

Local Lawyer's Opinion on Gun Control

by James Porfido, Esq.
Community Contributor

Here is the fundamental issue in this gun control debate: fairness in sentencing when one is faced with a gun law violation. Common sense has fallen by the wayside. Having represented many individuals wrongfully accused of gun charges each case must be assessed on a case by case basis with particular attention to the facts, circumstances and the offense as well as the individual charged. Are you a criminal if you lawfully possess a weapon and have a carry permit to bring that gun to New Jersey? New Jersey law says yes. In fact, you face mandatory sentencing under the Graves Act. New Jersey law possesses the harshest and most Draconian laws as it pertains to gun law violations. Take it



Gun control continues to be a hot-button issue
Photo courtesy of hibu

from me, a former prosecutor and now as a defense attorney, I have worked tirelessly to represent clients who are not criminals but are treated as such by our criminal justice system. New Jersey Law allows for mandatory state prison sentences for simple possessory offenses. I have a client with no

criminal history serving three years in New Jersey State Prison with one year without parole for transporting a weapon without a carry permit even though he was found not guilty of all other offenses by a jury of his peers. Our judges' hands are tied by legislation and the courts are reluctant to step in and undue an unjust sentence. Common sense applies to the prosecution of such matters; experienced prosecutors know or should know when they are looking at a bad guy who needs to do time and when mandatory sentencing needs to apply. Coincidentally, the mandatory sentencing provisions under the Graves Act were supposed to punish gang related gun activity as authored by Senators Girgenti and Sarlo in 2007. Be Forewarned: Gun charges in New Jersey lead to ominous results and outcomes in the criminal justice system.

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Dr. Steven Richter is a lifelong resident of Morristown and graduated from Morristown High School