

E521

1. Reminder Annual Happy Hour & Networking Social July 14, 2017

All Friends, past clients, Attorneys, Staff, Professionals, Law Enforcement invited to Happy Hour & Networking Social at Bar Anticipation

703 16th Ave. Lake Como/ Belmar, NJ 07719

Free !

5:30-7:55PM Hot & Cold Buffet

The reduced price Happy Hour is 6-7PM with \$1.50 House Drink, Bud/BudLt draft & House Wine Special

Outdoor bands, prize giveaways. Bring your friends. Pass this along. Please bring a canned food donation for the St. Matthews St. Vincent DePaul food bank, continuing to provide food and help to individuals in need. 4 blocks from Belmar Train Station and 6 blocks from the ocean

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

Happy Hour Party Bar Anticipation

We need a couple of volunteers for a short period of time.

- 1 Volunteer: Hang up signs and banner
- 1 Volunteer: Help check names off and give out VIP wristbands
- 1 Volunteer: Help give out free stuff to our guests, but stop outsiders from stealing bags and stuff
- 1 Volunteer: Help lug canned food donations for Community Food Bank to car at end of party
- Photographer - _____

If your group, non-profit or organization wishes to co-sponsor the next networking happy hour, please contact

KENNETH VERCAMMEN, Esq.

2053 Woodbridge Ave. Edison, NJ 08817

732-572-0500 VercammenLaw@Njlaws.com

<https://www.facebook.com/events/1579828042310755/>

2. Recent cases:

Restraining Order TRO vacated where defendant not served

A.M.C. VS. P.B. 447 NJ Super. 402 (App. Div. 2016)

The Family Part found defendant physically assaulted his wife twice over a three-week period. Applying the two-prong analysis in *Silver v. Silver*, 387 N.J. Super. 112, 125-27 (2006), the judge found an FRO was not necessary to protect plaintiff from future acts or threats of violence. The court held the Family Part failed to adequately consider the inherently violent nature of the

predicate acts. Under these circumstances, the need to issue an FRO was "self-evident." Silver, supra, 387 N.J. Super. at 127.

Defendant, a Newark Police Officer, was not served with the TRO. Notwithstanding defendant's failure to object, N.J.S.A. 2C:25-28l, N.J.S.A. 2C:25-28n, and the Domestic Violence Procedures Manual makes the Judiciary responsible to serve defendant with the TRO. The court held the trial court had an obligation to determine what caused this systemic failure. The court further held the trial court erred as a matter of public policy when it considered the Judiciary's failure to carry out this legal responsibility as a factor in favor of denying plaintiff's application for an FRO. A-4730-14T3

Live witness not mandatory at detention hearing State v Ingram
449 NJ Super. 94 (App. Div. 2016)

Defendant appealed from an order detaining him pretrial pursuant to the Bail Reform Act (the Act), N.J.S.A. 2A:162-15 to -26. The State presented the complaint-warrant, the affidavit of probable cause, the Preliminary Law Enforcement Incident Report and the Public Safety Assessment to establish probable cause for defendant's arrest and grounds for detention. Collectively, the documents demonstrated that a firearm had been discharged, police officers personally observed defendant in possession of a gun and seized the weapon and spent shell casings. Pretrial Services recommended that defendant be detained, or released with the highest level monitoring, including electronic monitoring.

Defendant objected, arguing a live witness with knowledge of the incident sufficient to permit meaningful cross-examination was required. The judge overruled the objection, considered the State's proffered evidence and entered the order of detention.

On appeal, defendant argued that permitting the State to establish probable cause by proffer and without calling a witness violated his due process rights and the Act. The Court disagreed and affirmed the detention order, finding that allowing the State to proceed by proffer did not violate due process or the Act. However, the court noted that at detention hearings under the Act, the judge retains discretion to reject the adequacy of the State's proffer and compel production of a "live" witness. A-1787-16T6

4. Fun Upcoming Running Races & 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.

7/15 Ocean Grove Biathlon 2M run, 300 yd swim Ocean Grove fast short event. 8am

Jul 15, 2017 North Brunswick Heritage Day 5K Run

Sat. July 15, 2017

**St. Thomas Aquinas High School 40 year Reunion Class of 1977
(aka Bishop Ahr High School)**

7pm- 11pm

Where: Edison Elks Lodge/ Edison Community Pool 375 Old Post Road
Edison NJ 08817-4653

7/22 Rooney 1 mile swim 8:30 AM; 1 mi; ; [♦Sea Bright,](#)

July 22 [SeasIT 5K](#) | Saturday, | Allenhurst

Nice scenic and flat run through the neighborhoods of Allenhurst

7/23 5k Run/Walk VFW Post #133 East Brunswick, NJ 9:00 AM free burgers,
beer food

7/30/17 Sun JFK Medical Center Miles for Minds 5K Roosevelt Park Edison,
NJ Wakefern Shoprite co-sponsor

8/5 Sea Girt 5k 8:30 am Wakefern Shoprite co-sponsor

August 12, 2017 Asbury Sheehan 5k Asbury Park, N.J. 8:30am Wakefern
Shoprite co-sponsor