



Garden State CLE
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Video Course Evaluation Form

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Name of Course You Just Watched _____

Please Circle the Appropriate Answer

Instructors: Poor Satisfactory Good Excellent

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Required: When you hear the bell sound, write down the secret word that appears on your screen on this form.

Word #1 was: _____ Word #2 was: _____

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What did you like most about the seminar?

What criticisms, if any, do you have?

I Certify that I watched, in its entirety, the above-listed CLE Course

Signature _____ Date _____



Agenda

I. Ignition Interlock Devices

II. Financial Obligations to Municipal Court

III. Other Developments

IV. Recent Criminal/DWI Cases of Note

1. Ignition Interlock Demonstration

– NJSA 39:4-50.16 *et seq.*

a. (1) Except as provided in paragraph (2) of this subsection, in sentencing a first offender under [R.S.39:4-50](#), the court may order, in addition to any other penalty imposed by that section, the installation of an ignition interlock device in the motor vehicle principally operated by the offender following the expiration of the period of license suspension imposed under that section. In sentencing a first offender under section 2 of P.L.1981, c. 512 ([C.39:4-50.4a](#)), the court shall order, in addition to any other penalty imposed by that section, the installation of an ignition interlock device in the motor vehicle principally operated by the offender during and following the expiration of the period of license suspension imposed under that section. The device shall remain installed for not less than six months or more than one year, commencing immediately upon the return of the offender's driver's license after the required period of suspension has been served.

(2) If the first offender's blood alcohol concentration is 0.15 % or higher, the court shall order, in addition to any other penalty imposed under [R.S.39:4-50](#), the installation of an ignition interlock device in the motor vehicle principally operated by the offender during and following the expiration of the period of license suspension imposed under that section. In addition to installation during the period of license suspension, the device shall remain installed for not less than six months or more than one year, commencing immediately upon the return of the offender's driver's license after the required period of suspension has been served.

b. In sentencing a second or subsequent offender under [R.S.39:4-50](#) or section 2 of P.L.1981, c. 512 ([C.39:4-50.4a](#)), the court shall order, in addition to any other penalty imposed by that section, the installation of an ignition interlock device in the motor vehicle principally operated by the offender during and following the expiration of the period of license suspension imposed under [R.S.39:4-50](#) or section 2 of P.L.1981, c. 512 ([C.39:4-50.4a](#)). In addition to installation during the period of license suspension, the device shall remain installed for not less than one year or more than three years, commencing immediately upon the return of the offender's driver's license after the required period of suspension has been served.

c. The court shall require that, for the duration of its order, an offender shall drive no vehicle other than one in which an interlock device has been installed pursuant to the order.

d. As used in this act, "ignition interlock device" or "device" means a blood alcohol equivalence measuring device which will prevent a motor vehicle from starting if the operator's blood alcohol content exceeds a predetermined level when the operator blows into the device.

2. NJSA 2B:12-23.1 (Financial Obligations Owed to the Municipal Court)

Companion AOC Directive #02-10

a. Notwithstanding any other provision of law to the contrary, if a municipal court finds that a person does not have the ability to pay a penalty in full on the date of the hearing or has failed to pay a previously imposed penalty, the court may order the payment of the penalty in installments for a period of time determined by the court. If a person defaults on any payment and a municipal court finds that the defendant does not have the ability to pay, the court may:

(1) reduce the penalty, suspend the penalty, or modify the installment plan;

(2) order that credit be given against the amount owed for each day of confinement, if the court finds that the person has served jail time for the default;

(3) revoke any unpaid portion of the penalty, if the court finds that the circumstances that warranted the imposition have changed or that it would be unjust to require payment;

(4) order the person to perform community service in lieu of payment of the penalty; or

(5) impose any other alternative permitted by law in lieu of payment of the penalty.

b. For the purposes of this section, "penalty" means any fine, statutorily-mandated assessment, surcharge or other financial penalty imposed by a municipal court, except restitution or a surcharge assessed pursuant to subsection f. of section 1 of [P.L.2000, c. 75 \(C.39:4-97.2\)](#).

3. Other Developments

NJSA 39:3-40(g) repealed eff. 1/16/10

Cert Granted in State v. Ciancaglini 5/7/10

4. New Cases of Note

a. Miranda

Maryland v. Shatzer 130 S. Ct. 121310)
State v. Wessells, 408 NJ Super. 188 (App. Div. 2009)

Florida v. Powell, 130 S. Ct. 1195 (2010)

b. Ineffective Assistance of Counsel - Deportation

Padilla v. Kentucky, 130 S. Ct. 1473 (2010)
State v. Nunez-Valdez, 200 NJ 129 (2009)

c. Search & Seizure

State v. Mai, ___ N.J. ___ (2010)
Door openings by police

State v. Handy, ___ N.J. Super. ___ (App. Div. 2010)
Herring v. US, 129 S. Ct. 695 (2009)

d. Drunk Driving

State v. Kim, 412 N.J. Super. 260 (App. Div. 2010)
Suppression of Refusal Evidence due to Language

State v. Rivera, 411 N.J. Super. 492 (App. Div. 2010)
Truncation of Worksheet A calculations

State v. Ciancaglini, 411 N.J. Super. 280 (App. Div. 2010)
Prior Refusal for Sentence Enhancement

State v. Mustaro, 411 N.J. Super. 91 (App. Div. 2009)
DWI Plea Vacated according to *Slater* factors

State v. Tsetsekas, 411 N.J. Super 1 (2009)
Dismissal due to speedy trial

State v. Ugrovics, 410 N.J. Super. 482 (App. Div. 2009)

Satisfying the 20-minute Rule

**State v. Eckert, 410 N.J. Super. 389 (App. Div. 2009)
No merger of DWI & Refusals**

**Voss v. Tranquilino, ___ N.J. Super. ___ (App. Div. 2010)
NJSA 39:6A-4.5 and Dram Shop Actions**

**State v. White, ___ N.J. Super. ___ (Mun. Ct. 2010)
SLAP & 39:3-40 for DWI**

e. Recusal

**State v. McCabe, 201 N.J. 34 (2010)
Recusal under Rule 1:12**

f. Periscope (Pending decision from Supreme Court)

State v. Marquez (Language/Refusals)

In re Boggia (Contributions by Law firms with Judges)

State v. Moran (NJSA 39:5-31)