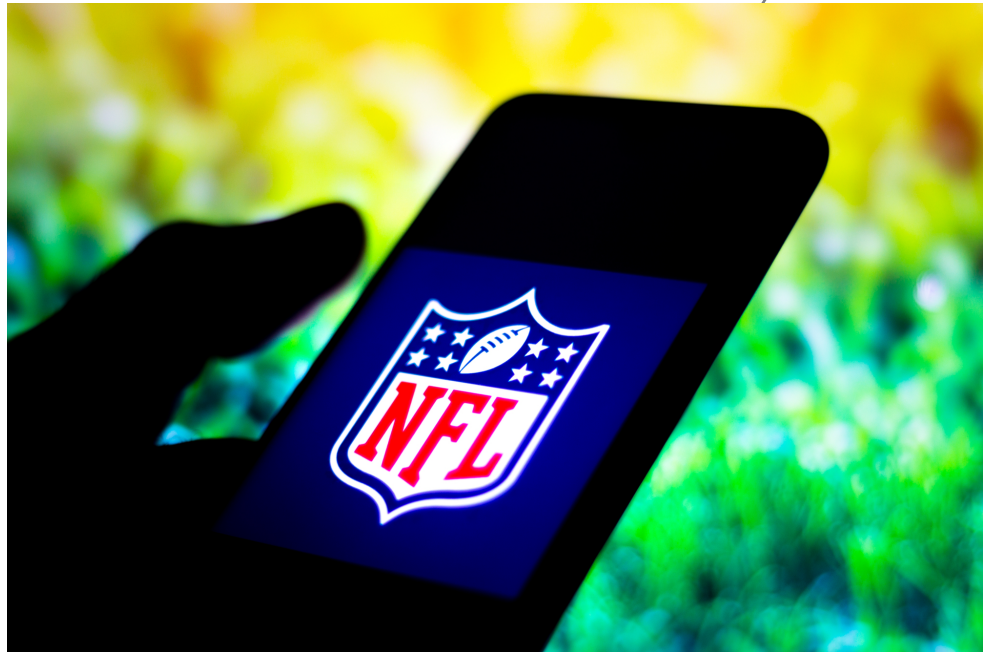


# THE ADVOCATE

A Publication of Gambone Law – PA (215) 755-9000 - NJ (856) 793-7429

Newsletter



## The 4 Most Common Crimes That Occur on Superbowl Sunday

The Philadelphia Eagles are in the Superbowl, and the City is excited for another opportunity for an NFL Championship. While an event like the Superbowl, is an opportunity to get together with family and friends, it also brings with it potential legal problems.

As I've stated in many of my blog articles, videos, and strategy books, a criminal problem can happen at any time but there is a greater chance that this could happen whenever there is a large gathering of people and alcohol such as the Super Bowl parties, post-game celebrations and parades.

The most common crimes and offenses our law firm encounters following any large sporting event like the Superbowl are the following:

- **Disorderly conduct**
- **Underage drinking**
- **Criminal mischief**
- **Drunk driving**

While it is important to understand that the majority of offenses are misdemeanors and in some cases summary offenses as opposed to felony crimes, each could substantially hinder or derail a professional or academic career.

Our law firm has represented individuals who maintain different professional positions in health care, law enforcement, and business. Even a minor charge could cause an organization to terminate a person to avoid embarrassment or negative publicity. This is why it is so important to hire a qualified criminal defense lawyer if you are charged with a criminal offense.

### Disorderly Conduct

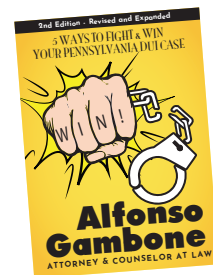
A person commits disorderly conduct in Pennsylvania if he or she, (1) with the intent to cause public inconvenience, annoyance, or alarm, engages in fighting or threatening or some other violent behavior; (2) makes unreasonable noise; (3) uses obscene language or an obscene gesture; (4) creates a hazardous or physically offensive condition by an act which serves no legitimate purpose

Disorderly conduct is graded as a misdemeanor of the 3<sup>rd</sup> degree if the actor causes

substantial harm or serious inconvenience; otherwise it is a summary offense. Keep in mind that the maximum punishment for a misdemeanor of the 3<sup>rd</sup> degree is 1 year of state prison while the maximum punishment for a summary offense in the Commonwealth is 90 days in the county jail. A disorderly conduct charge is very common in large groups of intoxicated or drunk persons. Our criminal defense law firm has represented individuals charged with this offense following music concerts, sporting events, or public celebrations.

