

Harassment

Kenneth Vercammen's Law office represents individuals charged with criminal New Jersey.

Under N.J.S.A. 2C:33-4, a person commits the offense of harassment if, "with intent to harass another person, the person:

- Makes, or causes to be made, a communication or communications anonymously or in offensively coarse language, or any other manner likely to cause annoyance or alarm;
- Subjects another to striking, kicking, shoving, or other offensive touching, or other alarming conduct; or
- Engages in any other course of alarming conduct or of repeatedly committed acts likely to cause annoyance or alarm to such other person.

Thus, "integral to a finding of harassment under either section is the establishment of intent to harass another person." *Corrente v. Corrente*, 281 N.J. Super. 243, 249 (App. Div. 1995).

As was emphasized in *Corrente*, it is not sufficient that plaintiff feel alarmed or that subjective feelings are not a substitute for the required judicial finding of intent to harass another person. In a deeply dysfunctional marriage, it is not uncommon for emotions to boil over and erupt, often peppered with profanities. Under similar circumstances, we have held that a defendant who threatened to bury his wife, uttered after she announced her intention to obtain a divorce, committed harassment. *Peranio*, 280 N.J. Super. 47, 56 (App. Div. 1995). Even the exchange of vulgar and inappropriate expressions of anger, including kicking a garbage can in the presence of another person, can constitute harassment. *J.N.S. v. D.B.S.*, 302 N.J. Super. 525, 527 (App. Div. 1997).

Finding a party guilty of having committed an act of domestic violence is a serious matter. Domestic violence restraining orders have serious consequences to a defendant, without an adequate factual basis. *Chernesky v. Fedorczyk*, 346 N.J. Super. 34, 38 (App. Div. 1997). A statutorily required judicial finding compels a court to vacate the restraints imposed if the finding is not supported by the evidence.

Consequences of a Criminal Guilty Plea

1. You will have to appear in open court and tell the judge what you did that constituted the offense(s)
2. Do you understand that if you plead guilty:

- a. You will have a criminal record
 - b. You may go to Jail or Prison.
 - c. You will have to pay Fines and Court Costs.
3. If you are on Probation, you will have to submit to random drug and urine tests and go to jail.
 4. In indictable matters, you will be required to provide a DNA sample, which is used in the investigation of criminal activity, and pay for the cost of testing.
 5. You must pay restitution if the court finds there is a victim who has suffered a loss or will be able in the future to pay restitution.
 6. If you are a public office holder or employee, you can be required to forfeit your office if found guilty.
 7. If you are not a United States citizen or national, you may be deported by virtue of your conviction.
 8. You must wait 5-10 years to expunge a first offense. 2C:52-3
 9. You could be put on Probation.
 10. In Drug Cases, a mandatory DEDR penalty of \$500-\$1,000, and lose your certification and must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$100.
 11. You may be required to do Community Service.
 12. You must pay a minimum Violent Crimes Compensation Board assessment (if convicted of a crime of violence) for each count to which you plead guilty.
 13. You must pay a \$75 Safe Neighborhood Services Fund assessment for each count to which you plead guilty.
 14. If you are being sentenced to probation, you must pay a fee of up to \$25 per month.

15. You lose the presumption against incarceration in future cases. 2C:44-1

16. You may lose your right to vote.

The defense of a person charged with a criminal offense is not impossible. The arguments which can be pursued to achieve a successful result. Advocacy, committing a crime, and defending a client accused of a criminal offense.

Jail for Crimes and Disorderly Conduct:

If someone pleads Guilty or is found Guilty of a criminal offense, the following

NJSA 2C: 43-8 (1) In the case of a crime of the first degree, for a specific term and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be between five years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be between three years and five years;

(4) In the case of a crime of the fourth degree, for a specific term which shall be between 18 months and 18 months.

2C:43-3 Fines have been increased recently! 2C:43-3. Fines and Restitutions. A person convicted of a crime may be sentenced to pay a fine, to make restitution, or both, such fine or restitution shall be:

a. (1) \$200,000.00 when the conviction is of a crime of the first degree;

(2) \$150,000.00 when the conviction is of a crime of the second degree;

b. (1) \$15,000.00 when the conviction is of a crime of the third degree;

(2) \$10,000.00 when the conviction is of a crime of the fourth degree;

c. \$1,000.00, when the conviction is of a disorderly persons offense;

d. \$500.00, when the conviction is of a petty disorderly persons offense;

If facing any criminal charge, retain an experienced attorney immediately to de court. Current criminal charge researched by Kenneth Vercammen, Esq. 732-5'