

E452 1. Testimony for State by Defendant's Investigator Violated Right to Counsel. State v. Nunez 436 NJ Super. 70 (App. Div. 2014) 2. Judge must Recuse from case if involved as prosecutor. State v. Presley 436 N.J. Super. 440 (App. Div. 2014) 3. Protective sweep permitted where shots fired in high crime neighborhood. State v. Gamble 218 N.J 412 (2014) 4. Free Office Space for New Attorney and go to Court & Mentor program- Edison, NJ available October 15. Next community events 6. Welcome our Fall 2015 Law Clerks

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**1. Testimony for State by Defendant's Investigator Violated Right to Counsel  
Nunez 436 NJ Super. 70 (App. Div. 2014)**

The court reverses defendant's murder conviction because the trial judge permitted the State to bolster its case by calling defendant's investigator to testify to a prior statement of the State's only eyewitness in violation of defendant's right to counsel.

**2. Judge must Recuse from case if involved as prosecutor. State v. Presley 436 NJ Super. 440 (App. Div. 2014)**

In *State v. McCann*, 391 N.J. Super. 542 (App. Div. 2007), the court announced a prospective "bright-line rule" that called for invalidating search warrants issued by a judge who was bound to recuse himself or herself based on a prior relationship. Upon being informed that he had prosecuted one of the defendants when he was an assistant prosecutor, the judge recused himself. So, the question here is not one of recusal but of remedy. Defendants ask us to apply *McCann* to the following facts: the judge prosecuted only one defendant; no defendant alleges the judge was biased or aware of the disqualification when he issued the warrants or that there was insufficient probable cause for the warrants; and finally, the defendant prosecuted by the judge withheld the disqualifying information appearing before the judge on unrelated matters for "strategic" reasons for over a year. The court concludes that *McCann* is distinguishable; the remedy sought by defendants does not serve the interests of the Code of Judicial Conduct; and the appropriate remedy is determined by what is "required to restore public confidence in the integrity and in the fairness of the proceedings, to resolve the dispute in particular, and to promote the efficient administration of justice." *DeNike v. Cupo*, 196 N.J. 502, 519 (2008).

### **3. Protective sweep permitted where shots fired in high crime neighborhood Gamble 218 N.J 412 (2014)**

Under the totality of the circumstances, which provided the officers with a reasonable articulable suspicion that defendant was engaged in criminal activity, the investigative protective sweep of the passenger compartment of the van were valid.

### **4. Free Office Space for New Attorney and go to Court & Mentor program- available October 1**

Kenneth Vercammen's Law Office has a space sharing opportunity for new recent unemployed attorney to get experience and go to court and learn NJ procedures. This is a mentoring experience where you can learn NJ Law Office Procedures.

Attorney will be provided with use of desk on main floor, plus if needed private space in furnished basement to start their practice, rent-free. They can see clients in office rooms. In return they will handle municipal court appearances, communications with courts, prosecutors, clients, etc, Will signings and other legal criminal law website updates in lieu of rent for maximum 5 hours per week.

Go to court and get court experience. Excellent opportunity to jump-start your career. You will get to represent people in Municipal Courts in Middlesex, Union and Monmouth and meet the top Prosecutors and Judges. Must be admitted in NJ and have a car.

Learn to interview potential Municipal Court/Criminal clients. Also learn to draft work on Litigation files. Attorney may also help provide legal assistance to member legal plans and public defender clients. Follow up contact calls with clients, courts, and bar associations.

Excellent mentoring position for the right attorney. Are you hardworking and aggressive? Visit our website: [www.njlaws.com](http://www.njlaws.com) to learn about our office.

The following is included with office use:

Desk space

Reception room for clients and use as Bona Fide Office

You can copy and use our Complaints, Motions, Form Letters and Pleadings.

Use our marketing books, marketing CDs, Criminal, Municipal Court and Elder law and video library now located in basement

Use of our computer forms Motions, Complaints, and Form letters

Ability to use a file cabinet in basement to store your old files

Lighting/ Utilities  
Bathroom Supplies  
Landscaping / Snow Removal  
Valuable advice  
Hot water, municipal water/sewer charge paid

If interested, fax, email or mail a resume and cover letter.  
KENNETH VERCAMMEN & ASSOCIATES, PC ATTORNEY AT LAW  
2053 Woodbridge Ave. Edison, NJ 08817(Phone) [732-572-0500](tel:732-572-0500)  
(Fax) [732-572-0030](tel:732-572-0030) [vercammenlaw@njlaws.com](mailto:vercammenlaw@njlaws.com)

## **5. Next community events**

10/4 Shillelagh 5K Bar A Lake Como, New Jersey

10/5 Jersey Shore Half Marathon & Lighthouse 5k Sandy Hook 9am

10/6 North B Wills & Power of Attorney Seminar  
North Brunswick Chapter #3885 of AARP 1:30  
North Brunswick Senior Center, 15 Linwood Place, North Brunswick, NJ 08901  
If someone you know does not have a Will, please have them contact us.

10/8 NJSBA Open house

10/11 Race to Outrun Hunger Roosevelt Park

10/11 Metuchen Fair

10/12 East Brunswick 5k & 10k 1pm RVRR well run event [www.ebrr.org](http://www.ebrr.org), post race at  
Lori's Lakeside on Farrington Lake, North Brunswick

## **6. Welcome our Fall 2015 Law Clerks:**

Bangi Laki Northeastern  
Kerin Sajjad Rutgers Newark  
James Gomes William Paterson

Daniel Park John Jay  
Donte Bronaugh Rutgers  
Greg Burton St. Joes High

At the request of several placement offices, we have established the volunteer Internship Program and Public Defender Internship. I serve as a mentor and role model on behalf of students who finish the program. We show students how to communicate, write, set up litigation files, obtain police reports, and the importance of marketing. We are available after their 12-week internship for references and questions. I have great satisfaction helping the students. Someday, when these students become the Client, they will remember the lawyer who helped them out in the beginning. The mentor/internship program has given me friendship and a feeling of accomplishment. It bridges the gap between school placement offices and the real world by providing contact and suggestions.

If any other students are also interested, please have them send us a cover letter and resume immediately.

Editorial Assistance provided by Donna DeFrancisco. Ms. DeFrancisco is currently participating in our Fall Internship Program.