

E517

Recent cases

1 Under new court rules, defendant entitled to discovery prior to new pre-detention hearing

State v Robinson __ NJ Super. __ (App. Div 2017)

The opinion addresses the scope of the discovery, which the State must produce prior to a pretrial detention hearing held under the Bail Reform Act, N.J.S.A. 2A:162-15 to -26. Specifically, the court construes Rule 3:4-2(c)(1)(B), which requires the prosecutor to produce "all statements or reports in its possession relating to the pretrial detention application."

The court rejects the State's argument that its discovery obligation is limited to producing the probable cause affidavit and the preliminary law enforcement information report (PLEIR). The rule obligates the prosecutor to provide a defendant with those materials in the State's possession that relate to the facts on which the State bases its pretrial detention application. In this case, the probable cause affidavit relied on eyewitness identification of defendant, and the opinion affirms the trial court's order requiring the prosecutor to provide defendant with the two eyewitness statements, photo arrays, a surveillance video, and the initial police reports. A-1891-16T2

2. If Defendant takes witness stand they can be cross-examined on inconsistent statements after Miranda

State v. Kucinski __ NJ __ (2017)

Defendant waived his right to remain silent when he took the witness stand and therefore the State permissibly questioned defendant on cross-examination about the inconsistencies between his post-arrest statement to police and his statement on direct-examination at trial even though he initially requested an attorney. (A-58-15)

3. If A Loved One Is A Victim Of Nursing Home Abuse, We Can Help

Over 1.5 million seniors live in nursing homes. Although they are entitled to receive proper care, unfortunately many suffer from severe abuse and neglect, including poor medical care, bad sanitation, and physical and verbal abuse.

If you have a loved one in a nursing home make sure he or she is being treated properly. If you think a loved one is being abused or neglected, call us. We can contact persons to help stop the wrongful conduct and obtain damages for it.

5/14/17 Happy Mother's Day to my Mom Carol Vercammen and all the Moms out there. My mom was a Scout Den mother, President of First Aid Ladies Auxiliary, St. Francis Grammar School Volunteer, then worked full time to help pay for three kids in Catholic High School, Catholic College and some law school.

Fun Upcoming Charity events and Running Races Selected by Kenneth Vercammen

If you are attending any of these charity events, 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/>

5/14/17 Run the Hook 5K/10K RACE TO KEEP OUR OCEANS WILD & POLLUTION FREE 10am

5/21/17 Thorne 4m W. Long Branch 9am great JSRC
<http://www.thornescholarshiprun.org>

May 26 "Legends of Belmar" Friday night of Memorial Day - "Start of Summer Happy Hour with the Legends of Belmar" Join Ken V and friends the Friday night before Spring Lake 5 race for "Legends Night" in Belmar at D'Jais 5:30 free food Ocean Ave. Belmar, 7:30 Bar Anticipation 16th Ave not a race, just social event **The greats of Belmar beach volleyball, friends of Holme band and the beach start Memorial Day at D'Jais & Bar A. Give out American Flag stickers to lucky customers to show your support for USA and those who served. Marty P, John C. Jim W, Chris K, maybe even Daniel-son.**

May 27, 2017 Spring Lake Five Mile Run Saturday 8:30am then free food at Bar A.

5/28/17 Navesink 1.2 mile swim 8:15 AM

5/28/17 Edison Memorial Day Parade The 2017 parade will be in the Clara Barton section beginning on Walsh Avenue. Start is 2pm Sunday. The Edison Elks and float will be participating. The parade will traveling up AMBOY AVENUE to Brower Avenue and concluding at the American Legion Clara Barton 324.

5/29 North Brunswick 5k North Brunswick Community Park Route 130 South

5/29 Monday Metuchen Memorial Day Parade & Parade Begins at 10:00 AM
29, 2017 * Parade Begins at 10:00 AM

Free Sleds and snow Bobs

Over the years we accumulated several sleds and snow bobs while my kids went to the Pocono's on weekends. Our son is now in Dental School and daughter works full time. Our sleds and toboggans available for free for anyone who can use them for their kids or grand children. Pick up in North Brunswick Call 732-261-4005

Table & chairs available to borrow. Having a party, First Communion, Graduation?- Friends can borrow our long Folding Table, wooden folding chairs, steam trays, I had my first summer party back when I was in college. I have accumulated tables and other social event items. We keep the table, chairs, etc in the garage at the Law Office. If you want to borrow, just call office to arrange time to pick up. Just bring back clean and don't break them. 732-572-0500

Still looking to have your Will prepared?