Continued On Page 4

### Download our DUI book



#### You Will Learn:

- **Blood Testing**
- **Field Sobriety Testing**
- **Probable Cause vs Reasonable Suspicion**
- **And Much More!**

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## ALEC BALDWIN CHARGED WITH INVOLUNTARY MANSLAUGHTER – HOW SERIOUS IS THIS CRIMINAL CHARGE AND COULD HE GO TO PRISON?

Authorities in New Mexico have charged actor Alec Baldwin with 2 counts of involuntary manslaughter following a 2021 incident in which he allegedly fired a prop gun that killed cinematographer Halyna Hutchinson and injured a director. This case brings with it an opportunity to explain the different forms of criminal homicide.

New Mexico, like Pennsylvania and New Jersey where our law firm defends individuals charged with crimes, maintains a criminal statute which covers various forms of homicide which include murder and manslaughter. Manslaughter is further classified into 2 categories of voluntary and involuntary, very similar to Pennsylvania.

## What is Voluntary Manslaughter as opposed to Involuntary Manslaughter?

Voluntary manslaughter occurs when a person intentionally kills another person during a “heat of passion” such as a fight or under the mistaken belief that his or her life is in danger (aka imperfect self defense). Involuntary manslaughter is an unintentional act which leads to another’s death through gross negligence or recklessness.

Pennsylvania grades involuntary manslaughter as a misdemeanor of the 1st degree. In Pennsylvania, involuntary manslaughter can be graded as a felony if the victim is under the age of 12 and is in care or custody of a person who caused the death.

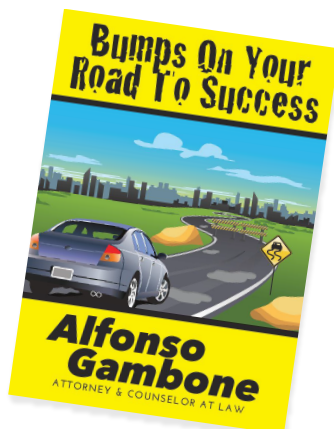
New Jersey separates the crime of manslaughter between the categories of aggravated manslaughter and manslaughter. In New Jersey manslaughter refers to a person who recklessly causes the death of another person and can be graded as a crime of the 1st or 2nd degree depending on the circumstances surrounding what occurred (See 2C: 11-4; See Pennsylvania Title 18 § 2504).

In New Mexico, manslaughter is the unlawful killing of a person without malice. In contrast Murder, in Mexico, is the killing of another through a willful, deliberate, and premeditated act. The crime of manslaughter is divided between Voluntary manslaughter. Voluntary manslaughter is an intentional killing for which there was a mitigating circumstance which lowers the crime from murder. Involuntary manslaughter is a killing that was unintentional, resulting from either recklessness or criminal negligence.

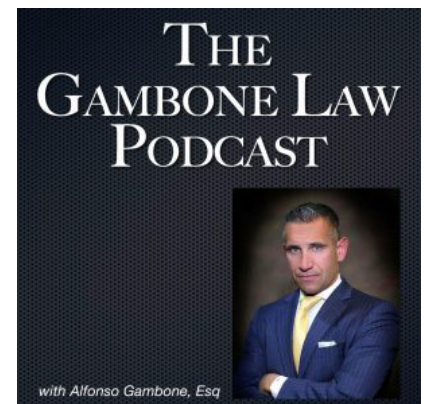
Potential Criminal Penalties for Involuntary Manslaughter? Could Alec Baldwin go to jail?

In New Mexico, involuntary manslaughter it is fourth-degree felony and carries with it up to 18 months in prison and up to \$5,000 in fines. If Baldwin was convicted on both counts, he could face as much as 3 years in state prison!

