

**KENNETH VERCAMMEN &
ASSOCIATES, PC**
2053 Woodbridge Ave.
Edison, NJ 08817
732-572-0500
Attorney for Defendant d1

State

vs

d1 Defendant

SUPERIOR COURT OF NEW
JERSEY
LAW DIVISION: MIDDLESEX
COUNTY- CRIMINAL

Warrant #
(No pending Indictment)

Criminal Action
NOTICE OF MOTION TO REDUCE
BAIL

TO: Middlesex County Prosecutor
25 Kirkpatrick St.
Middlesex County Administration Bldg.
New Brunswick, NJ 08903

PLEASE TAKE NOTICE that the undersigned Kenneth A. Vercammen, attorney for the above named defendant, shall apply on A DATE TO BE SET BY THE COURT at 9:00 am in the forenoon or as soon thereafter as counsel may be heard for an Order releasing the above named defendant from custody on his own recognizance, or, in the alternative, for an Order reducing the amount of bail to be posted for release.

Reliance to be placed on oral argument and the Certification attached to this Motion. Request is made that the defendant be brought before the Court on the return date of this motion.

Dated:

KENNETH A. VERCAMMEN, ESQ.

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732-572-0500
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State	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY- CRIMINAL
vs	Warrant #
d1 Defendant	Criminal Action CERTIFICATION IN SUPPORT OF MOTION TO REDUCE BAIL

I, _____, of full age, do hereby certify as follows:

1. I am the _____ of the Defendant, d1. I request the Court grant an Order reducing the amount of bail to be posted for release to \$50,000.00 with 10% option.
2. d1 and I live at _____. We have lived their for 6 years. My husband has lived in the area for his entire life. d1 is _____ years old.
3. d1 has never been convicted or arrested for any violation. d1 also has an excellent driving record and never been suspended or charged with drunk driving or any serious offense.
4. d1 lives with _____. d1 has an extended, supporting family. He has _____ children, all whom live in the area.
5. d1 has an excellent job as a _____. He has been employed by _____ since _____ and currently earns \$_____ per year.
6. Members of his family will be submitting supporting letters to the court.

7. He has not consumed illegal drugs and does not abuse alcohol. His health is

8. He is not on Public Assistance and actively helps provide for his emancipated children. If he is to be further incarcerated he will lose his job and everything in his life.

9. If the 10% opinion is granted and bail reduced, I will guarantee that d1 will appear. It is my understanding that all persons are entitlement to bail. As a local resident, he is certain to be present at all times when required. He does not even miss work. I have been told that there is a state policy against unnecessary sureties and detention.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

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BAIL BRIEF

As set forth in NJ Practice, Vol. 31, Criminal Practice and Procedure, (1997), Sec 292, the defendant has a right to bail before conviction except if he/she is charged with a crime punishable by death and the prosecutor presents proof that there is a likelihood of conviction and reasonable grounds to believe that the death penalty may be imposed. This means that absent exceptional circumstances the defendant has a right to pretrial liberty if the defendant provides surety in such amount as in the judgment of the court will insure the defendant's appearance at trial. Stated in other terms, the right to bail means that in the absence of exceptional circumstances the defendant has the right to have the court set bail in an amount which does not exceed that which will insure defendant's appearance at trial, and if the defendant can "come up" with cash in that amount, or 10 percent of that amount if the defendant is eligible to be released on 10 percent cash bail, or a bond or other surety, then the defendant must be released.

BAIL PROCEDURES

Any person unable to post bail shall have his or her bail reviewed by a Superior Court judge not later than the next day which is neither a Saturday, Sunday or legal

holiday. A first motion for a reduction of bail shall be held by the Court no later than 7 days after it is filed.

AMOUNT OF BAIL

R. 3:26-1(a) provides in relevant part that "all persons, shall be bailable before conviction on such terms as, in the judgment of the court, will insure their presence in court when required having regard for their background, residence, employment and family status and, particularly, the general policy against unnecessary sureties and detention." These factors are specified in more detail in *State v. Johnson* as follows: seriousness of the charge; the likelihood of conviction and the extent of punishment; defendant's criminal record, if any, and previous record on bail, if any; defendant's reputation and mental condition; the length of his/her residence in the community; defendant's family ties and relationships; defendant's employment status, record of employment and financial condition; the identity of responsible members of the community vouching for his/her reliability; and any other factors indicating defendant's mode of life, or ties to the community. The likelihood of flight must be considered in light of these factors and bail set accordingly. R. 3:26-2[c]. R. 3:26-2[d]. 61 N.J. 351, 294 A.2d 245 [1972].

The Courts often examine some of the following criteria:

RESIDENCE

- Lived at present residence one year or more.

PRIOR RECORD

No convictions.

FAMILY TIES

- Lives with family and has frequent contact with other relatives.

EMPLOYMENT

- Has a regular job and not receiving Unemployment Compensation, or welfare aid, or supported by family or savings.

TOTAL TIME IN NEW JERSEY

- Ten years or more residence or business in New Jersey.

MISCELLANEOUS FACTORS MAKING FLIGHT UNLIKELY

- Good Health

Based on the Certification and caselaw, it is requested that bail be reduced.

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ORDER TO REDUCE BAIL

This matter having been opened to the Court upon motion of Kenneth A. Vercammen, Esq. , attorney for d1 for an Order to reduce bail,

and the Court having considered the Certification submitted, documents attached in support of the Motion, and the argument of counsel, if any, and for good cause shown,

it is on this _____ day of _____

ORDERED that the bail is reduced to _____

and it is

FURTHER ORDERED that a copy of this order be served upon County Prosecutor within ten (10) days.

J.S.C.

Opposed
 Unopposed