

Index

ADMINISTRATION OF LAW

- Obstruction
 - Generally, **40:1 to 40:6**
 - Constitutional defenses, **40:5**
 - Element of offense, **40:3**
 - Grading of offense, **40:6**
 - Introduction, **40:2**
 - Relevant statute, **40:1**
 - Sentencing
 - Direct and collateral consequences, **40:4**

ADMINISTRATORS AND SUPPORT STAFF

- Municipal court
 - Court administrators, **5:4**
 - Certification and tenure, **5:5**
 - Conclusion, **5:11**
 - Duties, **5:6 to 5:9**
 - Independence, **5:10**
 - Division managers, **5:2**
 - Introduction, **5:1**
 - Violations clerk and clerical staff, **5:3**

APPEAL AND REVIEW

- Parking offenses, **34:17**

APPEARANCE OR ATTENDANCE

- Failure to appear
 - Parking offenses arrest, **34:8 et seq.**
- Parking offenses, failure to appear, **34:8 et seq.**

ARREST

- Parking offenses, failure to appear, **34:11**

ARRESTS AND CONVICTION

- Expungement Records, this Index

BAD CHECKS

- Generally, **36:1 to 36:7**
- Case, prosecution, **36:4**

BAD CHECKS—Cont'd

- Direct and collateral consequences, **36:7**
- Dismissal
 - Court costs assessed, **36:5**
 - Pretrial payment of restitution, **36:6**
- Municipal prosecutor, involvement, **36:2**
- Service of process, **36:3**

BICYCLES

- Generally, **18:1 to 18:9; 22:1 to 22:9**
- Bicyclist, **18:6; 22:6**
- Children
 - Standard of care, **18:5; 22:5**
 - Traffic violations, **18:4; 22:4**
- Definition, **18:1; 22:1**
- Law enforcement, Chapter 4 exemptions, **18:3; 22:3**
- Manner of riding, **18:8; 22:8**
- Pedestrian, **18:6; 22:6**
- Place of riding
 - Highways, **18:7; 22:7**
 - Sidewalks, **18:7; 22:7**
- Required safety equipment, **18:9; 22:9**
- Traffic law, **18:2; 22:2**
- Traffic violations by children, **18:4; 22:4**

BOATING OFFENSES

- Generally, **42:1**
- Allowing operation by a person
 - Concentration in excess, **42:11**
 - Under the influence, **42:10**
- Arrest of offenders, **42:28**
- Authorized sanctions, **42:18**
- Blood alcohol concentration, **42:9**
- Careless operation, **42:39**
- Chemical analysis of breath samples, **42:31**

BOATING OFFENSES—Cont'd

- Defendants who are less than 17 years old, **42:23**
- Defined
 - Operate, **42:5**
 - Vessel, **42:4**
 - Waters of this state, **42:6**
- Elements of offense, **42:3**
- First offense, **42:19**
- Implied consent, **42:29**
- Influence, under the, **42:8**
- Jurisdiction
 - Court, subject matter, **42:12**
 - Over juveniles, **42:17**
- Occurring at sea, **42:14**
- Operating a vessel after license suspension, **42:37**
- Other sentencing issues, **42:22**
- Other suspensions of boating license, **42:26**
- Out-of-state licensees, **42:24**
- Pretrial suspension of driving privileges, **42:25**
- Public policy, **42:2**
- Reckless operation of a vessel, **42:38**
- Refusal to submit to a breath test, **42:32**
- Rehabilitation programs, **42:34**
- Related offenses, **42:36**
- Restoration fee, **42:27**
- Rivers and bays, **42:15**
- Second offense, **42:20**
- Sentencing for refusal offense, **42:33**
- Standard statement, **42:30**
- State v. Garcia, **42:16**
- Territorial jurisdiction, **42:13**
- Third or subsequent offense, **42:21**
- Violation of statute, **42:7**

