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**NJ September 30 from 5:00PM-5:45PM Tuesday**

**6. Fun Upcoming Running Races & Charity events**

**1. Fly the Flag on 9/11**

Get your Flag Ready! Please join us in this FLY THE FLAG campaign and PLEASE forward this Email to everyone in your address book asking them to also forward it. If you forward this email to at least 11 people and each of those people does the same, you get the idea.

On September 11th, an American flag should be displayed outside every home, apartment, office, and store in the United States. Every individual should make it their duty to display an American flag on the anniversary of one of our country's worst tragedies.

Our patriotism pulled us through some tough times and it shouldn't

take another attack to galvanize us in solidarity. Our American flag is the fabric of our country and together we can prevail over terrorism of all kinds.

Take a moment to think back to how you felt on 9/11 and let those sentiments guide you.

Fly an American flag of any size on 9/11. Honestly, Americans should fly the flag year-round, but if you don't, then at least make it a priority on this day.

## **2. Termination of Child Support after High School Graduation and Upon Emancipation.**

Child support is usually paid through a wage withholding garnishment at the parents job. Child support orders and wage withholding continue forever against you until a Superior Court Judge signs a Formal Court Order terminating or modifying support. It is not sufficient for the payor to simply wait for a child to finish school. Many Divorce decrees and Property Settlement Agreements state that child support will end upon emancipation.

For example, the term emancipation is sometimes defined as follows:

1. The completion of the child's formal education on a matriculated basis, whether it be graduation from a four year undergraduate school or high school, it being understood that so long as the child is diligently pursuing his formal education through a four year undergraduate college education and obtaining passing grades the child shall not be considered emancipated.

2. Upon the completion of any of the aforesaid segments of the child's education, and upon the failure to commence the next segment of his education, or upon leaving school, the child shall be deemed emancipated unless failure to continue on with his education has resulted from injury or illness or some other cause beyond the child's control.

3. The marriage of the child.

4. Entry into the military or armed forces by the child.

Your attorney can draft the appropriate Motion to terminate child support if the child is emancipated. You will need to provide your attorney with relevant papers including a copy of the Final Judgment for Divorce, any other Child Support Orders, copy of birth certificate if available, proof of graduation from school or working full time, etc.

Sometimes the child support recipient, usually the mother, will sign a Consent Order, which your attorney can file without the need for a lengthy Motion. However, generally a Formal written Notice of Motion must be filed in the County Superior Court where the child support Order was entered.

The requirements of the Motion are detailed and must include the correct filing fees. Child support does not end merely if the child reaches 18 and graduates high school

**3. Recent cases: Driving While Suspended Conviction Upheld Although DWI Conviction Vacated. State v. Sylvester \_\_ N.J. Super. \_\_ (App. Div. 2014) A-5192-12T4**

N.J.S.A. 2C:40-26b makes it a fourth degree offense to drive while ones license is suspended or revoked for a second or subsequent conviction for driving a car while under the influence of alcohol (DWI). In a bench trial before the Law Division on this charge, defendant argued that her second DWI conviction had been voided ab initio by the municipal court when it granted her PCR petition two months after she was indicted for one count of violating N.J.S.A. 2C:40-26b. Thus, defendant argues the State cannot rely on this vacated second DWI conviction to meet its burden of proof under N.J.S.A. 2C:40-26b. The trial court rejected this argument. The court affirmed.

It is undisputed that at the time defendant committed this offense, she was aware her drivers license had been revoked by a presumptively valid second conviction for DWI. The court relied on State v. Gandhi, 201 N.J. 161, 190 (2010) to hold that a second DWI conviction vacated through PCR granted by a court after a defendant engages in conduct prohibited in N.J.S.A. 2C:40-26b, cannot be applied retroactively to bar a conviction under this statute.

06/17/14

**4. Court Says Ban on Fake Government Documents Not Unconstitutional. State v. Borjas 436 N.J. Super. 375 (App. Div. 2014) (A-6292-11T2)**

Defendant was found guilty by a jury of three counts of knowingly making false government documents, second-degree offenses

proscribed by N.J.S.A. 2C:21-2.1(b), and four counts of knowingly possessing false government documents, fourth-degree offenses proscribed by N.J.S.A. 2C:21-2.1(d). The incriminating items were created or stored in hard drives on computers at defendants residence. The items were discovered by law enforcement officers pursuant to a search warrant, although the officers found no printouts of the false items.

