

# **E447 1. Bar A Happy Hour Good Times 2. Penalties Increased**

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## **1. Bar A Happy Hour Good Times**

We thank the 150 friends and professionals who attended our Happy Hour & Social at Bar Anticipation

We appreciate the many attendees that donated canned goods to the St. James Fo

We thank the co-sponsors the NJ State Bar Association Municipal Court Sec Small Firm Division, Criminal Law Section, Young Lawyers Division, Family Entertainment Arts & Sports Law Section, Banking Law Section, Women in the Section, Minorities in the Profession Section, LGBT Rights Section, Real Estate Law Section Government & Public Sector Lawyers Special Committee Energy Cleantech & Climate Change Special Committee, School Law Co Insurance Defense Committee, Somerset County Bar Association and Mc

Association.

My family and I had a great time catching up with old friends and meeting new thanks to Bar Anticipations manager Johnny B who helped organize the attendees. Kenneth Vercammen, Esq. has been having social events and participating in Anticipation activities for over 20 years. We appreciate the generosity of co-organizers Hyde, Pat Mastrolì, and Tom Jannarone, Esq. Additional thanks to photographer DeGano who took photos. Many are posted on [athttps://www.facebook.com/groups/352912918123420](https://www.facebook.com/groups/352912918123420).

We look forward to seeing you and all your friends at our future events. We hope to have a big St. Patrick's Day Happy Hour on March 13, 2015 at Bar A.

## **2. Penalties Increased for Cell Phone use in Car**

Effective July 1, 2014, N.J.S.A. 17:27 imposes increased fines for first, second and subsequent offenses of talking on a hand-held wireless telephone or texting a message with a wireless electronic communication device while driving. Specifically, A person convicted under this section shall be fined as follows:

- (1) for a first offense, not less than \$200 or more than \$400;
- (2) for a second offense, not less than \$400 or more than \$600; and
- (3) For a third or subsequent offense, not less than \$600 or more than \$800.

## **3. Search no good where search away from location of search warrant. State v. [redacted] NJ Super. 519 (App. Div. 2014)**

In this appeal, the court considers whether the scope of the permissible area searched, pursuant to a search warrant, extends to the location where defendant was seated in a vehicle, parked on the street, five or six houses away from the premises where the search warrant was being executed. The motion judge found there was probable cause to search defendant based upon the search warrant. The court reverses the holding

Bailey v. United States, the search and seizure was beyond the spatial limits of the warrant.

#### **4.PCR Hearing granted where defendant has colorable claim of innocence** **ODonnell435 NJ Super. 351 (App. Div. 2014)**

Defendant pleaded guilty to the murder of her six-year-old son. She received a sentence with a thirty-year MPI. She alleges her attorney was ineffective in not diligently pursuing a diminished capacity defense and failing to adequately counsel her before urging her to plead guilty. The court reverses the trial court's denial of the motion and remands for an evidentiary hearing.

The court directs the court to separately apply the four-factor test governing plea motions under *State v. Slater*, 198 N.J. 145 (2009), and the two-prong test governing petitions under *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 271 (1984). The court compares and contrasts the two standards. Both apply to the application for relief. Although the standards sometimes overlap, they do not always result in the same results. The court instructs the trial court not to conflate the two. The court concludes that the court mistakenly set too high a threshold for satisfying the colorable claim of innocence factor under *Slater*.

#### **5. Next Community Events**

Aug 8- Bar Anticipation Friday night free food

August 9-Asbury Park 5K, Asbury Park, N.J. 8:30am Wakefern co-sponsor - belmar & Girls Clubs of Mon. Cty.

8/10- Belmar 1-mile swim

8/11- Holme Band at Djais

8/16- Bradley Beach 5k co-Sponsor Wakefern 8:30

8/17-Ray Licata Long Branch Ocean Mile Swim 1 mile 8am

8/17- RVRB beach day

8/23- Edison Elks British Invasion Night

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