunswick
10/17 Cranford 5k co-sponsor by Wakefern Shoprite

5. Handling Drug, DWI and Serious Motor Vehicle Cases in
Municipal Court Seminar and Criminal Law Forms ABA book
September 21, 2015

5:30PM-9:00PM

NJ Law Center, New Brunswick, NJ

Please forward to any attorneys, prosecutors or judges you
believe may be interested.

Speakers: Kenneth A. Vercammen, Esq., Past Municipal Court
Attorney of the Year

William G. Brigiani, Esq., Past President Middlesex County Bar

John Menzel, Esq., Past Chair Municipal Court Section

Norma M. Murgado, Esq., Chief Prosecutor- Elizabeth Assistant
Prosecutor-Woodbridge

William Brigiani

Tara Auciello Edison Prosecutor

Program Agenda

5:30 Welcome and Criminal Traffic Case Law Update (Kenneth A. Vercammen, Esq.)

6:00 Procedure: What to expect on your day in court Tara Auciello

Procedural issues; Driving while suspended; probationary drivers

6:25 The Prosecutor's Perspective: no-insurance cases, recent directives from the Attorney General and Prosecutor, plea agreements in drug cases, double jeopardy issues Expert arguments that may work, common errors by defense attorneys and prosecutors, how to impress the court staff and not annoy the prosecutor (Norma M. Murgado, Esq.)

7:25 domestic violence , assault, recent court rules changes, defending drug cases and cases (William G. Brigiani, Esq.)

7:55 Issues in DWI cases- DWI interview (10 min.); What defendant counsel does after the interview (10 min), Field Sobriety ad HGN (5 min.), Alcotest (15 min) (John Menzel, Esq.)

8:35 Point Counter Point on DWI (John Menzel, Esq., Norma M. Murgado, Esq., and William D. Feingold, Esq. followed by panel interaction)

9:00 Questions

<http://www.njicle.com/viewprogram.aspx?catid=2115&progid=11383>

Speakers invite questions during the break and after the conclusion of the program

A special Q&A session: Ask the Experts

NJ Institute for Continuing Legal Education presented in

cooperation with the NJSBA Municipal Court Section and the
NJSBA Young Lawyers' Division

\$170- \$190 tuition depending on NJSBA membership

Seminar # S150700F5

Location: New Jersey Law Center

One Constitution Square

New Brunswick, NJ 08901

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Association 732-214-8500

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CAN'T ATTEND? Contact NJ ICLE for CD, book, Video

Thank you for reading our newsletter! God Bless America USA
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the name and address of the Law Office is included.

KENNETH VERCAMMEN & ASSOCIATES, PC

ATTORNEY AT LAW

2053 Woodbridge Ave.

Edison, NJ 08817

(Phone) 732-572-0500

(Fax) 732-572-0030

website: www.njlaws.com