BRADY MATERIALS

- Post conviction relief
 - Failure to provide, **19:10**

BURDEN OF PROOF

- Generally, **12:3; 12:5**
- Disorderly persons, **27:7**
- Parking offenses adjudication act, **26:2**
- Post conviction relief, **19:4**

BURDEN OF PROOF—Cont'd

- Production, **12:4**
- Proof
 - By clear and convincing evidence, **12:7**
 - Preponderance of the evidence, **12:8**
 - Presumptions and permissive inferences, **12:11**
 - Probable cause, **12:9**
 - Reasonable and articulable suspicion, **12:10**
- Rules of evidence and rules of court, **12:2**
- Scope, **12:1**

BUSINESS RECORDS

- Parking tickets as, **34:15**

CONTEMPT OF COURT

- Abusive communications to court staff, **13:8**
- Appeal of contempt findings, **13:10**
- Authorized sanctions for contempt, **13:3**
- Civil sanctions, **13:9**
- Comply with conditions of probation, failure to, **13:7**
- Contempt in the face of the court, **13:4**
- Failure to pay, **13:6**
- Indirect contempt of court, **13:5**
- Introduction, **13:1**
- Statutory authority, **13:2**

CONVICTION

- Disorderly persons
 - Authorized punishment, **27:4**
- Domestic violence
 - Collateral consequences, **31:9**
- Expungement records
 - Arrests not resulting, **21:4**
- Post conviction relief, vacated
 - Effect of, **19:11**

