



NEW JERSEY
STUDENT
CRIMES
GUIDE

*Defending Students
From Criminal Records*

CARL SPECTOR

Law Office of
CARL SPECTOR



Have you been arrested for a criminal charge while on college campus? College is a stressful time in your life and having to worry about being arrested on top of finals, projects, and papers is undeniably overwhelming. This guide will take you through the most common charges that college students face, how we handle

them, and what your first step should be if you are facing conviction. We will cover DUIs, drug charges, and criminal charges including assault, possession of a weapon, graffiti, and more. Our New Jersey student crimes lawyer Carl Spector has over 30 years of handling cases like yours. Call our office today for a free consultation.

STUDENT DUI CHARGES

Penalties for Underage Drinking

If you're a university student, and you've been charged with underage drinking or an open container, you now have to go to the municipal court. There might be some charges that are brought up by the university, which you're going to have to deal with. There are attorneys that actually handle those cases. Then there's the municipal court cases. You want to be able to have a fair defense and fair hearing on those issues, not only at the university level, but also at the municipal court level, where perhaps, you can plea bargain; do some community service, or somehow try to minimize the penalties and the effect it may have on your future. It is suggested that you work with an attorney that's dealt with the municipal court level cases like this in the past.

DUIs on College Campuses

If you are a student at Drew University in New Jersey and you have a DUI charge pending, there's a possibility that you may lose your license for three months, seven months, or more, up to twelve months.

Our suggestion is that you contact an attorney who is not only familiar with DUI cases, but also with the local municipal court that you have to go so they can properly advise you on how to navigate that case.

Vehicles Getting Impounded Following a DUI

Sometimes, a college student gets a DUI in a car that is not theirs, and the car winds up getting impounded. If you're a college student at Fairleigh Dickinson University either the Teaneck campus or the Madison campus and you've been arrested for a DUI, you already know that the car that you were operating will be impounded because it already has been. The law requires that the car be impounded for at least 12 hours. The individual who owns that car will get the car back, they will just have to contact the police department and make arrangements and pay the poundage or the storage fee for the overnight parking fee that will be paid to the towing company.



Getting Charged for a DUI in a Vehicle that Wasn't Moving

There are some situations where a college student was charged with a DUI even though the car they were driving wasn't moving. I recently got a call from a student at Kean University here in New Jersey and they were charged with a DUI. They had indicated to me that they had not been moving in the car although they were behind the wheel of the car at the time. It was parked in a lot. They were wondering whether or not that was possible and whether that was a defensible case. Once I went over the facts of the case with that particular individual, I determined that they had a reasonable defense to the operation. However, being behind the wheel of a vehicle may make you responsible for a DUI so make sure you speak to a competent attorney.

DUI Accidents

There are many cases where a college student has been charged with a DUI and to make matters worse the student got in an accident at the same time. If you're a college student at Caldwell University, and you've gotten charged with a DUI, and you had the misfortune of having an accident at the same time, an accident could be an aggravating factor. It all depends on the circumstances of the accident. Unfortunately, prosecutors and judges view accidents in DUI cases as ordinarily the fault of the person who is charged with the DUI, but that's not always the case.

What I like to do is sit down with the client, go over the facts, look at the accident report, and very often, even the accident report has it wrong. Oftentimes, the officer is not at the scene of the accident so they will get the information secondhand, usually from the other driver, and is busy with you, processing you on an arrest. What I like to do is sit down with the client, go over the facts, and figure out what type of mitigating factors can go into the case so that we can try to negate the unfortunate effects of an accident involving a DUI.

How Long a DUI Will Stay on Your Record

College students are often wondering how long their DUI will be on their record. Let's say you're a student at William Paterson University here in New Jersey, and you've gotten a DUI. You wound up going through the system, and you wound up pleading guilty or being found guilty after trial.

The bad news is that that does not go away. It'll stay on your driving abstract, which is your driving history, for the term that you're driving, for as long as you drive. Even if you go out of state and get a new license, they could find that old DUI. However, within 10 years of your conviction, that DUI can be used to enhance any penalties you get in this or most any other state. You have to be careful about a DUI that's on your record here in New Jersey or any other state.

