

there exists here what is known as conflict of interests. Since the prosecutor's office is involved with this corporation

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December 14, 2015

Honorable Daniel F. Sahin, J.M.C.
Jackson Township Municipal Court
102 Jackson Drive
Jackson, New Jersey 08527

Re: **State of New Jersey v. Elias Agredo-Narveaz**
Summons Nos.: D-162083
Letter Brief in Opposition to Defendant's Motion

Dear Judge Sahin:

Please accept this letter brief in lieu of a more formal brief in opposition to Elias

Agredo-Narveaz's (hereinafter "Defendant") Motion to Dismiss. For the reasons set forth

herein, N.J.S.A. 39:3-4 constitutionally applies to all individuals travelling upon public
Rebuttal: TITLE 39:3 § 39:3-10.10 PURPOSE. Purpose of the ACT
highways in New Jersey. Further, municipal courts are the appropriate authority to hear

alleged violations of Title 39. Accordingly, Defendant's Motion should be denied and heard on the merits.

It is also important to note that, to the extent Defendant requests items related to

authority of this municipal court, such items are not subject to production in discovery by

I Demand that this be certified under Penalty of Perjury,
and also by the Supreme Court.

PLEASE see - The fraudulent filed portraying as charging instrument and you will see that Elias Agredo-Narveaz is not mentioned anywhere but ELIAS AGREDO-NARVEAZ IT IS. AND ELIAS AGREDO-NARVEAZ IS THE REGISTERED PROPERTY

motion to dismiss and Petition for abatement. Block's law will be a good start for your knowledge.

the State. Defendant's claims are legal arguments, not factual one's that are the subject of documents.

LEGAL ARGUMENT

THE REGISTRATION REQUIREMENTS SET FORTH WITHIN N.J.S.A. 39:3-4 CONSTITUTIONALLY APPLIES TO ALL INDIVIDUALS USING NEW JERSEY ROADWAYS AND IS NOT A DIRECT AND MATERIAL BURDEN ON INTERSTATE COMMERCE

The United States Congress exercises power over interstate commerce only through legislation, which measures the scope of the exercise of such power. However, when and "[u]ntil a particular aspect in the field of interstate commerce has been regulated by congressional enactment, the States are free to exercise their police and other governmental powers therein." State of N.J. v. United States, 168 F. Supp. 324, 331 (D.N.J. 1958) (citing Port Richmond & Bergen Point Ferry Co. v. Board of Chosen Freeholders of Hudson County, 234 U.S. 317 (1914); State of Colorado v. United States, 271 U.S. 153 (1926)).

In the absence of national legislation, a state may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its highways of all motor vehicles, those moving in interstate commerce as well as others. And to this end it may require the registration of such vehicles and the licensing of their drivers, charging therefor reasonable fees graduated according to the horse-power of the engines, - a practical measure of size, speed, and difficulty of control. This is but an exercise of the police power uniformly recognized as belonging to the states and essential to the preservation of the health, safety, and comfort of their citizens; and it does not constitute a direct and material burden on interstate commerce. The reasonableness of the state's action is always subject to inquiry in so far as it affects interstate commerce, and in that regard it is likewise subordinate to the will of Congress. Barbier v. Connolly, 113 U. S. 27, 30, 31; Lawton v. Steele, 152 U. S. 133, 136; New York, N. H. & H. R. Co. v. New York, 165 U. S. 628, 631; Holden v. Hardy, 169 U. S. 366, 392; Lake Shore & M. S. R. Co. v. Ohio, 173 U. S. 285, 298; Chicago, B. & Q. R. Co. v. McGuire, 219 U. S. 549, 568; Atlantic Coast Line R. Co. v. Georgia, 234 U. S. 280, 291.

Hedrick v. State of Maryland, 235 U.S. 610, 622-23 (1915)

Rebuttal: Police Powers (law enforcement officers) are NOT INTENDED to be used as an instrument for sources of government revenue, but for the protection of the citizens and their property

Rebuttal: See Title 18, Part 1, Chapter 2, Definitions (a) Motor vehicle

Rebuttal: 39:3-10.9 - Short title. NJ Commercial Driver License Act

LEAVE BEING A RESIDENT
as the DEFINITION OF
Your STATUTES in Commerce

District of Columbia. Also see: TITLE 5
Sect 500 (a) 2

N.J.S.A. 39:3-4 provides "every resident of this State and every nonresident whose automobile or motorcycle shall be driven in this State shall, before using such vehicle on the public roadways, register the same, and no automobile or motorcycle shall be driven unless so registered." Said statute does not impose a direct and material burden on interstate commerce. It constitutes a reasonable exercise of the police power for public safety and order in a field not occupied by Federal authority. State v. Gardford Trucking, 4 N.J. 346 (1950) (citing Hedrick, 235 U.S. at 621).