COURT RECORDS

- Access to, **3:1**
- Municipal court records based upon Rule 1:38, **3:2**

INDEX

COURT RECORDS—Cont'd

Disorderly and petty disorderly persons offenses, **2:1**

CRIMINAL LAW

Revoked list

Applicable statute, **33:57 to 33:59**

DEFAULT AND DEFAULT JUDGMENTS

Parking offenses, failure to appear, **34:12**

DEFENSES

Administration of law

Obstruction, constitutional defenses, **40:5**

Simple assault

Criminal code defenses, **28:8**

DEFINITION

Bicycles, **18:1; 22:1**

DE MINIMIS APPLICATIONS

Simple assault, **28:5**

DISMISSAL

Bad checks

Court costs assessed, **36:5**

Pretrial payment of restitution, **36:6**

DISORDERLY CONDUCT

Elements of offense, **30:3**

Introduction, **30:2**

Preemption municipal ordinances, **30:5**

Relevant statute, **30:1**

Sentence

Direct and collateral consequences, **30:4**

DISORDERLY PERSONS

Attempt, **27:9**

Burden of proof, **27:7**

Conduct of another, liability for, **27:8**

Conviction, authorized punishment, **27:4**

Crime/offense distinction, **27:3**

Drug offenses, **37:17**

Expungement, **27:6**

DISORDERLY PERSONS—Cont'd

Non-incarceration, presumption of, **27:5**

Offenses

Generally, **27:1 to 27:10**

Collection of DNA sample at sentencing, **15:20**

Community service, **15:10**

Conditions of probation or suspended sentences, **15:31**

Consequences of non payment of fines, **15:25**

Criteria for imposing fines, **15:6**

Failure to pay

Generally, **15:26**

Fine collections

Pre sentence investigations, **15:29**

Supreme court directive, **15:28**

Fines, **15:4**

Forfeiture of public office, **15:19**

Grounds for removal from a residential rental property, **15:21**

Imposing sentence of imprisonment, **15:8**

Jail sentence, **15:7**

Jurisdiction, **27:2**

Loss of driving privileges, **15:12**

Loss of presumption of non incarceration, **15:15**

Mandatory serological testing, **15:22**

Modifications of terms and conditions of probation, **15:32**

No admission to pretrial intervention, **15:16**

Probation and suspended sentences, **15:30**

Residential facilities, **15:11**

Restitution, **15:5**

Revocation of corporate charter, **15:17**

Right to remain silent at sentencing, **15:23**

Sentencing in accordance with the code of criminal justice, **15:2**

Split sentences, **15:9**

DISORDERLY PERSONS—Cont'd

Offenses—Cont'd

Statement of reasons

Findings for imposition of sentence, **15:13**

Suspended sentence, **15:3**

Termination of leased premises, **15:18**

Use of prior uncounselled convictions, **15:24**

Vacating all financial obligations due the municipal court, **15:27**

Violation of probation, resentencing, **15:33**

Statutes of limitations, **27:10**

DOGS

Domestic animals, vicious

Introduction, **39:12**

DOMESTIC ANIMALS

Dogs

Classification procedure, **39:13**

Vicious, introduction, **39:12**

Judgment and appeal, **39:14**

Offenses

Generally, **39:1 to 39:14**

Abandonment, **39:3**

Assessments, **39:5**

Civil penalty, **39:8**

Cruelty, **39:2; 39:4**

Expungement, **39:11**

Failure of motorist to stop after hitting, **39:1**

Fines, **39:5**

Incarceration, **39:6**

Other penalty, **39:9**

Probation, **39:7**

Public office, forfeiture of, **39:10**

Suspended sentence, **39:7**

DOMESTIC VIOLENCE

Generally, **31:1 to 31:9**

Acts constituting, **31:2**

Arrests

Discretionary, **31:3**

Mandatory, **31:3**

Confrontation issues at trial, **31:8**

DOMESTIC VIOLENCE—Cont'd

Conviction

Collateral consequences, **31:9**

Harassment, **29:5**

Pretrial

Detention, **31:4**

Release, **31:4**

Restraining order

Final, **31:6**

Temporary, **31:6**

Violations, **31:7**

Simple assault, **28:6**

Trespass, **38:6**

Weapons

Search and seizure, **31:5**

DRUG OFFENSES

Admissibility of laboratory reports, **37:14**

Assessments, **37:3**

Community service, **37:6**

Conditional discharge, **37:7**

Generally, **37:7**

Collateral consequences, **37:8**

Decriminalization of possession

Marijuana, **37:1**

Disorderly persons, **37:17**

Drivers license, loss of, **37:5**

Expungement, **37:11**

Fines, **37:3**

Forfeiture, **37:13**

Incarceration, **37:2**

Leased premises, removal, **37:10**

Merger, **37:9**

New Jersey Statutes Annotated

Possession of drug paraphernalia, (N.J.S.A. 2C:36-2), **37:16**

Offenses

Generally, **37:1 to 37:17**

Overdose Protection Act

Immunity from prosecution, **37:15**

Penalties and fees, **37:4**

Sentencing considerations, **37:12**

DRUNK DRIVING

Action to place motor vehicle in motion, **23:10**

Administered in accordance with implied consent laws, **23:76**

INDEX

DRUNK DRIVING—Cont'd

- Administration of test within a reasonable time, **23:46**
- Admissibility of blood test results, **23:104**
- Adverse inferences
 - Refusal to give blood sample, **23:100**
- Adverse inferences from a refusal conviction, **23:82**
- Alcotest test based upon reasonable grounds, **23:75**
- Allowing intoxicated operation, **23:47**
- All terrain vehicle, **23:5**
- Arrest of the defendant, **23:62**
- Arrest without warrant of intoxicated driver, **23:13**
- Bicycles, **23:3**
- Blood sample taken as a search incident to arrest, **23:99**
- Blood tests and patient physician privilege, **23:96**
- Breath testing, **23:45**
- Burden of proof, **23:79**
- Cause to believe defendant operated while under the influence, **23:59**
- Certificate of person who drew blood sample, **23:94**
- Chain of custody, **23:102**
- Combinations of alcohol and drugs
 - Synergistic effect, **23:30**
- Conditional refusals, **23:70**
- Confusion doctrine, **23:73**
- Contents of standard statement, **23:77**
- Control of motor vehicle, **23:8**
- Conventional and non-conventional motor vehicles, **23:1**
- Conversion of blood serum level to blood alcohol concentration, **23:95**
- Curing a refusal, **23:81**
- Defendant
 - Hospital blood samples, **23:93**
- Defenses
 - Telephonic search warrants, **23:91**
- Delay in administration of the test, **23:69**
- Drug recognition expert, **23:36**