The Amount of Drinks One Can Have Before Driving

If you're at a college party, and you're consuming alcohol, and you're under the drinking age, you shouldn't be consuming alcohol because there's a zero tolerance for alcohol consumption and driving.

If you're 21 and above, and you're consuming alcohol, and you want to know how many drinks you can have before driving, it's really determined upon your metabolism. If you had one drink and your metabolism throws off a blood alcohol content that hits the legal limit and your standard field sobriety tests are poor, you're going to be successfully convicted of a DUI, which is not something that you want. Like anything else, your metabolism will have a great effect on what your blood alcohol content is if you drink before driving.

Get Kicked Out of College for Getting a DUI on Campus

I speak to college students all around the country about the consequences of a DUI with regard to their tuition and getting kicked out of school. While it may be that your financial aid may have some detriment if you wind up with a DUI conviction, in the state of New Jersey, you have to realize that a DUI is not a criminal offense and will unlikely get you expelled from school. It may have an effect on your housing and your financial aid. Speak to a competent DUI attorney in your area.

Open Container Policy

When a college student is charged with a DUI, it is not uncommon that they have an open container of alcohol in the car. When I was a prosecutor, I would certainly consider that a negative factor when deciding on how to try to prosecute that case because it indicates that the person was drinking alcohol as they were driving, which is clearly a negative factor. However, the truth of the matter is it's only a \$200 fine, but it is something that has to be considered with regard to aggravating and mitigating factors if you were to be pleading guilty.

Out-of-State DUI Arrests

If you go to Rutgers University here in New Jersey, but you live in another state and you got charged with a DUI, and you wound up pleading guilty or being found guilty after a trial, your privileges to drive in the state of New Jersey will likely be suspended because a DUI conviction requires that.

Then you have to look at the collateral consequences from your home state. Your home state may suspend your privileges. They may surcharge you a certain dollar amount, and you might have to do some remedial classes to get your license restored as well as paying a restoration fee in your home state.

Losing your Job as a Result of a DUI

It is a scary thought that you might lose your job for a DUI. If it's the type of job where you have an employee handbook, I suggest you take a look at it. I would even encourage you to have your attorney take a look at that section that might pertain to employment with regard to arrests. Since a DUI or DUI in the state of New Jersey is not a crime, odds are your employment will not be affected.

However, if you lose your driving privileges, your ability to be employed may be affected. It all depends on the type of job you have, where that job is, and whether or not you commute to that job. If you have those issues, I encourage you to give me a call.



STUDENT DRUG CHARGES

Possession of Marijuana

I often deal with cases where college students have been arrested for possessing a small amount of pot. Let's say you go to Ramapo University up in the Mahwah/Ramapo area and you've been charged with possession of marijuana. I've handled cases up there for students. There are marijuana arrests sometimes in the quad or

in your dorm room. Sometimes it's the security guards who find the people and they call the police and now they have to be processed. They have to go to the Mahwah Municipal Court. It's serious enough that you should be properly represented.

A lot has to do with your background. The idea behind representation of somebody like you, a college student, is to allow you to not have a problem in the future with employment. If you have an issue like this, I've handled many of these cases for Ramapo students, feel free to give me a call.

Selling Marijuana

If you go to Ramapo University and you've been accused of selling marijuana, that's a serious offense. It's an indictable offense. It's something that will be processed in the Superior Court in Bergen County.

First and foremost, you have to find an experienced criminal defense attorney who is someone who does criminal law for their entire career every day, day in and day out, not your friend's buddy's uncle who does real estate but does an occasional criminal case. It's a serious charge and you should have an attorney who knows the ins and outs of the criminal justice system so they can navigate that with you.

Marijuana DUI's

Every once in a while, someone comes into the office charged with DUI regarding marijuana. If you're a university student, certainly you can be charged with a DUI based on smoking or ingesting marijuana. There are many different ways to ingest marijuana so you have to be very careful with cases like that. They're very specific and you need someone who has experience with those cases.

Ordinarily there's a field sobriety test to try to get the officer to confirm whether or not they are under the influence, and while those field sobriety tests are not specific for marijuana, they can be a guidepost for the police. Very often the police will ask for a urine sample. Sometimes if the person is in the hospital they will ask for a blood sample and then there will be all those issues to deal with. Very often, with marijuana cases there might be something called a drug recognition expert that the police employ as a police officer to do supplemental

standard field sobriety testing that they issue a report. I've handled many of those cases. If you're charged with a DUI based on marijuana and you're a Montclair student, please seek out an attorney that has handled these cases before as I have.

