

**NJ LAWS EMAIL  
NEWSLETTER E502  
Kenneth Vercammen,  
Attorney at Law**

**In this issue:**

1. Prosecutor must provide videotape and audiotape plus names of officers from other towns involved in stop. State v. Stein
2. October Library Estate Planning programs.
3. HELP WANTED- Clerk for Law Office - envelope stuffing, misc. clerk duties Oct 5 - Dec 10.
4. Handling Drug, DWI and Serious Cases in Municipal Court Seminar.
5. Alcotest DWI Breath Test Coordinator N.J. State Police Sergeant Charged With Records Tampering in DWI Cases For Failure To Conduct Proper Tests of Breath Machines.

**1. Prosecutor must provide videotape and audiotape plus names of officers from other towns involved in stop. State v. Stein 225 NJ 582 (2016).**

Under Rule 7:7-7(b), the municipal prosecutor was required to provide defendant with the names of the police officers from the adjacent jurisdiction who responded to the accident scene. Because, when the prosecutor failed to provide the information, defendant did not raise this issue before the municipal court, or seek relief under the Rule, the issue has been waived. The prosecutor was also required to provide the videotapes that defendant requested, if they existed, since such information was clearly relevant to a DWI defense. Because the Court cannot determine from the record whether any videotapes exist, the matter is remanded to the Law Division for further proceedings on this issue.

**2. October Library Estate Planning programs.**

Thursday, October 6th at 7PM

Wills, Probate & Estate Administration in NJ Seminar

East Brunswick Public Library

2 Jean Walling Civic Center East Brunswick, NJ 08816

October 11, 2016 at 1pm

Wills & Power of Attorney Seminar

Old Bridge Library

1 Old Bridge Plaza Old Bridge NJ 08857

<http://www.oldbridgelibrary.org/event/wills-estates-trusts/>

October 13 at 7pm

Wills & Power of Attorney Seminar

Piscataway Library Kennedy Branch

500 Hoes Lane Piscataway NJ 08854

<https://www.piscatawaylibrary.org/content/wills-power-attorney>

South Brunswick Library

Wills, Estate Planning & Probate Seminar

October 17 at 7pm Free community program

110 Kingston Lane

M o n m o u t h

J u n c t i o n

N J

08852 [southbrunswicklibrary@gmail.com](mailto:southbrunswicklibrary@gmail.com)

SPEAKER: Kenneth Vercammen, Esq. Edison, NJ

Author ABA Wills & Estate Administration

All open to the public. You don't have to be a town resident to attend.

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### **3. HELP WANTED - Clerk for Law Office - envelope stuffing, misc. clerk duties Oct 5 - Dec 10**

Monday-Friday

2-3 hours per day Monday- Friday start 8:55am

\$8.50 per hour

#### **OTHER DUTIES**

- Adding client names to computer database, prepare letters, and work on client traffic ticket matters.
- Preparation of documents on Computer and mail to courts
- Telephone Answering
- General Office duties in Law Office
- Update mailing/ client lists and learn marketing
- All other work needed including working on litigation cases

Must be dependable and committed to perfection.

A good way to learn Law Office procedures

Call Law Office of Kenneth Vercammen & Associates  
at 732-572-0500

Check out our website at [www.njlaws.com](http://www.njlaws.com) to see more information on our law office.

**4. Handling Drug, DWI and Serious Cases in  
Municipal Court Seminar.**

**October 24 5:30PM-9:00PM**

**NJ Law Center, New Brunswick**

**Sponsored by the NJ State Bar Association NJSBA**

Speakers:

Norma M. Murgado, Esq.,

Chief Prosecutor- Elizabeth; Assistant Prosecutor-  
Woodbridge

Tara Auciello

Edison Prosecutor

Kenneth Vercammen, Esq.,

Past Municipal Court Attorney of the Year

John Menzel, Esq.,

Past Chair Municipal Court

Section

William Brigiani

Past MCBA Municipal Court

Attorney of the Year

Municipal Court Judges can attend for ½ price. Full time  
Judges attend for free.

Please share with your Judge, Prosecutor, Public Defender and Court Staff. For fees and information visit <http://www.njicle.com> or call NJ ICLE (732) 214-8500 Law enforcement can attend same cost as attorney.

### **5. Alcotest DWI Breath Test Coordinator N.J. State Police sergeant charged with records tampering in DWI cases for failure to conduct proper tests of breath machines.**

A New Jersey State Police sergeant has been charged with records tampering for allegedly skipping a required step in the calibration of alcohol breath-testing devices, documents show.

The disclosure could open up more than 20,000 DWI cases to court challenges, according to a copy of a letter sent to court administrators and obtained by NJ Advance Media on Monday.

Sgt. Marc Dennis, a coordinator in the State Police Alcohol Drug Testing Unit, is accused of third degree tampering with public records and fourth degree falsifying or tampering with records, according to the letter, sent Monday by the state Division of Criminal Justice, which brought the charges.

Elie Honig, the division's director, wrote that Dennis was accused of deliberately omitting a step in recalibrating three Alcotest devices - more commonly

calibrating three Alcotest devices - more commonly known as breathalyzers - which are used to test the intoxication level of accused drunken drivers. Dennis' attorney, Robert Ebberup, said Monday his client denies the charges and plans to plead not guilty.

Lt. Brian Polite, a spokesman for the State Police, said Monday that Dennis' behavior was noticed by his supervisor and "immediately reported" to the division's internal affairs unit, the Office of Professional Standards.

"Once it was determined that there was a possibility of criminal charges being filed, it was then referred to Division of Criminal Justice," he said.

Honig said the alleged omission does not undermine the scientific credibility of any State Police test results.

But Dennis calibrated Alcotest instruments in Middlesex, Monmouth, Ocean, Somerset, and Union counties over the course of seven years, and state authorities have identified 20,667 individual cases involving devices he handled, according to the letter.

The accusation could create a tangle of litigation similar to another State Police case involving a drug lab technician, Kamalkant Shah, who was accused of falsifying test results in a single marijuana case, bringing nearly 15,000 drug cases into question.

As in the drug lab case, the Attorney General's Office has requested a judge be appointed as a "special master" to field the potential glut of appeals.

State authorities allege that Dennis falsely certified to

performing temperature checks when recalibrating the Alcotest devices, which were used in two DWI cases before being taken out of service.

Honig said that step, while not scientifically necessary, is required under a procedure developed by the State Police's chief forensic scientist. That procedure was created to comply with a state Supreme Court decision regarding the admissibility of DWI test results in court, known as State v. Chun, the letter said. "The breath test results were not relied upon in reaching the disposition of these two cases," Honig wrote. "We have notified defense counsel in those cases of the circumstances described in this letter."

Dennis was suspended without pay on Monday, according to Polite. Ebberup, the sergeant's attorney, said he could not yet comment on the specific charges but was preparing to "mount a vigorous defense."

Editorial Assistance Provided by Kwame Williams. Mr. Williams is participating in Ken Vercammen's Fall Internship Program and currently attends Felician University.

Editor's Note and Disclaimer:

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