

Motion to suppress granted when police did not obtain telephonic search warrant for car. State v Shannon _____ NJ Super. _____ (App. Div. 2011) A-2549-08T4

The court reversed defendant's conviction of possession of cocaine, finding his motion to suppress the cocaine found in a warrant-less search of his Jeep should have been granted. The search was not incident to arrest, did not occur late at night, the stop was in a residential area, and four Asbury Park Police Officers were at the scene with defendant, who was alone. The court found no exigency existed pursuant to State v. Pena-Flores, 198 N.J. 6 (2009).

. If defendant had prior CD, can't get PTI. State v O'Brien _____ NJ Super. _____ (App. Div. 2011) A-4190-09T2

The question presented is whether a defendant who previously received supervisory treatment under the conditional discharge statute, N.J.S.A. 2C:36A-1, and who later applied for and obtained an order vacating the conditional discharge, may thereafter be admitted into PTI. The court answer the question in the negative, concluding that N.J.S.A. 2C:43-12g and Rule 3:28, Guideline 3(g) prohibit any person previously placed into supervisory treatment under the conditional discharge statute from subsequent admission into PTI, whether the conditional discharge is later vacated or not.

Reflections on Memorial Day

Memorial Day used to be a solemn day of mourning, a sacred day of remembrance to honor those who paid the ultimate price for our freedoms. Businesses closed for the day. Towns held parades honoring the fallen, the parade routes often times ending at a local cemetery, where Memorial Day speeches were given and prayers offered up. People took the time that day to clean and decorate with flowers and flags the graves of those the fell in service to their country.

We need to remember with sincere respect those who paid the price for our freedoms; we need to keep in sacred remembrance those who died serving their country. We need to never let them be forgotten. However, over the years the original meaning and spirit of Memorial Day has faded from the public consciousness.

"If it is considered a holiday, why is it so? I consider it to be a national day of mourning. This is how we observe this day in our home. Because of what that day represents the rest of the days of the year are our holidays." -- F L Lloyd West Chester, Pa USA - February 26, 2000

On Memorial Day we need to stop and pay with sincere conviction our respects for those who died protecting and preserving the freedoms we enjoy, for we owe those honored dead more than we can ever repay.

Changing the date merely to create three-day weekends has undermined the very meaning of the day. No doubt, this has contributed greatly to the general public's nonchalant observance of Memorial Day." -- VFW 2002 Memorial Day address

<http://www.usmemorialday.org/backgrnd.html>

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