Legality of Marijuana

The truth of the matter is marijuana is not legal. There's medical marijuana, where you can actually get a certification from a doctor to buy marijuana through a dispensary. Some of those dispensaries, I think, are in Montclair, and there are some others around the state, but marijuana is not yet legal. It's been decriminalized to the extent where you can apply for a conditional discharge if you're eligible, but unlike other states like Washington State and Colorado, where marijuana is legal for any use, in the state of New Jersey, our governor has not made it legal.

Cocaine Possession

Many college kids are arrested for cocaine possession. I got a call the other day from a student at Seton Hall and they were charged with possession of cocaine. We all know that cocaine is an illegal substance. It's called a controlled dangerous substance here in New Jersey. They are going to have to appear in court and they may even have to be referred over to the Superior Court. You're going to have to make all your court appearances and you should seek to speak with an attorney.

I've been handling drug cases in this state for many, many years. I was a prosecutor in this state. I will know what questions to ask you to try to help you get some leverage. In the end, you need an attorney that you can relate to in regard to your case and someone who's experienced, who has done this before.

Possession of Heroin

If you're in college in New Jersey, and you go to one of the universities and you've been charged with possession of heroin or a hypodermic needle or both, you're going to have to go to court.

Heroin is illegal. It's a controlled dangerous substance. You're going to have to defend yourself. I've handled cases like this as a prosecutor and as a defense attorney. I would suggest that you pick up the phone and call me or someone else that's local who has handled hundreds if not thousands of these cases and try to get a handle on what your defense might be.

Possession of Pills

Students at Montclair call in often and they're charged with possession of Adderall, Xanax, Klonopin, or things they don't have a prescription for. They now have to go to court because they're charged with it. They are serious charges. You might be eligible for a conditional discharge depending on your background where you'll wind up without any criminal conviction.

Being in possession of a pill that is otherwise illegal without being in the pill container that has the prescription label around it is illegal. You might have a defense in that you have a legal prescription for it. That's something you should discuss. By and large, if it's not in its official container and you don't have a prescription, you could be prosecuted successfully unfortunately for having those pills on you. It's a very common thing with university students. I've handled many of those cases.

Conditional Discharge

Let's say you're a university student, and you get charged with possession of marijuana, or cocaine, or heroin, or drug paraphernalia such as a bowl or a grinder. You've had no criminal past, and you've never been in trouble before. You want to get out of it because you have a right to in the state of New Jersey.

There is something called a conditional discharge. You still have to go to court. My advice is you get the advice of counsel. You'd speak to an attorney so you know what leverage you do have. You could fall back on, really, what's essentially a conditional discharge. It allows you to go to court to apply for a conditional discharge to have your case held open for a period of time no less than six months, no more than a year.

As long as you stay out of trouble and you abide by the terms and conditions of the conditional discharge, that case will be dismissed. Now, the arrest itself, you might want to get expunged, but there is no plea. You have never pled guilty to anything. There's no trial. A conditional discharge for anybody who's charged in New Jersey who's never been charged before with any drug offense or paraphernalia, you're eligible for a conditional discharge. It is a very good resolution.



STUDENT CRIMINAL CHARGES

Should You Be Honest with the Police?

I regularly get asked by people if they should be honest with the police when they've gotten pulled over. If you're a college student here in New Jersey at Seton Hall University and you get pulled over by a police officer, the officer will more than likely ask you several questions. The reason they're asking you questions is to try to see how you answer them in the sense of whether or not you're disoriented, whether or not they can pick up an odor of alcohol, or whether or not they think you might be under the influence of marijuana or some other substance.

While it's a good idea to be honest with the police officer, and I would never suggest that anyone not tell a police officer the truth, what you have to understand is that any information you provide to the police officer the officer will write down and memorialize that in a police report. If you are ever processed for an arrest for DUI or careless driving or reckless driving, those words will come back to be used against you in a court of law. I would be very measured in the way I answered those questions without lying to the police officer because that can also be detrimental.