The maximum punishment for involuntary manslaughter is Pennsylvania is 5 years of state prison! While Baldwin has no prior criminal history, he faces a very real possibility of county jail or perhaps state prison. It is unlikely that the prosecutor will offer him or agree to any diversion program. His criminal defense lawyer could potentially negotiate a favorable plea or consider taking the case to trial.



DISCOVER INFORMATION ABOUT CRIMINAL CHARGES,  
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## What are the degrees of Murder in Pennsylvania and New Jersey?

Murder is the more serious category and it is separated by 3 degrees in both Pennsylvania and New Jersey. Murder of the 1st degree is a criminal homicide committed by an intentional act. While murder of the 2nd degree is committed when a homicide occurs while a defendant or his or her accomplice is engaged in committing a felony crime such as robbery, burglary, aggravated assault, arson, kidnapping, or rape. (See 18 § 2502 – Pennsylvania; 2C: 11-3 – New Jersey).

While New Jersey does not specifically differentiate between murders of the 1st, 2nd, and 3rd degree within its crimes code, it does define the types of murder similarly to Pennsylvania. New Jersey defines all murder as a crime of the 1st degree which is the most serious offense in New Jersey. Murder which results from an intentional act (murder of the 1st degree in Pennsylvania) carries with it a life sentence without the possibility of parole. Murder of the 2nd degree in Pennsylvania also carries with it a life sentence. While murder of the 3rd degree in Pennsylvania carries with it a maximum sentence of 40 years of state incarceration.

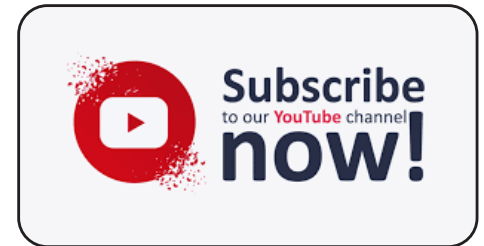
## What is Felony Murder?

Murder of the 2nd degree is felony murder in Pennsylvania and New Jersey and so, the principle actor and his or her accomplice face a potential life sentence if convicted of this crime. It is irrelevant if either the principle or the accomplices intended or set out to kill anyone during the commission of the felony.



### Watch Our Videos!

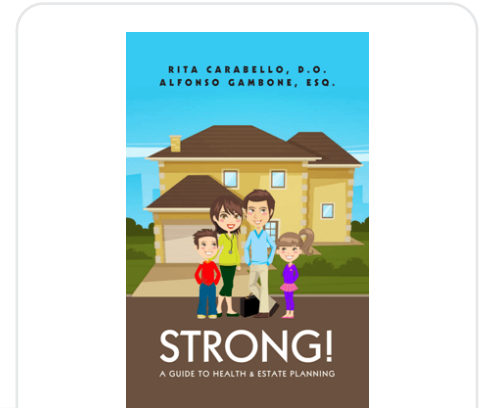
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2023

## Questions?

Our law firm is ready to answer your questions. If we can't answer it, we will direct you to an attorney who focuses his or her practice in that area.



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**Limit Alcohol** - Consuming excessive amounts of alcohol can result in liver damage, the loss of fertility, high blood pressure, and increase your chances for a heart attack. Alcohol offers practically no nutritional benefits and adds unnecessary calories usually in sugars to meals.

**Proper Diet** - Diets rich in sugar, saturated fats, and processed flours found most breads create stress on the body. This increases our chances for cardiovascular disease and Type 2 Diabetes. Some studies show that obesity can shorten your life more than smoking. Focus your diet on whole foods such as low glycemic fruits, vegetables, lean proteins, plain Greek yogurt, and healthy fats (Monounsaturated and polyunsaturated).

## FAMILY MEDICINE UPDATE

### Five Ways to Live Stronger & Longer

In my family medicine practice I often discuss various conditions with patients and ways to prevent them. These are my most common recommendations to patients:

- Cholesterol
- Blood Pressure
- Blood Glucose
- Hemoglobin A1c (HBA1C)
- Body Mass Index

Stop Smoking – not only will shorten your life it will lower your quality of life. This harmful habit may not only cause cancer but also insomnia and shortness of breath. It is never too late to quit smoking and even those who quit much later into life will improve their health substantially.