CONFIDENTIAL WILL QUESTIONNAIRE"

Please fill out completely and fax or mail back. This form is extremely important. Your accuracy and completeness in responding will help me best represent you. All sections and information must be filled out prior to sitting down with the attorney. Email back and we can start working on your Estate Planning.

Please be sure to check all appropriate boxes. If "NONE", please state "NONE". If "NOT APPLICABLE", please state "N/A"

PLEASE PRINT CLEARLY

1. _____ Your Full Name:

2. IF MARRIED OR SEPARATED, complete (a) and (b) below. If married no need to fill out separate forms unless you want different Executors

Spouse's Full Name: _____
First

Last

3. Your Street Address: _____

City _____ State _____ Zip Code _____

4. Telephone Numbers:

Cell: _____ other #

5. E-mail address: _____

6. Referred By: _____

If referred by a person, is this a client or attorney? If you heard about the law office on the Internet, what search terms did you use?

7. Today's Date _____

We recommend a **Durable Power of Attorney** in the event of your physical or mental disability to help you with financial affairs?

Yes _____ No _____

We recommend a **Living Will** telling hospitals and doctors not to prolong your life by artificial means, i.e. Terri Schiavo; Karen Quinlan?

Yes _____ No _____

Confidential Will Q

Rev 4/24/17

How can we help you? What are your questions/other important information that need to be addressed?

[It is required by Court Rules that all pages be filled out in person's own handwriting prior to seeing the attorney]

8. Your Marital Status: Single Married Separated
 Divorced Widowed

9. Your Day/Month of birth: _____

Asset Information- Must Be Completed - If none, write "none"

House/Real Estate Address _____

Estimate Total Real Estate Value: _____ mortgage balance

Bank Accounts, Stocks, CDs and Assets: _____

Approximate Amount _____

Direct Beneficiaries of Accounts - If none write "none" _____

Other Major Assets - If none, write "none" _____

Approximate Life Insurance: _____ Beneficiary _____

Is total more or less than \$2,000,000 ? _____
In the Will- Who do you want to get your assets:

Beneficiary (1) _____ Relationship _____

Beneficiary (2) _____ Relationship _____

Beneficiary (3) _____ Relationship _____

It is required that assets and beneficiaries be filled out prior to seeing the attorney. Also, list who receives assets if a beneficiary dies prior to you if that person's share does not go to their children.

Any Specific Bequests of Money and Property:

[] A. MARRIED PERSONS WITH CHILD(REN) OR GRANDCHILD(REN).

Generally most married people provide that, upon their death, property will be distributed as follows:

1. Your estate (all property and assets not owned jointly with another person) will be distributed to your surviving spouse.

2. If your spouse predeceases you, then your estate will be divided in equal shares among all of your living children, If any child shall predecease you, then that child's share to their children (grandchildren).

Names of Children: _____ Age: _____

_____ Age: _____

LIST THE NAMES AND AGES OF ALL CHILDREN EVEN IF THEY ARE OLDER THAN EIGHTEEN. IF NO CHILDREN, WRITE NONE. If no minor children, skip page 5.

III. GUARDIAN(S) OF MINOR CHILD(REN) or Trustees of Trust

[Skip this section if you have NO minor children and DO NOT want a trust. There are substantial additional fees for preparation of a Trust, minimum \$2,500 for stand alone trusts]

The surviving parent of a minor child is ordinarily entitled to be the GUARDIAN of that child. In the case of simultaneous death of you and your spouse, or if you are a single parent, you should appoint a Guardian for your minor child. It is advisable, prior to the completion of this Questionnaire, to make sure that your proposed Guardian(s) is (are) willing to serve as Guardian(s). In addition, the Guardian will also hold the monies for the minor children UNLESS you direct us otherwise. In your Will you can have any adult serve as Trustee of monies for minor children.