Federal Crimes

If you've been charged, falsely or not, with a federal crime, you're going to a prosecutor in Newark or in Camden. I've handled cases, even marijuana cases

because sometimes if you're on a federal property down in Sandy Hook and you've committed an alleged offense there, possession of marijuana or paraphernalia, criminal mischief, or even open container, you could be charged federally because those are federal lands. You should certainly seek an attorney because handling a federal case is different than a municipal case. While the laws might be the same and some of the federal laws are different, you need someone who is experienced in both of those areas.

Plea Bargains

I am often asked by college students if they should just take a plea bargain. You go to university here in New Jersey and you go to William Patterson or Montclair or one of the local universities maybe up in Ramapo and you're charged with marijuana. You say, "I'm just going to court by myself. I'm not going to tell Mom and Dad. I'm just going to try to plea bargain it myself."

While you have every right to do so, my suggestion is that you get the advice of counsel. Speak to an attorney to let you know what your options are at least. Have a consultation. Perhaps in the end you will represent yourself if you think that's a good idea, but you should know what your options are. Perhaps the person that you are now would look back at this in 10 or 15 years and say, "You know what, maybe I should have hired an attorney because the effect that's had on me now 10 or 15 years later are something I could have mitigated or minimized when I had the case when I was in college."

Representing Yourself in Court

I recently got a call from a student at Caldwell University about a DUI that they had just gotten charged with. It was someone who was intelligent and articulate and was asking questions with regard to their case. In the end, it appeared that the individual wanted to represent themselves.

While the court will permit that, the judge will permit that, the prosecutor won't stand in your way, it's a better course of action to speak with and hire an attorney who'll know how to deal with the scientific issues; the standard field sobriety issues, the constitutional issues. You would never do your own dental surgery, so you probably shouldn't be your own attorney when the consequences are so grave.

Forced Confessions

I am often contacted by college students who feel they were coerced into a confession by the police. Let's say you go to Drew University, and you're here in New Jersey. You've been pulled over. You've been arrested by the police, and you feel that you were coerced. You were forced into making a confession to some event, some crime that you didn't commit.

That's a very serious piece of leverage that you may have to successfully defend your case. My suggestion is that you do some more research, and then find an attorney in the area where your case is pending, where you have to go to court, and then speak to at least two or three attorneys to see who you can work with and try to determine whether or not that coerced confession could be suppressed, which means thrown out, and perhaps the case against you could be thrown out, as well.

Cell Phones & Evidence

I have been asked by college students if the police are allowed to take their cell phones and use it as evidence. For instance, you go to Saint Peter's University in New Jersey, and there's an allegation that you were involved in some type of offense, or a crime, or maybe even your phone got lost on an evening, and it winds up that the police have your phone. You get notified by the police, and they say, "Come down and pick up your phone." You go down there, and they say, "We'd like to take a look at your phone. We'd like to look at the contents of your phone."

I would not allow them to do that without a court order, without a warrant, and I would not give them consent no matter what is or isn't on your phone. Without probable cause, they're not going to get the warrant. They may say to you, "We're going to hold onto this phone. We're going to try to get the warrant. You're not going to get it back for six days or seven days." You have certain options with regard to that. Again, if you have nothing to hide, I suppose you can



allow them to consent to look at your phone, but if you want to maintain your privacy, you don't have to give them consent.

Simple Assault vs. Aggravated Assault

Ordinarily, we associate a simple assault with a fight between two people without weapons, a punch and a punch, a slap and a punch. Usually, aggravated assault, we talk about more where the injuries are more severe, broken bones or limbs, serious cuts of the body, or people with special status. An aggravated assault might be someone who an assault is allegedly perpetrated on a police officer. Those are the main differences.

Resisting Arrest Charges

If you're a college student in New Jersey and you are charged with resisting arrest, there are usually some other factors that have gone into that such as a car stop, an alleged assault on a police officer. There are a lot of factors that need to be considered.

Very often there is a motorized vehicle recording or a body camera. It's good to allow your attorney to find out what that information shows so you can look at that information to see whether or not you could be successfully convicted on a resisting arrest charge or whether or not you have a viable defense to that.

