



Addendum C

The original judge made mistakes of law and fact when reaching his guilty verdict. The verdict should be reversed.

I raised the following defenses at my original hearing:

"Dear Honorable Judge,

I hereby certify as follows:

I plead not guilty to this parking violation because:

-Maryland plate #_____. The original judge made mistakes of law and fact when reaching his guilty verdict. The verdict should be reversed.

I raised the following defenses at my original hearing:

"Dear Honorable Judge,

I hereby certify as follows:

I plead not guilty to this parking violation because:

-Maryland plate #_____ was registered in my name to a black Volkswagen Golf 4D Hatchback, not a Nissan Suburban. I never ever removed this plate from my VW and attached it to another car.

-The registration expiration date was omitted, even though it was visibly displayed on the plate

-The Body Type was misdescribed.

-The Make was misdescribed on the parking ticket, even though it was displayed on my VW Golf

I have submitted a series of exhibits in support of my defense.

Due to these circumstances, please dismiss this parking ticket.

Thank you.

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-I hereby certify that my testimony is the truth to the best of my knowledge. I fully understand that if my testimony is willfully false, I am subject to punishment.

-I hereby certify that the photographs contained in my exhibits are true and accurate reproductions of the originals as they existed on the date/time this parking ticket was issued.

-I hereby certify that the month/year my registration expired has always been displayed on my plate as required by Maryland law.

Respectfully submitted,

Herschel Smith

The original judge found me guilty because:

"...Respondent testifies the summons is defective because it misdescribes the registration expiration date, which is displayed on the rear plate, the body type is misdescribed, and the make is misdescribed. They present the registration and a photo of the rear of the vehicle showing the plate. This is not a persuasive defense.

Respondent presents no evidence that they have not registered this plate to another vehicle, nor is it clear that the numbers on the photographed plate represents the expiration date.

Summons sustained."

Argument

The original judge exhibited a bias in favor of the respondent by his failure to engage in a thoughtful, fair-minded weighing of all the credible, certified evidence.

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I certified that plate number _____ was assigned to my 2013 VW Golf Hatchback when I registered the vehicle in Maryland. I presented a photograph

of my current registration and certified that it was a true and accurate reproduction of the original. The expiration date is "6-30-17."

Yet, the original judge claimed it was not clear that the numbers visibly displayed on my rear plate, "6-17," were the registration expiration date, despite the fact

Exhibit 2

MVA
Motor Vehicle Administration

6601 Ritchie Highway, N. E.
Glen Burnie, Maryland 21062

REGISTRATION CERTIFICATE

IMPORTANT NOTICE:
Maryland Law requires the vehicle be insured at all times. The certificate must be returned PRIOR to any cancellation of insurance on this vehicle. Failure to comply will result in suspension of registration and penalty of up to \$2500.00 per vehicle, per year.
The Maryland Vehicle Law requires that you provide your insurance information when involved in an accident. The certificate of registration must be carried in this vehicle or on the person operating the vehicle.
A person may not drive a vehicle on a highway if the maximum speed capability of the vehicle does not exceed the posted speed limit for the highway by at least 5 miles per hour.
Maryland Vehicle Law requires you to display both a front and rear license plate on vehicles they are issued for.
NOTIFY THE MVA WITHIN 30 DAYS OF ANY NAME / ADDRESS CHANGE

TAG NUMBER		UNIT#	SUBSTITUTE		STICKER NUMBER
44580965			VOLK 4H		
YEAR	CLASS	EXCEPT	VEHICLE IDENTIFICATION NUMBER		
2013		N/A	WVWDB7AJ8DW123852		
GR. VEH. WT.	GR. COMB. WT.	FEE	EXPIRATION DATE		
-3700	00N/A	\$50.50	06/30/17		
OWNER'S LICENSE SOUNDSEX NO.		CO-OWNER'S LICENSE SOUNDSEX NO.			
[REDACTED]					
NAME(S) AND ADDRESS OF REGISTERED OWNER(S)					
HERSCHEL SIMON HARTZ					
10605 MIST HAVEN TER					
ROCKVILLE MD 20852					

This is the Maryland registration certificate for my VW Golf 4D Hatchback bearing Plate #6BB8987. The registration displays my driver's license number, H632302766263

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they matched the registration expiration month-year displayed on the vehicle registration.

Exhibit 4

I took this photograph of the rear of my VW Golf bearing Maryland plate # [REDACTED]

This is exactly how my VW looked on the date this parking ticket was issued. Nothing has been changed.

The red arrows point to the month/year my Maryland registration expired



The expiration date was not entered on the parking ticket

Further, the judge claimed that I presented no evidence that I didn't register this plate to another vehicle. However, Maryland law does not permit such a plate transfer unless my VW Golf was sold, traded, junked, or otherwise disposed of, which was clearly not the case since I still own my VW and the registration is current.