The court rejected defendants argument that subsections (b) and (d) of N.J.S.A. 2C:21-2.1 are unconstitutionally overbroad because they allegedly infringe too much upon protected forms of expression. In doing so, the court does not foreclose a future as-applied challenge to the statute by an artist, student, or other person who, unlike the present defendant, makes or stores false images for benign reasons involving constitutionally protected speech.

Additionally, the court rejects defendants argument that the statute is void for vagueness because it lacks an express element requiring the State to prove a defendants specific intent to use the false items for illicit purposes. The court also rejects defendants criticisms of the trial judges jury instruction defining the term document under the statute to encompass items or images stored on a computer. The instruction is consistent with the broader meaning associated with the term document in common modern usage.

**5. Seminar: Top Recent Criminal and Traffic Cases in NJ, September 30 from 5:00PM-5:45PM, Tuesday, Co-Sponsor Local 9 Retired Police & Fire Middlesex & Monmouth Chapter**

**Location:** Law Office of Kenneth Vercammen, 2053 Woodbridge Ave, Edison, NJ 08817

**COST:**Free if you pre-register.Complimentary materials provided. This program is limited to 15 people. Please bring a canned food donation, which will be given to the St. James Food Bank located on Woodbridge Avenue in Edison, NJ.Please email us if you plan on attending or if you would like us to email the materials.

**SPEAKER:**Kenneth Vercammen, Esq.

Past President Middlesex Municipal Court Prosecutors

Contributing writer for the NJ Police Chief Magazine.

Honorary Member Retired Police & Fire Middlesex & Monmouth Local 9

Past Special Counsel by the Office of the Attorney General to represent the NJ Motor Vehicle Commission in Fatal accident cases

Author- Criminal Law Forms by the American Bar Association

To attend email [VercammenLaw@Njlaws.com](mailto:VercammenLaw@Njlaws.com)

Cant attend? We can email you materials

Send email to:[VercammenLaw@Njlaws.com](mailto:VercammenLaw@Njlaws.com)

Ken Vercammen served as the Prosecutor for Cranbury Township, Middlesex County from 1991-1999. He created the NJ Municipal Court Law Review newsletter to provide police officers and individuals involved in the criminal justice system with recent criminal and traffic cases.

Police and Courts find helpful information on new cases involving issues of traffic law and search and seizure. Individuals appearing in the Municipal Court and Criminal Courts may want to receive quarterly updates on cases, selected revised motor vehicle laws, and information on Municipal Court practice. If your department wants a subscription, the annual cost is only \$20.00 to receive by both first class mail and email.

<https://www.facebook.com/events/350928158399644/>

## **6. Fun Upcoming Running Races & Charity events Selected by Kenneth Vercammen**

If you are attending any of these charity races, please call or email Ken V. [Kenv@njaws.com](mailto:Kenv@njaws.com) Often we car pool or meet at these events. I update this list at <http://vercammensport.blogspot.com/>

9/12 Edison Elks Caribbean night

9/13 Ocean Grove Run for Arts 5k 9am Co-Sponsor Wakefern Shoprite

9/13 Edison Festival Amboy Ave.

9/14 JSRC Picnic at Monmouth Park Racetrack

9/19 Dinner event PASSPORT AROUND THE WORLD FOR ZACHARY NEMETH (Child with Multiple Disabilities)

FRIDAY, SEPTEMBER 19, 2014 7:00PM East Brunswick Elks 2370 21-B Oakmont Avenue, East Brunswick, New Jersey.

Price: \$15.00 per person

Children Ages 4 to 10 \$6.00 per person

RESERVATIONS A MUST: E-mail JAN LOCKLEAR

at: [JL0cklear@aol.com](mailto:JL0cklear@aol.com) (Please note 0 is numeral in L0cklear)

No need to indicate choice of food as this is a buffet.

9/20 Metuchen-Edison Y 5k 8:30 Garbolino 5k run at Roosevelt Park

9/21 Raritan Center 5k 9am

10/16 North B Wills & Power of Attorney Seminar

North Brunswick Chapter #3885 of AARP 1:30

10/8 NJSBA Open house

10/11 Race to Outrun Hunger Roosevelt Park

10/11 Metuchen Fair