In this matter, the Statute will show, through testimony, that that the Defendant operated a vehicle not duly registered within the State of New Jersey. The motor vehicle registration requirement is not considered a direct and material burden on interstate commerce. The registration requirement is an appropriate statute as New Jersey is permitted to exercise police powers over its own roadways when there is no federal authority regarding motor vehicle registration presently exists. The motor vehicle registration requirement applies to all individuals, both resident and non-resident, on all

New Jersey roadways. Accordingly, Defendant's Motion should be denied.

REBUTTAL: see RODRIGUES V. RAY DONAVAN
(U.S. DEPARTMENT OF LABOR, 769 F. 2d 1344, 1348 (1985)) and JONES V. MAYBR CO 392 U.S. 409 (1968), TITLE 5 sec 552 a (2)

JACKSON TOWNSHIP MUNICIPAL COURT IS AN APPROPRIATE COURT OF LIMITED JURISDICTION TO PRESIDE OVER TRAFFIC VIOLATIONS OCCURING WITHIN THE JURISDICTION OF JACKSON, NEW JERSEY

The United States Constitution provides that "[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. U.S. Const. art. III, § 1. Creation of a state's court system was left to each state. U.S. Const. amend. X ("The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.").

Vehicle or Motor vehicle?

IS NOT AN ARTICLE 3 COURT. IF SO, THEN
IF HEREBY DEMAND A DULY ELECTED
JUDICIAL OFFICER. NOT AN APPOINTED ATTORNEY
ADM, LAWYER

REBUTTAL: 39:3-10.10 PURPOSE.
IS ALL ABOUT MOTOR VEHICLES IN COMMERCE, UNLESS YOU DON'T KNOW HOW TO READ.

The New Jersey Constitution provides, that "[t]he judicial power shall be vested in a Supreme Court, a Superior Court, and other courts of limited jurisdiction. The other courts and their jurisdiction may from time to time be established, altered or abolished by law." N.J. Const. art. VI, § 1. New Jersey law requires "[e]very municipality shall establish a municipal court." N.J.S.A. 2B:12-1.¹ In accordance with state law, Jackson Township established a Municipal Court as of January 1, 1949. § 3-137 et seq.² Jackson Township Municipal Court has jurisdiction to hear Title 39 violations occurring within Jackson Township. See N.J.S.A. 2B:12-17b ("A municipal court has jurisdiction over the following cases within the territorial jurisdiction of the court . . . b. Violations of the motor vehicle and traffic laws."); also see N.J.S.A. 39:5-3(c) ("All proceedings shall be brought before a judge having jurisdiction in the municipality in which it is alleged that the violation [of Title 39] occurred...").

The present matter presented before Jackson Township Municipal Court is properly presented as this Court is a one of limited jurisdiction to hear this matter. The matter cannot be presented before the United States District Courts because the matter does not address matters of federal law or federal questions. The 10th Amendment cited above established that should if no federal issues be presented, the power to hear said matters is reserved to the State.

The New Jersey Constitution provided courts of limited jurisdiction can be created by law to hear specific matters. The New Jersey legislature followed this

¹ It is important to note a municipality may agree, by ordinance or resolution, to enter into an agreement with another municipality to establish a single joint municipal court and providing for its administration. Should a municipality not have its own municipal court or entered into an agreement for a joint municipal court, the Assignment Judge of the vicinage shall order violations to be heard in any other municipal court within the same county until a court or joint agreement is made.

² Section 3-137 provides that "[t]he Municipal Court of the Township heretofore established as of January 1, 1949 in accordance with applicable law (now N.J.S.A. 2B:12-1 et seq), is hereby continued.

REBUTTAL. This matter will be presented before the United States District Court because it involves matters of Federal Law in that violation of civil, constitutionally protected rights have been violated under color of law. Derivation of property. Free locomotion, taking of property without due process of law for the purpose of embezzlement, and

STATUTE without Regulation cannot and does not have the Force of LAW. Your statute is nothing but Private law of which there is no proof that ~~the~~ defendant has agreed to abide by.

↑
principle and established, by statute, the requirement for each municipality to create municipal courts. Jackson Township thereafter created, by ordinance, the Municipal Court of Jackson Township, which is, by statute, designated to hear violation of Title 39. Accordingly, Defendant's alleged violation of N.J.S.A. 39:3-4 may be heard in this Court.

CONCLUSION

For the reasons stated herein, Defendant's Motion should be denied and this matter must be heard on the merits. The registration requirements set forth in N.J.S.A. 39:3-4 constitutionally applies to all individuals travelling upon public highways in New Jersey. Further, Jackson Township Municipal is an appropriate court of limited jurisdiction to hear this motor vehicle violation occurring within Jackson Township.

Respectfully submitted,



MATTHEW J. DORRY
Alternate Municipal Prosecutor.

MJD/

CC: Mr. Elias Agredo-Narvaez (by regular mail at 1080-B East Veterans Highway, Jackson, New Jersey 08527)
Court Administrator, Jackson Township Municipal Court (by regular mail and facsimile)