DRUNK DRIVING—Cont'd

- Elements of offense, **23:49**
- Elements of the refusal offense, **23:58**
- Exigency
 - Excuse the search warrant requirement, **23:89**
- Expert opinion, **23:34**
- Express refusals, **23:67**
- Extraction
 - Blood samples from living human beings, **23:23**
 - Breath samples incident to arrest for DWI, **23:25**
 - Urine samples from living human beings, **23:24**
- Hearings under, **23:101**
- Implementation of right to independent test, **23:85**
- Implied consent
 - Generally, **23:57**
- Insufficient number of breath samples, **23:66**
- Intention to operate, **23:9**
- Introduction, **23:7**
- Issuance of telephonic search warrants in blood cases, **23:90**
- Language barriers, **23:71**
- Lawful motor vehicle stops, **23:14**
- Lay opinion, **23:33**
- Mistrial due to errors in chain of custody
 - Double jeopardy, **23:105**
- Mobile data terminals, **23:16**
- Owners and operators, **23:17**
- Racial challenges, **23:18**
- Motorized bicycles, **23:2**
- No cause of action for drunk driving related injuries
 - To defendant, **23:86**
- Non testimonial character of field sobriety tests, **23:43**
- Notification of right to independent test, **23:84**
- Offense per se violation, **23:56**
- Operation of a motor vehicle in an allowing case, **23:50**
- Opinion testimony, **23:32**

DRUNK DRIVING—Cont'd

- Ownership, custody and control, **23:54**
- Permitting operation by another person, **23:53**
- Physical incapacity due to intoxication, **23:74**
- Physical tests, **23:40**
- Place of operation, **23:60**
- Police officers opinions, **23:37**
- Possibility of motion by motor vehicle, **23:11**
- Procedural issues
 - Telephonic search warrants, **23:92**
- Proof of conditions required by
 - Schmerber v. California, **23:103**
- Proof of operation, **23:12**
- Proving operator intoxication, **23:52**
- Psychological tests, **23:39**
- Public policy on allowing intoxicated operation, **23:48**
- Pulmonary dysfunction, **23:72**
- Reading incorrect version of standard statement, **23:78**
- Rebut blood alcohol test results, **23:41**
- Refusal to perform tests, **23:42**
- Request
 - Submit to a chemical test, **23:63**
 - Valid breath sample, submit, **23:64**
- Requirement of actual or constructive knowledge of impairment, **23:55**
- Retaining blood samples, **23:106**
- Right of the state to appeal an acquittal of a refusal charge, **23:80**
- Right to an independent chemical test, **23:83**
- Right to independent blood test, **23:107**
- Road blocks, **23:15**
 - Introduction, **23:15**
- Roller skates and skateboards, **23:6**
- Scientific tests, **23:44**
- Search warrants in the taking of blood samples, **23:88**
- Seizure and impoundment, **23:22**
- Short sample, **23:68**
- Silence, **23:65**

DRUNK DRIVING—Cont'd

- Snowmobiles, **23:4**
- Standardized field sobriety tests, **23:38**
- Standards for determining reliability of novel
 - Scientific forensic procedures, **23:35**
- Step-down relief from enhanced penalties, **23:87**
- Stops based
 - Mistake of fact, **23:20**
 - Mistake of law, **23:21**
- Subpoena duces tecum for hospital blood records, **23:97**
- Under the influence, **23:61**
 - Generally, **23:26**
 - Alcohol, **23:27**
 - Marijuana, **23:29**
 - Narcotic, hallucinogenic or habit producing drug, **23:28**
 - Per se violation, **23:51**
- Urine samples
 - Incident to arrest, **23:111**
 - Introduction, **23:108**
 - Provided on a voluntary basis, **23:109**
 - Taken by force, **23:110**
- Use of force to obtain blood samples, **23:98**

