

Justice Court
Village of New Hempstead
108 Schoolhouse Road
New City, New York 10956

Hon. Michael A. Koplen

In the Matter of ~~Debra J. Kelly~~, defendant:

The Defendant, with a residence address of 9 Pleasant Ridge Road, Spring Valley, New York 10977, was charged with violation of VTL 1180 0D, exceeding the 30 mile per hour speed limit by driving at 45 miles per hour on Grandview Avenue in the Village of New Hempstead, on October 19, 2017 at 7:18 AM.

The Defendant pleaded “not guilty” to the speeding charge.

The Defendant declined to accept a reduced plea to a parking violation which was offered to her. Furthermore, the defendant declined an adjournment in order for her to retain an attorney. The Defendant asked for a trial.

The matter was heard on February 21, 2018. Both the defendant and Ramapo Police Officer M. Tighe testified. Neither party brought witnesses.

Officer M Tighe testified that on the relevant date and time, he observed and clocked the Defendant driving at 45 miles per hour in the 30 mile per zone on Grandview Avenue described above.

The Defendant presented a defense that relied almost exclusively on the fact that the police officer listed the wrong make and model of her vehicle on the ticket. The Defendant also stated that she did not think she was speeding, but presented no further statement or evidence on the matter of her speed at the time that she was pulled over by Officer Tighe. She declined to ask Officer Tighe any questions.

Officer Tighe testified that the reason for the error on the speeding ticket is that he was given an incorrect registration certificate by the Defendant at the time of the incident and that the information on that incorrect registration certificate was then reflected on the ticket.

The Defendant testified that the registration certificate which she presented to Officer Tighe was actually for an automobile that she formerly leased, but was no longer driving.

DECISION: The Court finds that the misidentification of the make and model of the car reflected on the accusatory instrument to be of no legal significance. Both parties testified that Officer Tighe did in fact stop the Defendant driving at the time and place specified on the ticket and that the Defendant was in fact the driver of the vehicle. The misidentification of the vehicle make and

model on the ticket is a matter unrelated to the underlying charge, i.e. that the Defendant was speeding in violation of VTL 1180. The Defendant did not rebut the testimony of Officer Tighe.

Therefore it is the Decision of this Court that the Defendant is GUILTY of the violation of VTL 1180 0D.

It is **ORDERED** that :

On or before March 6, 2018, the Defendant shall pay a fine of \$350 and a surcharge of \$93.

ENTER

Dated: February 22, 2018

s/Hon. Michael A. Koplen