

James Kildare, MD.

APPEAL

Addendum to Section C

Summons #90300_ _ _ _

Date of Violation: March 17, 2023

Date of Decision: April 4, 2023

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 certify as follows:

I am not guilty of this parking violation because:

-The Plate # was misdescribed.

My name is James Kildare, M.D.

I am a licensed physician in the State of NY.

On the date and time this parking ticket was issued, my personalized MD plates were attached to my car, as they always are.

Most importantly, a doctor must purchase a regular series plate issued by the NY DMV to obtain an

MD plate. (See Exhibit #7). In my case, my regular series plate was #KT_ _ _ _ _.

However, this regular series plate was not attached to my car.

--The MD plates, registration sticker, and registration matched.

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

Due to these circumstances, please dismiss this parking ticket.

Thank you.

ADD_Certification

Respectfully submitted,

James Kildare, MD."

-(1) Footnotes:

[NYC Traffic Rules](#)

4-08 (j)(5)

Registration plates, stickers, and tags must match.

No person shall stand or park a vehicle bearing registration plates, stickers, and tags that do not match to information contained thereon.

The original judge found me guilty because:

"The respondent has been charged with violating Traffic Rule 4-08(j)(5) by stopping, standing or parking a vehicle bearing registration plates, stickers, and tags that did not match the information contained therein. Respondent testifies and submits proof that plates and registration were on the vehicle on the date and time of the violation.

Testimony and evidence, as well as the credibility of the motorist, are not persuasive that only said plates and registration were present. Issuing officer would not have known of the old registration if remnants did not remain. As such, since this is a violation, the summons is valid and sustained."

Argument

The original judge based his opinion on a material mistake of fact. That is, he claimed that the issuing officer knew about the regular series plate ("KT_ _ _ _ ") due to the fact that remnants of the old plate or registration were present when the ticket was issued.

Firstly, my regular series plate number and customized MD plate number were displayed on the registration sticker attached to my car, as required by law. (See Exhibit #3 and Exhibit #7) .

Secondly, the issuing officer did not mention the judge's unsupported "remnant fact" in the comment section of the parking ticket.

Next, I was charged with violating 4-08(j)(5)_See Footnote (1). However, the judge misapplied the facts to the rule and therefore made a mistake of law. To clarify, the NY DMV required that I pay for regular issue plates before purchasing my customized MD plates See Exhibit #7. Likewise, I followed the process. Most importantly, the vehicle registration and registration sticker displayed both plate numbers (See Exhibit #3 and Exhibit #7) .

That is to say, even assuming hypothetically that the regular issue plates were attached to my car and not my MD plates, the registration sticker and plates still matched when this ticket was issued. I cannot be guilty of this violation. The truth of the matter is that my MD plates are always attached to my car and were attached to my car when this ticket was issued.

Yet, the original judge assumed facts not in evidence or facts that he could have reasonably inferred from the evidence to find me guilty. However, this type of unsupported conclusion cannot support a guilty verdict.

In the same vein, the judge's arbitrary conclusion illustrates his prejudice against me by failing to engage in a thoughtful, fair-minded weighing of all the credible evidence.

I presented substantial, certified evidence that cannot be characterized as patently incredible in support of my defenses. (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).

Please right this wrong and dismiss the parking ticket.

Respectfully submitted,
James Kildare, M.D.