DUE PROCESS

- Revoked list, driving on, **33:14**

EVIDENCE

- Business records
 - Parking tickets as, **34:15**
- Parking offenses adjudication act
 - Business records exception, **26:3**
 - Parking ticket, **26:3**
- Parking tickets, **34:15**
- Post conviction application
 - New trial rule, newly discovered evidence, **20:4**
- Unavailable evidence
 - Shoplifting, **32:11**

EXCEPTIONS

- Business records, parking ticket as evidence, **34:15**

INDEX

EXCEPTIONS—Cont'd

Suspension due to parking tickets,
33:41

EXPUNGEMENT

Drug offenses, **37:11**

EXPUNGEMENT RECORDS

Arrests and conviction

Generally, **21:1 to 21:9**

Conviction

Arrests not resulting, **21:4**

Disorderly persons offense

Early pathway, **21:2**

Early pathway

Disorderly persons offense, **21:2**

Petty disorderly persons offense,
21:2

Effect of, **21:8**

Grounds for denial, **21:7**

Order directing, **21:6**

Ordinance violations, **21:3**

Petitions, **21:5**

Petty disorderly persons offense

Early pathway, **21:2**

Use of, **21:9**

GUILTY PLEA

Motion to withdraw

Post conviction application, **20:5**

Post conviction relief

No factual basis, **19:7**

HANDICAPPED EQUIPPED VEHICLES AND TRAILERS

License plates, **34:22**

HANDICAPPED LICENSE PLATES

Generally, **34:22; 34:23**

HANDICAPPED PARKING

Generally, **34:22 et seq.**

Governing statutes, **34:22**

Handicapped identification cards,
placards and license plates,
34:23

Identification cards, placards and
license plates, **34:23**

Maintenance of handicapped parking
space, **34:26**

Temporary disability placard, **34:23**

HARASSMENT

Domestic violence, **29:5**

Elements of offense, **29:3**

Introduction, **29:2**

Lesser-included offense, **29:6**

Relevant statute

New Jersey Statutes Annotated
2C:33-4, **29:1**

Sentence

Direct and collateral consequences,
29:4

HEARINGS

Miranda hearings

Generally, **9:1**

Criteria for judging voluntariness
of waiver, **9:4**

Lies trickery and deception by the
police, use of, **9:7**

Procedural rules for police during
interrogations, **9:8**

Trial of suppressed statement, **9:6**

Triggering events for miranda
rights, **9:2 to 9:8**

Voluntariness and diminished
capacity, **9:5**

IMMOBILIZATION

Parking offenses adjudication act,
26:8

IMMOBILIZATION OF MOTOR VEHICLE

Parking offenses, liability for pay-
ment, **34:20**

IMPOUNDMENT

Parking offenses adjudication act,
26:8

IMPOUNDMENT OF VEHICLES

Parking offenses, liability for pay-
ment, **34:20**

INTERSTATE DRIVER

License, this Index

JAIL TERMS

Enhanced, repeat offenders

Moving violations, **33:42**

JOINT LIABILITY

- Parking offenses, owner and operator, **34:18**
- Parking offenses adjudication act
 - Owner and operator, **26:6**

JUDGES

- Chief judge, **4:6**
- Introduction, **4:1**
- Municipal court judge, duties, **4:8**
- Number of judges, **4:5**
- Oath of office, **4:2**
- Presiding judge of municipal courts, **4:7**
- Term of office
 - Full and part time judges, **4:3**
 - Temporary judges, **4:4**

