

Legal Analysis

POINT ONE:

THE FINDINGS OF THE COURT BELOW AS TO JURISDICTION SHOULD BE AFFIRMED

Defendant argues that the court below did not have subject matter and personal jurisdiction to hear the matter within which Defendant was charged under N.J.S.A. 39:3-4. Defendant's argument has no merit. New Jersey Court Rule 7:1 clearly establishes jurisdiction over motor vehicle violations: "The rules in Part VII govern the practice and procedure in the municipal courts in all matters within their statutory jurisdiction, including . . . violations of motor vehicle and traffic . . . laws. . . ."

Defendant argues that the law should not apply to him because he is ". . . [n]ot a citizen of 'this State' . . ." (Db3) However, the statute that governs operating a motor vehicle without having the vehicle registered with the New Jersey Motor Vehicle Commission is clear. N.J.S.A. 39:3-4 provides, in part, that: ". . . [E]very resident of this State and **every nonresident** whose automobile . . . shall be driven in this State shall, before using such vehicle on the public highways, to register the same, and no automobile . . . shall be driven unless so registered. . . ." (emphasis supplied)

The record below shows that Judge Sahin made that finding on November 12, 2015, prior to the date of trial:

MR. NARVAEZ: . . . I am here on a special appearance and for the only purpose of challenging personal and subject matter jurisdiction.

THE COURT: All right. Well, as I've said to you previously, I'm satisfied, first of all, that the State does, indeed, establish the subject matter jurisdiction.

Sir, when you operate a motor vehicle under the law in the State of New Jersey, you subject yourself to the laws and regulations of the State of New Jersey.



And if you do not wish to participate in the trial, that is your prerogative, but I'm going to hear the State's proofs with regard to the unregistered vehicle violation now. . . .

(1T15-3 to 15-16)

At trial, in response to Defendant's additional argument disputing personal jurisdiction, Judge Sahin made the following finding:

THE COURT: . . . I'm satisfied that the Court does have jurisdiction over you, Mr. Narvaez. When you are issued a license within the State of New Jersey, you agree by signing that license –

MR. NARVAEZ: I never agree. Nobody tell me any terms, sir.

THE COURT: By having the privilege of driving a vehicle within the State of New Jersey, you're bound by the rules and regulations of the State of New Jersey.

MR. NARVAEZ: I object to that, Your Honor.

THE COURT: And there's a State statute that does require you to have a registered vehicle. And I'm satisfied that the case is properly venued here. . . .
(2T9-6 to 9-19)

Based on the record below, the Municipal Court's findings as to both subject matter jurisdiction and personal jurisdiction should be affirmed.

POINT TWO:

THE FINDINGS OF THE COURT BELOW THAT DEFENDANT WAS GUILTY OF VIOLATING N.J.S.A. 39:3-4 SHOULD BE AFFIRMED

The court below found Defendant guilty of failing to have his motor vehicle properly registered with the New Jersey Motor Vehicle Commission. In addition to the testimony presented by the State as previously mentioned herein, infra, Point I, State's brief, the court heard the testimony of Officer Stephen Cilento as to the motor vehicle stop of Defendant's vehicle on October 18, 2015:

