

NJ LAWS NEWSLETTER E503
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October 12, 2016

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1. Suppression where stop based only for high beam. *State v. Scriven* 226 NJ 20 (2016)

The trial court and Appellate Division properly concluded that the motor-vehicle stop violated the Federal and State Constitutions. The language of the high-beam statute, N.J.S.A. 39:3-60, is unambiguous; drivers are required to dim their high beams only when approaching an oncoming vehicle. Neither a car parked on a perpendicular street or an on-foot police officer count as an oncoming vehicle. The judgment of the Appellate Division upholding the trial court's suppression of the evidence is affirmed.

2. Third Party did not have authority to consent to search of premises *State v. Cushing* 226 NJ 187 (2016)

The record contains ample evidence to support the Appellate Division's conclusion that Betty Cushing did not have actual authority to consent to the search of defendant's room, and Betty could not have conferred through any power of attorney an authority that she did not possess herself. In addition, it was not objectively reasonable for Officer Ziarnowski to rely on an apparent authority by Mylroie as the basis for valid third-party consent to his initial search of defendant's bedroom.

3. Reasons to sign a Power of Attorney.

A Power of Attorney allows your spouse or another person to administer your assets during your lifetime, either upon disability or now. The lack of a properly prepared and executed Power of Attorney can cause extreme difficulties when an individual is stricken with severe illness or injury rendering him/her unable to make decisions or manage financial and medical affairs. More info at http://www.njlaws.com/power_of_attorney.html In the absence of a Power of Attorney or other legal arrangement to distribute property if you become disabled, your family or partner cannot pay your bills or handle your assets. The result can be lengthy delays. The term "durable" in reference to a power of attorney means that the power remains in force for the lifetime of the principal, even if he/she becomes mentally incapacitated. A principal may cancel a power of attorney at any time for any reason. Powers granted on a power of attorney document can be very broad or very narrow in accordance with the needs of the principal.

New Jersey has detailed, expensive legal procedures, called Guardianships or conservatorships, to provide for appointment of a Guardian. These normally require lengthy, formal proceedings and are expensive in court. This means involvement of lawyers to prepare and file the necessary papers and doctors to provide medical testimony regarding the mental incapacity of the subject of the action.

The procedures also require the involvement of a temporary guardian to investigate, even intercede, in surrogate proceedings. This can be slow, costly, and very frustrating. Advance preparation of the Power of Attorney could avoid the inconvenience and expense of guardianship proceedings. This needs to be done while the principal is competent, alert and aware of the consequences of his / her decision. Once a serious problem occurs, it is usually too late.

The Power of Attorney can be effective immediately upon signing or only upon disability. Most people who give a Power of Attorney to someone else do it with the thought that if they should become ill or incapacitated or if they should travel, the Power of Attorney will permit the holder of it to pay their bills and to handle all of their affairs for them as limited in the

Power of Attorney.

4. Handling Drug, DWI and Serious Cases in Municipal Court Seminar.

October 24 5:30PM-9:00PM

NJ Law Center, New Brunswick

Sponsored by the NJ State Bar Association NJSBA

Speakers:

Norma M. Murgado, Esq.,

Chief Prosecutor- Elizabeth; Assistant Prosecutor-Woodbridge

Tara Auciello

Edison Prosecutor

Kenneth Vercammen, Esq.,

Past Municipal Court Attorney of the Year

John Menzel,

Esq.,

Past Chair Municipal Court Section

William

Brigiani

Past MCBA Municipal Court Attorney of the Year

Tuition 1 \$170- \$190 tuition depending on NJSBA membership Seminar #ICCRM150716

<http://tcms.njsba.com/PersonifyEbusiness/Default.aspx?TabID=1699&productId=8428659> Location: New

Jersey Law Center

Municipal Court Judges can attend for ½ price. Full time Judges attend for free. Law students can attend for free [dinner, book, CD not included.] For Fees and information visit <http://www.njicle.com> or call NJ ICLE (732) 214-8500

5. Next Will & Estate Planning Programs:

October 17

South Brunswick Library

Wills, Estate Planning, and Probate Seminar at 7pm

Free community program

110 Kingston Lane Monmouth Junction, NJ,

08852 southbrunswicklibrary@gmail.com

SPEAKER: Kenneth Vercammen, Esq. Edison, NJ Author ABA Wills and Estate Administration

All open to the public. You don't have to be a town resident to attend.

November 3 at 7pm

Edison Clara Barton Library

Wills, Estate Planning, and Probate Seminar

New date and location

Free community program

Clara Barton Library, 141 Hoover Ave, Edison, NJ 08837 (732)-738-0096

For info call (732)-287-2298 x 228

To register go to <http://www.edisonpubliclibrary>