JUDGMENT AND APPEAL

- Parking offenses adjudication act, **26:5**

JUDGMENTS

- Parking offenses, **34:12; 34:17**

JURISDICTION

- Civil and equitable jurisdiction, **1:9**
- Conferred by rules of court, **1:5**
- Constitutional requirements, **1:1**
- Disorderly persons offenses, **1:7**
- Establishment under law, **1:2**
- Juvenile offenders, jurisdiction over, **1:10**
- Party
 - Interstate driver, **25:3**
 - License compact, **25:3**
- Political influences in municipal court, **1:3**
- Subject matter jurisdiction, **1:4**
- Territorial jurisdiction, **1:6**
- Traffic cases involving death or serious bodily injury, **1:11**
- Traffic violations, **1:8**

LAW ENFORCEMENT

- Bicycles, Chapter 4 exemptions, **18:3; 22:3**

LEASED VEHICLES

- Parking offenses, liability for payment, **34:19**

LEWDNESS

- Generally, **41:1 to 41:6**
- Element of offense, **41:3**
- Grading of, **41:4**
- Sentencing
 - Direct and collateral consequences, **41:5**
 - Practical considerations, **41:6**
- Statute, **41:1**

LICENSE

- Government statute, **25:1**
- Interstate driver
 - Generally, **25:1 to 25:16**
- Introduction, **25:2**
- New Jersey Division of Motor Vehicles
 - Policy considerations
 - Generally, **25:5 to 25:8**
 - Administrative suspension, length of, **25:6**
 - Definition of conviction, **25:8**
 - Non compact states, **25:5**
 - Time limitations, **25:7**
- New Jersey Statutes Annotated
 - Revoked list, related to driving under N.J.S.A. 39:3-40, **25:9**
- Non-resident violator compact
 - Generally, **25:10 to 25:16**
 - Complementary legislation, **25:12**
 - Governing statutes, **25:10**
 - Law enforcement procedures under the compact
 - Generally, **25:13 to 25:16**
 - Intoxicated drivers, **25:14**
 - Motorist fails to appear in court, **25:15**
 - New Jersey division of motor vehicles, **25:16**
- Obligations, **25:4**
- Party jurisdiction, **25:3**

LIMITATION OF TIME

- Post conviction relief, **19:3**

MARIJUANA

- Drug offenses
 - Decriminalization of possession, **37:1**

INDEX

MINORS

- Bicycles
 - Standard of care, **18:5; 22:5**
 - Traffic violations, **18:4; 22:4**

MOTION

- Appeals
 - Factual findings and legal conclusions, **8:9**
- Automatic standing rule, **8:5**
- Burden of proof, **8:7**
- Exceptions to the exclusionary rule, **8:4**
- Foundations of the exclusionary rule, **8:3**
- Hearing procedures, **8:6**
- Production, burden of, **8:8**
- Reasonableness, defined, **8:2**
- Suppress evidence, **8:1**

MOTIONS

- Reconsider
 - Post conviction application
 - Rule 7:9-4, **20:6**
 - Sentence, **20:6**
- Withdraw
 - Post conviction application
 - Plea of guilty, **20:5**
 - Rule 7:6-2(b), **20:5**

MOTOR VEHICLE

- Offenses
 - Generally, **16:89**
 - Accidents involving
 - Damage to
 - Attended property, **16:140**
 - Unattended property, **16:141**
 - Death or injury, **16:139; 16:143**
 - Property damage, **16:144**
 - Additions to fines, **16:5**
 - Admissibility in evidence, **16:154**
 - Analysis of abstract, **16:155**
 - Basic penalties, addition, **16:19**
 - Characteristics of motor vehicle offenses, **16:49**
 - Civil ramifications of motor vehicle convictions, **16:17**
 - Civil reservations, **16:59**
 - Collateral consequences, **16:127**

