



Seufert Law Offices, PA

We'll Get You Through It

From the Captain's Log Paradise Revisited



Was able to grab some tics with my Spirit frequent flyer miles to fly down to Florida last month. The airline just opened up new flights out of Manchester making it a lot easier on the commute, 1 hour from my house and you're on the Spirit bus to Florida. Some complain about Spirit but the planes are new, and so what about random seat assignment or \$5 water and chips, it's only a 3 hour ride to Ft. Myers, and you go from 20° to 80° before you're done reading the newspaper.

Unfortunately FL is also one of the fastest growing southern states and in and around Ft. Myers is no exception. What was once a sleepy area in southwestern FL is now turning into a mega-tropolis with high rises and townhouses on every block. But if you know where to go some of old cracker FL still exists, and one of them is Bert's Bar on Pine Island. Now Burt's is not your button down shirt and fancy pants type places, it sits on Pine Island Sound and dates back over 100 years, and has so far resisted the developers quest to bulldoze for more waterfront acreage and yet another high rise. Musician Skip Bowman is a regular performer at Bert's with his steel pan drum and dreams your soul with calypso rhythm while the beer and shrimp sooth the body. Skip comes to the Ft. Myers area via the Caribbean and South Pacific,



with a short stop in Oregon. He says his office overlooks Pine Island Sound and his secretaries are the wait staff pouring the draft beer all day long – wish I had that office. There are no loud speakers or backup singers, just Skip and his steel pan drum, but at Bert's that is all you could want. For \$30 bucks two people can have a meal, a few rounds of drinks, and waste away a few hours listening to the music, with gentle waves and a cool breeze off the ocean. My date this time was my Mom, when I took a picture she said – well I know what your next newsletter article will be about...I wonder if she also knows about all the trouble I got into as a teenager.... •

April 2022 News





Annulments

How can I annul my conviction is a common question. The answer depends on a few factors. One is the level of offense. Felonies, misdemeanors and violations each have different time frames. In addition, depending on the charge itself, the time to Petition to Annul may be extended. For instance, a violation level offense can normally be annulled a year after the sentence has been served. For instance some motor vehicle violations cannot be annulled for five years.

A Petition to Annul cannot be filed until the sentence has been served. What does that mean? Most commonly we think of the person who is sentenced to some form of incarceration and then is released. However, if you have a suspended sentence, whether that relates to a fine or imprisonment, you need to add the time that the sentence is suspended to the statutory time for an annulment. For instance, let's say the law requires a waiting period of seven years to file a petition. If you have a fine that is suspended for two years, you now must wait nine years.

One of the factors to consider in negotiating or accepting a plea is what impact it may have on the length of time you must wait to file for annulment. If an individual has no previous criminal history, he or she may accept a longer period of incarceration or a higher fine to avoid having a suspended sentence. While the initial punishment may be harsher, in the long run that person is able to annul that conviction more quickly. If an individual has a lengthy criminal history, the time frame to petition to annul is probably not a factor.

The law provides that if a Petition to Annul is denied, for any reason, that individual must wait three years to refile. It is important to be certain that the petition is not filed prior to the statutory time limit and that it is drafted correctly. If you have questions about annulling a conviction, give us a call. ●



Don't Get Burned by the Statute of Limitations

April 2022 Notable Dates

April 1
April Fools' Day

April 8
Zoo Lovers Day

April 15
Good Friday

April 15
Passover begins
(sundown)

April 17
Easter Sunday

April 18
Tax Day

April 22
Earth Day

In most states, the time you have to file a claim after you were injured—the Statute of Limitations (SOL)—is generally three years from when you were hurt in an accident (there can be exceptions, though, and your best bet is always to reach out to an experienced personal injury attorney to review the facts of your situation).

Unfortunately, some folks that we speak with are under the mistaken impression that as long as they have initiated conversations with the insurance company, exchanged paperwork, or are actively negotiating with the adjuster, they're in good shape as far as the SOL is concerned. This could not be further from the truth.

Fact is, in order to meet the requirements of the SOL, your injury claim has to be filed in court within the timeframe allowed by the SOL.

Simply getting things rolling and chatting with the insurance adjuster are not enough. Remember, the insurance adjuster is not your friend and is not your buddy. His or her job is to settle your claim for as little money as possible...or to deny it entirely hoping that you will just go away (what better way for that to happen than to have the SOL run out).

To make matters worse, if the SOL does run out, you're out of luck. You can't file to get an extension or get an exception—your opportunity to collect compensation for your injuries is gone. Another way to think about it is Statute of Limitations (SOL) = SOL= shit out of Luck. •

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Protect Your Family, Protect Your Rights



Paradise
Revisited

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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

An October Radio Broadcast but Very April Fools'-ish



On October 30, 1938, the *Mercury Theatre on the Air* weekly radio program spotlighted *The War of the Worlds*, a science-fiction novel authored by H. G. Wells that told the story of a Martian attack on planet Earth (first stop, New Jersey). The director was 23-year-old theater dynamo Orson Welles. The episode left an indelible mark on broadcast history.

Skilled acting and directing, impressive sound effects, and a realistic “breaking news” backdrop panicked many listeners, who thought the action was legitimate, despite two disclaimers during the show. Radiolab, a New York public radio station, says 12 million people tuned in, and one in 12 thought the drama was real. That’s a million freaked-out listeners.

Others dispute that tally. Newspapers weren’t too keen on the rise of radio as a news source, since it cut into their profits. Some allege that newspapers cooked the numbers and sensationalized the panic to give radio a black eye.

But the country was walking on eggshells at the time. People were still recovering from the Depression, the clouds of war were gathering over Europe, and radio coverage of the 1937 Hindenburg disaster was fresh on their minds.

Ironically, many involved in the broadcast felt the episode would be awful, as Welles wasn’t able to be fully involved until two days before showtime, and the book needed a lot of “adaptation.” With the controversy afterward, many feared their careers might be torpedoed.

Instead, the episode made radio history; *Mercury Theatre on the Air* gained a major sponsor, Campbell Soup; and within three years, Orson Welles wrote, directed, and starred in *Citizen Kane*, which many consider the greatest film of all time. ●