

NJ Laws Email Newsletter E386  
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1. Text Messages between Parents Not Automatically Harassment.
2. Personal Use Does not Permit Growing Medical Marijuana.
3. Fun Upcoming Events.

Greetings,

Recent Cases:

**1. Text Messages between Parents Not Automatically Harassment. L.M.F. VS. J.A.F. 421 NJ Super 523 (App. Div. 2011)**

In this appeal from a final domestic violence restraining order, the court applied the principles articulated by the Court in *J.D. v. M.D.F.*, \_\_\_\_\_ N.J. \_\_\_\_\_ (2011), and concluded the trial court erred in finding the predicate offense of harassment.

The parties are divorced parents. They used text messaging as the primary means of exchanging information about their two children. The domestic violence complaint alleged harassment based on defendant sending plaintiff eighteen text messages over a three-hour period. The content of the messages was not threatening or menacing in any way. The court also held there was insufficient evidence of a history of domestic violence to substantiate that a restraining order was necessary to prevent further abuse as required under *Silver v. Silver*, 387 N.J. Super. 112 (App. Div. 2006).

**2. Personal Use Does not Permit Growing Medical Marijuana. State v. Wilson 421 NJ Super 301 (App. Div. 2011)**

The principal issue in this case is whether the personal use defense for manufacturing a controlled dangerous substance, N.J.S.A. 2C:35-2, applies to the growing of marijuana under N.J.S.A. 2C:35-5. After reviewing the relevant statutory language, as well as the purpose for the personal use exemption, the court affirms the trial court's determination that there is no personal use exemption for growing marijuana.

### **3. Fun Upcoming Running**

2/4 Long Branch Hot Chocolate 5k 10am

2/4 RVRP Annual dinner Piscataway

Saturday, Feb 11, 10 AM, 5K, Sandy Hookers Winter Series  
[<http://r20.rs6.net/tn.jsp?llr=be4bcacab&t=gzrm6ajab.0.0.be4bcacab.0&id=preview&ts=S0727&p=http%3A%2F%2Fwww.raceforum.com%2Fchocolate>],  
Long Branch, NJ

2/11 Cupids Run New Brunswick & Princeton for Community Options, Inc. (COI)

2/26 Four Mile Beach Run 2PM Pier Village in Long Branch, NJ  
Sandy Hookers party afterward.

**Kenneth Vercammen's St. Patrick Happy Hour,**

**Friday, March 16, 2012**

**5:00PM - 7:00PM**

**Bar Anticipation "Where Summer Never Ends"**

**703 16th Avenue**

**Lake Como/ Belmar, NJ 07719**

**Free for both invited guests and their friends**

5-8PM Hot & Cold Buffet with carving station on 1st floor

Our Happy Hour is 6-7PM with \$1 House Drink, Bud/BudLt draft & House Wine Special

We are located in the back room past the stage, called the Mahogany Room, near the outdoor bar.

Email Ken's Law Office so we can put your name on the VIP list for wristbands.

VercammenLaw@Njlaws.com [mailto:VercammenLaw@Njlaws.com]

Bring a canned food donation for the St. James Food Bank Hands of Hope. Meet the "SuperLawyers" of NJ.

<http://www.facebook.com/events/343216882366142/>

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