MOTOR VEHICLE—Cont'd

- Offenses—Cont'd
 - Common moving violations, **16:48**
 - Common sentencing issues
 - Jail terms and probation, **16:52 to 16:56**
 - Comprehensive court code indices, **16:169**
 - Consequences of non payment, **16:7**
 - Considerations, plea bargaining, **16:145**
 - Contents of written report, **16:150**
 - Court costs, **16:6**
 - Criminal offense for driving while revoked, **16:168**
 - Criminal prosecutions, **16:146**
 - Doubled motor vehicle fines, **16:4**
 - Double jeopardy considerations, **16:99**
 - Driver at accident scene, duties of, **16:138**
 - Driving history, **16:153**
 - Duties of motorist at traffic lights
 - Amber lights, **16:103**
 - Flashing signals, **16:106**
 - Green lights, **16:102**
 - Red lights, **16:104**
 - On red, **16:105**
 - Elements of
 - Offense, **16:90; 16:114**
 - Stop signs, **16:115**
 - Yield signs, **16:116**
 - Eligibility points, insurance, **16:14**
 - Enhancement for
 - Sanctions for school zone violation, **16:22**
 - Suspension
 - Drunk driving, **16:21**
 - Due to driving without liability insurance, **16:20**
 - Establishment of stop or yield signs, **16:118**
 - Evaluation of aggravating and mitigating factors, **16:1**
 - Exemptions from speed limits, **16:84**
 - Failure to report an accident, **16:147**

