



Frank T. Luciano, P.C.

NEWSLETTER

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THE ONE AND ONLY BIG GIFT FOR A DRUG OFFENDER IN NEW JERSEY

Anyone who has been charged with a disorderly persons or a petty disorderly persons offense in New Jersey and has not been previously convicted of any other drug related offense in this state or elsewhere, a trial court may allow participation in a supervised treatment program (Program), providing that presence in the community or in the Program will not impose a danger to others. This is a once-in-a-lifetime opportunity. Although, a prior juvenile drug related offense is not an absolute disqualifier, it can be used for purposes of determining whether there is a danger to the community.

The Program is available prior to trial and after trial, but before sentence. If an application for the Program is made after a plea of guilty or a finding of guilt, the court may suspend driving privileges for a period of not less than 6 months and not more than 2 years. A license loss will not ordinarily occur if the application for the Program is made prior to a plea or trial. The ultimate decision, however, is within the trial court's discretion.

As a condition of the Program, the trial court may require participation in an in-patient drug rehabilitation facility for a period that cannot exceed the maximum period of imprisonment for the offense (i.e. six months for a disorderly persons offense and 90 days for a petty disorderly offense). A term of supervised treatment in the Program can not exceed three years. Upon successful completion of the Program, the case will be dismissed and the arrest or conviction record expunged within six months after the order of dismissal. Notably, a conditional discharge will work as a bar in obtaining an expungement on any other convictions in the future.

For more information on drug related cases read Frank T. Luciano's free book titled **The Drug War: The Other Casualties.**

BEWARE! CO-SIGNING A LOAN CAN DAMAGE YOUR CREDIT RATING

If you have co-signed a loan for someone who is late in making payments, your credit score will be affected. If that person defaults, you may be liable for the debt and any attorney fees that may result. When that happens, the creditor may try to garnish your wages or even sell your home to satisfy the debt.

If you feel that you must co-sign on a debt, as parents often do for children who are borrowing for school or a home, insist that a copy of the bill be sent to you each month. Then you will know if payments are up-to-date and can take action if they are not, before your own credit is harmed.

You can obtain a credit score for free at www.creditKarma.com and www.Quizzle.com. You can also stop unsolicited credit card offers and insurance offers by visiting www.optoutpresreen.com. You can also request a mail-in form for permanent prohibitions.

THIS NEWSLETTER IS PUBLISHED BY
THE LAW OFFICES OF



Frank T. Luciano, P.C.

OVER 30 YEARS OF SERIOUS LAWYERING
FOR SERIOUS CLIENTS

147 MAIN STREET
LODI, NEW JERSEY 07644
TEL: (973) 471-0004 • FAX: (973) 471-1244
WWW.FTLUCIANOLAW.COM • FTLUCIANO@AOL.COM

COMPLEX CIVIL LITIGATION
CRIMINAL PROSECUTIONS WITH SPECIAL EMPHASIS
IN DRUG CASES
DWI AND OTHER MUNICIPAL COURT CASES

GAS SAVING HINTS

With the price of gasoline rising, we need to rethink the manner in which we use our motor vehicles so as to lessen the impact on our pocketbooks and the environment. Here are a few thoughts:

- **AVOID TRAFFIC**

Do not travel during rush hours and plan routes to bypass construction sites. You can obtain free traffic information from www.traffic.com or call (866) 698-7232. In fact, if you travel a route regularly, you can sign up for emails or automatic email alerts.

- **GPS**

These devices can help you from getting lost and wasting fuel.

- **CRUISE CONTROL**

A recent studies shows that cruise control can reduce the gas consumption in a motor vehicle by up to 14%, except in hilly areas.



- **SPEED**

For every mph faster than 55, fuel economy is lost by 1%. It declines even faster when you exceeds speeds of 65 mph.

- **IDLING**

Turn your engine off if you expect to be at a standstill for more than a minute.

- **DRAFTING**

If you can stay within 1/8 mile of a moving vehicle, your gas mileage will benefit.

- **BRAKING**

Avoid braking. If you leave enough room between you and the vehicle in front of you, you can usually coast until traffic starts moving again.

- **CAR MAINTENANCE**

Keep your tires inflated. Replace air filters regularly and use appropriate motor oil.

- **EXCESS WEIGHT**

Remove the roof racks when not in use and unload any extra poundage in the trunk.

LEGAL BUMPS AND BLOOPERS

The defendant, who was on trial for assault and battery, claimed he barely pushed the victim.

The prosecuting attorney treating this story with insult and derision, aggressively cross-examined the defendant. Finally, the prosecutor invited the defendant to step down from the witness box and demonstrate with the prosecutor how hard he had pushed the victim.