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"Registration plates acquired by any person, for any vehicle owned by that person, may be transferred to a newly acquired vehicle provided:

- * The ownership of the newly acquired vehicle has not changed from the name in which the plates were originally issued; and

- * The vehicle classification of the newly acquired vehicle is identical to the classification of the vehicle to which the plates were originally issued; and

- * The vehicle from which the plates are to be transferred has been sold, traded, junked, or otherwise disposed of.

Maryland Law

<http://www.mva.maryland.gov/About-MVA/INFO/27300/27300-56T.htm>"

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Exhibit 1 below is the parking ticket issued in this case. I did not own, rent, lease or drive the Nissan that was issued this parking ticket.

Exhibit 1

This is the online image of the parking ticket.

-Maryland plate [REDACTED] registered in my name to a black Volkswagen Golf 4D Hatchback, not a Nissan Suburban.

-The registration expiration date was omitted even though it was visibly displayed on the plate

-The Body Type was misdescribed

-The Make was misdescribed on the parking ticket

1 / 2

YOU MUST ANSWER WITHIN 30 DAYS OF THE DATE OF THIS TICKET. IF YOU DO NOT RESPOND, PENALTIES AND INTEREST WILL BE ADDED AND YOUR VEHICLE MAY BE BOOTED OR TOWED.

N/S=Not Shown
N/A=Not Applicable

Permit Displayed	Permit Number	Type	
N/S	N/A	N/A	

Name of the Operator, if present. If not present:
OWNER OF THE VEHICLE BEARING LICENSE

Plate	CD	Exp. Date	State	Plate Type
6BB8987	NS	N/S	MD	PAS
Make	Color	Year	Body Type	
NISS	WHT	N/S	SUBN	

VIN #
NOT VISIBLE

THE OPERATOR AND OWNER OF THE ABOVE VEHICLE ARE CHARGED AS FOLLOWS:

In Violation of NYC Traffic Rules, Section: 4-08(h)(10)(ii)
Failure to Dsply Muni Rec
DAYS/HRS: EXCEPT Su/ 8:30 A- 7 P

Place of Occurrence
Front of 3709 Riverdale Ave

VC	Meter #	Operational	Limit	County	Pct.
38				BX	050

Date/Time of Offense	Date/Time 1st Observed
09/07/16 04:37 PM	N/A

Complainant's Comments:
NO DRIVER & NO PERMIT & NO
RECIPT VISIBLE ON DASH

FINE AMOUNT: \$ 35.00

Agency	Command	Tax Reg #
TRAFFIC	T-201	361339

Complainant's Name
RASUL, MD

Signature of Complainant

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Subsequent to the online hearing of this parking ticket, I appeared for an in-person hearing for a series of parking tickets issued against the plate but not my car. I explained what happened in detail to the judge.

She adjourned the hearings and suggested I obtain a DMV print out showing that I did not own a NISSAN

Here's what I did:

-I contacted the Maryland DMV and was informed by several representatives that the DMV does not furnish a private person with a print out of all the cars he owned registered in Maryland

-I contacted my Congressman.

-I hired a private investigator to help me. Some of the parking tickets that were issued to the NISSAN contained a partial VIN number of the vehicle. The PI was able to search DMV records:

- To ascertain the identity of the owners of those vehicles and
- To prove that I never owned the NISSAN

Please see the DMV printout below and the DMV printout attached to my application to appeal:

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Help

YOUR SEARCH ARGUMENT WAS
JN8AZ08T25W301127

VEHICLE IDENTIFICATION NUMBER RECORD EXPANSION TODAY'S DATE IS 04/03/17

VIN#: JN8AZ08T25W301127 CURRENT OWNER

05 NISSA WHITE SUBN WGT: 003668 PEREZ, ANTHONY, F

FUEL: GAS CYL: 06

147 UNION AVE

PLATE: HPK1476 TYPE: PASSENGER MOUNT VERNON NY 10550

BATCH DATE: 03/09/17

ORIG DOC ISSUED: 03/20/17 LAST DOC ISSUED: 03/20/17

***** PRIOR OWNERS *****

BEYDA, JACK PLATE: DSW7592 TYPE: PASSENGER

1880 E 12 ST BROOKLYN NY 11229

BATCH DATE: 10/23/12

ORIG DOC ISSUED: 01/02/13

ODOMETER: ACTUAL 139699

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I presented substantial certified evidence that cannot be characterized as patently incredible in support of my defense. (See, *Young v City of New York Dept. of Fin. Parking Violations Adjudications* 2007 NY Slip Op 51460(U) [16 Misc 3d 1117(A)] Decided on June 13, 2007 Supreme Court, New York County Goodman).

Respectfully submitted,

Herschel Smith

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