

NJ LAWS

NEWSLETTER E463

Kenneth Vercammen,

Attorney at Law

1. Friends, Professionals, Business owners, 5k runners invited to St. Patrick Happy Hour & Networking Social.

Recent Cases:

2. DL suspension should not be stayed after conviction unless findings of fact.

3. Criminal charge where later guilty plea to civil violation can be expunged. In the Matter of the Expungement Application of P.H.

4. Next community events.

5. Subscribe to our NJ Municipal Court Law Review newsletter.

6. New YouTube educational videos

1. 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

The confirmed sponsors for the March 2015 Happy Hour are NJ State Bar Association Municipal Court Section, Young Lawyers Division, Banking Law, Taxation, LGBT Rights Section, Immigration Law Section, Health Law Section, Special Civil Part Special Committee, Lawyers in Transition Committee, Fidelity and Surety Law Special Committee, Privacy Law Special Committee, Special Committee for Paralegals, New Jersey Defense Association Board, Retired Police & Fire Middlesex

Monmouth Local 9, Jersey Shore Chamber of Commerce.

If your group, non-profit or organization wishes to co-sponsor, please contact Ken Vercammen, Edison, NJ

<https://www.facebook.com/events/921987801168706>

2. DL suspension should not be stayed after conviction unless findings of fact. State v Robertson __N.J.Super.__(App. Div. 2014) A-0296-13T1

In this appeal from a DWI conviction, the court rejects defendant's argument that the Alcotest results should have been excluded because he was denied discovery of certain repair records, which were created by the Alcotest's manufacturer, and certain downloaded data, which the State routinely erases. The court concludes the records were not discoverable under Rule 7:7-7, nor did they constitute Brady material.

The court also addressed the unexplained decisions of both the municipal court and the Law Division to stay defendant's license suspension pending appeal. The court instructs trial courts that any stay of a license suspension after a DWI conviction should be supported by adequate findings of fact and conclusions of law, and should comply with standards governing the grant of a stay pending appeal set forth in Garden State Equality v. Doe, 216 N.J. 314, 320 (2013).

3. Criminal charge where later guilty plea to civil violation can be expunged. In the Matter of the Expungement Application of P.H. 436 N.J. Super. 427 (App. Div. 2014)

The court considered the application of the expungement statute, N.J.S.A. 2C:52-1 to -32, where petitioner was charged with a fourth degree offense but ultimately agreed to a violation of a statute for which he paid a civil penalty. Petitioner requested expungement of all criminal records, which was granted by the trial judge; records of the civil violation and the file of the NJSPCA were not subject to expungement.

The State appealed, advancing numerous reasons for reversal, primarily arguing the final disposition controls whether expungement relief is available. Maintaining the initial criminal charges were part of the same file that was disposed of through a plea agreement-allowing defendant to pay a civil penalty, the State asserts expungement cannot be permitted. The court disagreed and concluded petitioner was not convicted and the final disposition was not a plea agreement. Rather, the criminal charges were dismissed. Accordingly, expungement was permitted under N.J.S.A. 2C:52-6(a).

4. Next community events:

March 1 Belmar St. Patrick Parade (1st Sunday) 12:30

March 2, 2015 at 1:15 Monday

Estate Planning & Probate Seminar

North Brunswick Chapter #3885 of AARP

North Brunswick Senior Center, 15 Linwood Place, North Brunswick, NJ
08902 [Materials distributed at 12:15]

March 7, 2015 South Amboy St. Patrick Parade -Hand out invites for
Happy Hour

March 8, 2015 St Patrick Parade - Woodbridge 1:30

Friday, March 13, 2015

Happy Hour & Networking Social

5:00PM - 7:00PM

2015 Union County Saint Patrick's Day Parade Saturday March 14th
2015 at 1.

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

March 15, 2015 Sunday, West Orange St. Patrick Parade, Somerville
St Patrick's Day Parade Sunday March 15th, 2015 @ 1:30pm

5. We also publish the NJ Municipal Court Law Review newsletter. I served as the Prosecutor for Cranbury Township, Middlesex County for nine years and started the NJ Municipal Court Law Review to provide attorneys, prosecutors, police officers and individuals involved in the criminal justice system with recent criminal and traffic cases.

To subscribe, Please forward a check or voucher for \$20.00 to receive the NJ Municipal Court Law Review. This quarterly newsletter reports changes in New Jersey Court decisions, selected revised motor vehicle and criminal laws, cases, seminars, and information on Municipal Court practice.

Vouchers accepted. Please send a stamped, self-addressed envelope for their return. Multiple subscriptions encouraged.

Please must send a \$20.00 check payable to Vercammen & Associates, PC.

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Editor- NJ Municipal Court Law Review

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6. We discontinued doing our weekly WCTC show due to the cost involved. To better reach and inform our past and current clients, colleagues, and friends we will be offering New YouTube educational videos for free as part of this weekly email newsletter.

Removing an Executor of an Estate
<https://www.youtube.com/watch?v=maNUfxtW-Ws>

Duty of an Executor
<https://www.youtube.com/watch?v=fIsgffdmqXM>

Post Will Instructions
<https://www.youtube.com/watch?v=Nt3FEz4ielo>

Possession of Marijuana defense in NJ
<https://www.youtube.com/watch?v=WUAdD3m3QkQ>

NJ Estate Tax
<https://www.youtube.com/watch?v=Q5m05DSaEVg>

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

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