Secretly, the prosecutor assumed that, reacting to the hostility of the cross-examination, the accused would push him fairly hard, thereby guaranteeing his conviction.

The defendant no sooner stepped off the witness stand when he started punching and battering the prosecutor. Finally, after he had given him a righteous thrashing, he turned to the jury.

“I pushed the victim in this case about one-twentieth that hard.”

The jury unanimously acquitted him.

DRUNK DRIVING/DWI TIPS & TIDBITS

1. If you expect to drink alcoholic beverages, consume food high in carbohydrates to absorb the alcohol.
2. Your body's water weight can determine how much alcohol you can absorb. Thus, lean, young people can tolerate alcohol better than old, fat people.
3. It has been shown that certain enzymes in a man's stomach process alcohol more quickly than a woman's stomach.
4. Carbonated mixers, including sparkling wines and draft beer, tend to accelerate the absorption rate of alcohol.
5. Drink a glass of water in between each drink to help slow the rate of consumption.
6. You will be impaired if you are a 150 lb male and consume four 12oz bottles of beer or four 4oz glasses of wine in two hours.
7. Stop drinking at least an hour and a half before you are ready to return home and drink plenty of water during that time.
8. To avoid a DWI stop, make sure you and your passengers are wearing seat belts and there is no unusual activity in the vehicle, including loud music or animated passengers.
9. If you have been drinking, follow all rules of the road. Do not speed. Use your directional signals and always stay within the yellow lines.
10. Request an attorney as soon as possible after you have been arrested for DWI.
11. If you are stopped by a police officer, respond to questions as directly as possible. Do not volunteer information.
12. Always be polite to a police officer who stops you for any reason. Do not be combative.
13. If you are stopped at a DWI roadblock, your license, registration and insurance card should be in-hand. Offer them to the police officer if asked, but, only if asked.
14. You do not have to answer any questions put to you by a police officer during a DWI stop. Nor, do



Bo's Seasonal Special
**PUMPKIN RAVIOLI WITH
SAGE AND BUTTERNUT SQUASH**
(serves four)

- 16 oz. of pumpkin ravioli;
- 3 tablespoons of salted butter;
- small butternut squash;
- 5 medium size fresh sage leaves;
- white pepper; and
- nutmeg.

Heat water for ravioli. Salt to taste.

Cut neck off of a small butternut squash. Skin and cut into ½" square pieces. Reserve bottom of squash for other purposes.

Heat saute pan and add ½ tablespoon of butter. Brown squash and remove when done.

Add another 3 ½ tablespoons of butter with sage, a dash of nutmeg and white pepper to saute pan. Cook until butter is almost brown. Remove from heat and place saute pan on a cool burner.

Add ravioli to boiling water. Cook to taste. Just before straining, take a ladle full of water and add to butter sauce (carefully!) and heat butter sauce.

Strain ravioli and squash to butter sauce. Garnish with sage leaves.

you have to provide any field sobriety tests (i.e. finger to nose, walking the line, etc). You must know, however, that if you refuse to answer questions or perform sobriety tests, you will probably be charged anyway.

15. Refuse to participate in the horizontal-gaze nystagmus test, in which the police officer will use a flashlight to determine the point at which your eyes will oscillate or move.

MORE TO COME IN OUR NEXT NEWSLETTER...

For more information on drunk driving/
dwi cases read Frank T. Luciano's free book
titled **New Jersey's DWI Survivor's Guide.**



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THE LEGENDS OF THE CHRISTMAS TREE

The myths associated with the origin of the Christmas tree are numerous. Some say that the Ancient Romans used evergreens to decorate their homes to celebrate the winter festival honoring one of their gods which was an event that occurred in the winter months. Others believe that St. Boniface started the custom in the 8th century in Germany. Apparently, St. Boniface chanced upon a tribe of pagans paying homage to an oak tree. Angered by this idolatry, he cut the tree down and almost immediately a pine tree sprang up in the center of the oak stump. St. Boniface then told the pagans his evergreen was a symbol of life and holiness.

Some others believe that the custom of decorating a Christmas tree was started by Martin Luther who, while walking through a rural area, saw a snow-laden evergreen shimmering in the moonlight beneath the stars. When he returned home he constructed a

small tree in his house and decorated it with candles, explaining to his children that it was symbolic of the mystery surrounding Christ's birth.

Apart from those legends, modern history indicates that the Christmas tree originated in Germany in about the 16th century. Apparently, December 24th was the feast of Adam and Eve and people began to set up paradise trees in their homes, which was an evergreen adorned with apples. The apples later became wafers to symbolize the host used in Christian ceremonies and eventually the wafers gave way to cookies.

Christmas trees were first sold in this country in 1851 by Mark Carr who lived in the Catskill Mountains of New York. Historical records indicate he sold 20-foot trees for about a quarter.