Provide the following information about the person(s) you select to be Guardian(s)/Trustee(s). In the event my spouse predeceases me, I name as GUARDIAN(S)/ TRUSTEE(S):

1. PRIMARY Choice of GUARDIAN / TRUSTEE:

Full Name: _____

Relationship: _____

2. SECOND Choice of GUARDIAN / TRUSTEE:

Full Name: _____

Relationship: _____

[] B. MARRIED PERSONS WITH NO CHILD(REN) OR GRANDCHILD(REN).

Generally most married people with no child(ren) or grandchild(ren) provide that upon their death their property will be distributed as follows:

1. Your estate (all property and assets not owned jointly with another person) will be distributed to your surviving spouse, but
2. If your spouse predeceases you, then your estate will be distributed to your living parent, or equally to your living parents.

3. But should both of your parents predecease you, then your estate will distributed equally to your brothers and sisters or equally to the children of a predeceased brother or sister.

Please check B above only if you wish your property distributed precisely and exactly as indicated in section B, 1 through 3, above.

Additional information on Wills, Probate and Elder Law available at www.njlaws.com . This interview form online at http://www.njlaws.com/will_questionnaire.html

[] C. DIVORCED OR WIDOWED PERSONS WITH CHILD(REN) OR GRANDCHILD(REN). Generally, most divorced or widowed persons with child(ren) or grandchild(ren) provide that upon their death property will be distributed as follows: 1. Your estate (all property and assets not owned jointly with another person) will be distributed in equal shares to all of your living child(ren).

2. But if one or more of your children predeceases you, that deceased child's share will be distributed to his or her child(ren), your grandchild(ren) in equal shares

[] D. ALTERNATE PLAN OF DISTRIBUTION - You may list specific gifts to individuals and/or divide your estate among several individuals by listing percentages to each, making sure that the percentages total 100%. You may add additional sheets if necessary or use the back of this form. There are additional Will preparation fees if there are gifts, called specific bequests.

Are there any beneficiaries with special needs, or receiving SSI or SDD? Please answer in detail _____

Are you or any of your Beneficiaries are not United States citizens? _____

If not US citizen, extra taxes may apply.

Do you have any religious wishes on burial? ____

PLEASE WRITE DOWN ANY QUESTIONS YOU HAVE HERE or anything else important that we should be aware. Use back of this page for additional important information or type a list:

Your estate may be subject to NJ Estate Taxation if the total of your assets exceeds \$2,000,000. If your assets exceed \$2,000,000 and you desire estate planning to avoid or reduce your estate tax or require a Trust to protect a spouse, please advise Mr. Vercammen. A Standard Will is not designed to address estate tax issues. We do not do Medicaid Nursing Home Planning.

WILLS:

- T 1- Parents with minor children and trust for children _____
- T 2- Parents no spouse _____
- T 3- Unmarried _____
- T 4- Parents without trust _____
- T 5- Spouse Trust if assets over \$2 million or hold \$ for spouse in Trust ?

PAYMENT WILL BE MADE BY: (Please circle one)

Check, Credit Card (Visa, Mastercard, American Express) or Cash

Checks are payable to Vercammen PC

Payment is required for Will, Power of Attorney and other document preparation at the first consult and prior to any documents being drafted. Minimum fee for Last Will and Testament preparation is \$300 each. We charge a \$150.00 consultation fee, which is credited to the preparation of the Will or other document. This \$150.00 fee is non-refundable even if the documents are not prepared. If there are any changes to a draft Will, Power of Attorney, or other document, there will be a minimum charge of \$75.00 per revision. The Will needs to be signed within 21 days of initial consult or an additional fee of \$100.00 will be charged. Due to complexity and need to re-title assets, Fees for Trusts are minimum \$2,500.

This form was filled out by: _____
sign name

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https://www.facebook.com/pages/Kenneth_Vercammen-Associates-PC-Law-Office-Edison-NJ-08817/149816077985

Endorse Us On: LinkedIn

<https://www.linkedin.com/in/kennethvercammen>