Getting Arrested for Possession of a Firearm

I have dealt with many cases where a college student is arrested for possession of a firearm. It's a very serious offense in New Jersey. You are looking at mandatory jail time if you're convicted by a plea or by trial. My suggestion is that you have a consultation with at least three experienced attorneys who have handled many of these cases. I suggest you give me a call and we can discuss it.

Graffiti

Maybe the police saw you in the act of defacing some property by putting some graffiti, spray paint, or now people use the stickers. It's not the most serious charge, but it's certainly something you should think about with regard to what overall effect that would have on my permanent record.

You should seek out an attorney's advice. You should discuss the specific charge, whether you're charged with a municipal ordinance or what they call a 2-C violation, which is a criminal offense. You should certainly get a reasonable consultation. I offer free consultations from my office either in person or on the phone so give me a call.

Theft Charges

I've handled cases for students out of Rutgers University – and you've been charged with theft. You've been charged with shoplifting or some other type of theft such as theft by deception. It could be a case that's going into the Superior Court and you're looking at an indictable offense. You could be facing jail time. A lot has to do with the value of the property. A lot has to do with whether or not you have any prior offenses on your record. Oftentimes those cases can be handled very successfully by an experienced attorney in the municipal court. I would suggest that you seek out an attorney who has handled these cases before for college students.

Assault Charges

Perhaps you're going to Jersey City University or any university around the state of New Jersey. There's a fight in a bar, and you get charged with an assault, a simple assault, or even something more serious than that, and you have to be charged, and go up to the Superior Court.

The first thing you should do is hire an attorney. Find someone who has handled these cases before. I have, and we could certainly have a conversation with regard to how it got started, whether or not weapons were used, whether the other person got arrested, as well, whether or not there could be a mutual dismissal. These are all the questions that I would be asking you. We could set up a personal interview, and you can come in, and we could do a consultation, a free consultation, for that.

Seizure of Property

If the police pulled you over, and they wound up taking your property in an arrest, by and large, you'll be able to get all your property back as long as it's not involved in what they would say – allegedly involved in the crime itself. If it

was drugs or drug paraphernalia, that, you're never going to get back. Some people are charged with crimes, and they get everything back; their wallet, their cell phone. If there's no reason for the police to hang onto those items, they will return them to you.

Trespassing

While trespassing is not the most serious offense, you certainly don't want to have that on your record and then have to explain that in a job interview later on. While it might come up with a good story, it's not really the thing you want to talk about in an interview. I've handled cases like that for university students. It's probably a reasonable resolution that you can come up with the prosecutor so that you don't have a permanent mark on your record for a criminal offense.

If you have been arrested on your college campus and are worried about your future, please call our experienced New Jersey student crimes lawyer Carl Spector today for a free consultation. Let his 30 years of experience work for you.



ABOUT THE AUTHOR:

Carl Spector graduated from The University of Buffalo in New York where he received his bachelor's degree in Communication. He then received his legal education and earned his Juris Doctorate at New York Law School and Nova Southeastern University.

Attorney Carl Spector is licensed to practice in New York, New Jersey, Florida (inactive), the United States District Court, Southern and Eastern Districts of New York, and the District Court of New Jersey.

New Jersey DUI Lawyer Carl Spector worked as an attorney in the Bronx County District Attorney's office as an Assistant District Attorney for six years.

This experience has allowed him to effectively and aggressively defend clients charged with all varieties of crimes and DWI / DUI.

For the past 30 years, New Jersey DUI Lawyer Carl Spector has been representing over 10,000 people that have been charged with crimes throughout New York and New Jersey, including Bergen County, Essex County, Hudson County, Passaic County, Morris County, and Union County. New Jersey DUI Lawyer Carl Spector has served as an attorney in countless criminal and DWI / DUI matters with full control of initial investigations, trial planning, motions, discovery, legal research and courtroom appearances and trials.

Carl Spector has successfully litigated and argued many pre-trial motions to suppress evidence based on probable cause to stop and frisk and violations of the defendant's Fifth and Fourteenth Amendment rights. In 2009 Carl Spector served as the Municipal Prosecutor in the large Bergen County municipality of Fair Lawn. He was reappointed to that position for 2010 and 2011. Attorney Carl Spector was appointed by the Mayor and Counsel of Municipality Fair Lawn to serve as the alternate Public Defender in 2012, 2013, 2014, 2015 and 2016.

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