**Know Your Numbers** – If you don't know your numbers, you can't know if your current health regimen is working or how at-risk you are for such things as heart disease, stroke, and/or diabetes. Knowing your numbers means an understanding of the following:

**Exercise** – regular exercise along with just moving more throughout the day can dramatically change your health. Not exercising and remaining sedentary increases your risk for a number of conditions and illnesses, specifically cardiovascular disease and diabetes.

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## The 4 Most Common Crimes That Occur on Superbowl Sunday - (Continued)

### Underage Drinking

In Pennsylvania, underage drinking is a summary offense and a person commits it if he or she, being less than 21 years of age, attempts to purchase, purchases, consumes, or knowingly and intentionally transports any liquor, malt, or brewed beverage. It is very important to understand that if a person is charged or convicted of this offense there is a maximum fine of \$500.00 (first offense) but more importantly a 90 day, driver's license suspension. Please keep in mind that some people incorrectly believe transporting of alcohol, in and of itself, is not a criminal offense in Pennsylvania, but this is simply wrong!

### Criminal Mischief

Similar to disorderly conduct, criminal mischief is another crime that our firm encounters during public events and celebrations in Philadelphia or its surrounding counties of Bucks, Montgomery, Delaware and Chester. A person commits criminal mischief in Pennsylvania if he or she damages property of another intentionally or recklessly. Damaging includes defacing

the property.

Unlike disorderly conduct, criminal mischief can be graded as a felony of the 3<sup>rd</sup> degree if the person causes a loss in excess of \$5,000.00 or substantially interrupts public communication, transportation, or some other public service like such as the operation of Septa bus, trolley, regional rail or subway. This crime is a misdemeanor of the 2<sup>nd</sup> degree if the loss or damage is over \$1,000.00 but less than \$5,000.00, and a misdemeanor of the 3<sup>rd</sup> degree if the damage is less than \$1000.00 but over \$500.00. Criminal mischief is a summary offense if the damage is less than \$500.00 but more than \$150.00.

### Drunk Driving

I've written a number of articles and done videos on drunk driving in Pennsylvania and New Jersey. I encourage you to read more about this practice area. Drunk driving is an offense that not only carries with it mandatory minimum county jail time in some cases, but also a drivers license suspension. It's important to remember that if you're stopped for drunk driving you should never

refuse a chemical test (blood or breathalyzer). Remember that police must have probable cause to stop and arrest you for DUI and motions to suppress evidence based on a lack of probable cause or reasonable suspicion is a very strong defense tool for your criminal lawyer in these cases.

Our law firm wishes the Philadelphia Eagles the best in the Superbowl but please enjoy this great game responsibly.

**Disclaimer:** The content of this newsletter has been prepared by Gambone Law Offices, P.C. for informational purposes only and should not be construed as legal advice. The material in this newsletter is not intended to create, and receipt of it does not constitute, a lawyer-client relationship, and readers should not act upon it without seeking professional counsel of a licensed attorney. Case result may vary depending on the facts and circumstances of each matter.



**Question of the Month**  
**Question - What are the most common exceptions to probable cause and the search warrant requirement in Pennsylvania and New Jersey for vehicle searches?**  
**Answer:** There are various exceptions to the search warrant requirement. The most common exceptions are the following:  
**Plain View** – The police officer can see the contraband in the vehicle.  
**Inventory Searches** – If the car is impounded for an unrelated issue (registration), police inspect the car to ensure that driver's personal belongings are not lost or stolen.  
**Searches made for the Police Officer's Safety** - If the officer came upon a vehicle and noticed what appeared to be a bulge of a handgun in the driver's bag while the item in question was not in plain view, the officer could testify that based on his training and other experience, he had reason to believe that the driver could cause harm to him or fellow officers. This is an arguable point, however, because the defense can argue that the officer could have removed the driver from the vehicle and requested a search warrant for the item in question. Exceptions to probable cause and the search warrant requirement are key issues in any criminal defense case. If you have questions regarding illegal search and seizure and search warrant requirements in Pennsylvania or New Jersey, contact our office.

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