MOTOR VEHICLE—Cont'd

Offenses—Cont'd

Finding prior offenses, **16:156**

Fines, **16:3**

First offense, **16:23**

Governing statute, **16:94**

Imprisonment, **16:15**

Injury, defined, **16:136**

Insurance surcharge, **16:10**

Introduction, **16:95; 16:101; 16:114**

Involvement in an accident, defined, **16:131**

Knowledge proof, **16:132**

Leaving the scene of an accident, **16:129**

Lesser included offenses, **16:93**

Liability insurance, **16:120**

Loss of driving privileges, **16:8**

Merger, **16:98**

Offenses for purposes of sentencing, **16:26**

Motor vehicle operators

Presumption of identity, **16:58**

Non-owner operators, liability of, **16:122**

Non point violation

Cell phones

Applicable statute, **16:40**

Devices prohibited, **16:42**

Hands free devices, **16:43**

Permitted devices, **16:44**

Plea bargaining, **16:47**

Prohibited uses, **16:41**

Uses permitted, **16:45**

Delaying traffic, **16:31**

Equipment violations, **16:32**

Failure to obey signals, signs, or directions, **16:38**

Introduction, **16:28**

Obstructing passage of vehicles, **16:36**

Operating a motor vehicle in an unsafe manner, **16:29**

Plea bargaining considerations, **16:30; 16:33; 16:35; 16:37**

Rate of speed across sidewalk, **16:34**

MOTOR VEHICLE—Cont'd

Offenses—Cont'd

Non point violation—Cont'd

Seat belts, **16:39**

Obligation to report a motor vehicle accident

Reportable accidents, **16:148**

Occupants, duties of, **16:149**

Operation, proof, **16:130**

Other entries, **16:162**

Out-of-state violations, checking, **16:164**

Owners and registrants, **16:121**

Pennsylvania licensees, **16:88**

Place of accident, **16:134**

Plea bargaining, **16:87**

Point assessment, **16:9**

Presumptions, **16:133**

Prior drunk driving offenses, checking, **16:163**

Probation, **16:16**

Procedure used to pay the surcharges, **16:11**

Proof elements of, **16:97**

Property damage, defined, **16:137**

Proposed notice and order of suspension, **16:161**

Reduced speed, **16:80 to 16:83**

Registered out of state, out of state, **16:123**

Relief from surcharges, **16:12**

Res ipsa loquitur, no use of, **16:91**

Restoration of driving privilege, **16:27**

Review of prior history, **16:2**

Sample

Abstract 1, **16:157**

Abstract 2, **16:160**

DWI abstract 1, **16:165**

DWI abstract 2, **16:166**

DWI abstract 3, **16:167**

Second offense, **16:24**

Sentence enhancements, **16:159**

Sentence enhancements based upon corollary facts, **16:18**

Sentencing issues, **16:86; 16:92; 16:100; 16:109 to 16:112; 16:119; 16:152**

First offenders, **16:125**

INDEX

MOTOR VEHICLE—Cont'd

Offenses—Cont'd

Sentencing issues, **16:86; 16:92; 16:100; 16:109 to 16:112; 16:119; 16:152—Cont'd**

Second and subsequent offenders, **16:126**

Speeding, **16:60 to 16:88**

State v. Hochman, **16:128**

Statute of limitations, **16:50; 16:142; 16:151**

Tolling of, **16:51**

Statutory exemptions, **16:117**

Stop signs, **16:113**

Subject to the statute, **16:135**

Surcharges out of state violators, **16:13**

Suspensions and restorations, **16:158**

Technical requirements for traffic lights, **16:107**

Third or subsequent offense, **16:25**

Traffic control devices

Presumption of validity, **16:57**

Uninsured status of motor vehicle, **16:124**

Use of photo radar devices prohibited, **16:85**

Violation of statute, **16:108**

Parking offenses adjudication act

Immobilization, **26:8**

Impoundment, **26:8**

Sale of, **26:8**

Revoked list, driving on

Personal operation, **33:3; 33:6**

Place of operation, **33:5**

Proof of operation, **33:4**

MOTOR VEHICLE POINTS

Imposition, surcharges, **17:7**

Insurance eligibility points, **17:9**

Reduction, **17:10**

Schedule, **17:6**

Surcharges

Generally, **17:1 to 17:10**

Conclusion, **17:5**

Consequences of motor vehicle surcharges, **17:4**

Imposition, **17:7**

MOTOR VEHICLE POINTS

—Cont'd

Surcharges—Cont'd

Offenses, **17:2**

Payment, **17:3**

Suspension of driving privileges, **17:8**

MOTOR VEHICLES

Appeal and review

Parking offenses, **34:17**

Appearance for parking tickets, arrest for failure to appear, **34:11**

Arrest

Parking offenses, failure to appear, **34:11**

Business record

Parking ticket as, **34:15**

Default and default judgments

Parking offenses, failure to appear, **34:12**

Evidence

Parking tickets, **34:15**

Handicapped equipped vehicles and trailers

License plates, **34:22; 34:23**

Handicapped parking

Generally, **34:22 et seq.**

Governing statutes, **34:22**

Handicapped identification cards, placards and license plates, **34:23**

Maintenance of handicapped parking space, **34:26**

Privileges and immunities, **34:25**

Temporary disability placard, **34:23**

Immobilization of motor vehicle, parking offenses, liability for payment, **34:20**

Jail terms enhanced, repeat offenders

Moving violations, **33:42**

Joint liability, parking offenses, owner and operator, **34:18**

Judgments and decrees

Parking offenses, **34:17**

License plates

Handicapped plates, **34:22; 34:23**

MOTOR VEHICLES—Cont'd

- Parking offenses and tickets
 - Generally, **34:1 et seq**
 - Complaint and service of process, **34:6; 34:7**
 - Failure to appear
 - Generally, **34:8 to 34:26**
 - Handicapped parking
 - Generally, **34:22 to 34:29**
 - Parking ticket as evidence, business records exception, **34:15**
 - Sources of parking offense law, **34:2**
 - Trial, parking tickets grounds, **34:13**
- Registration of vehicle
 - Suspended registration, operation of vehicle with, **33:43 to 34:48**
- Revoked list, driving on
 - Generally, **33:1 et seq.**
 - Collateral consequences, **33:49 to 34:61**
 - Due process, **33:14**
 - Elements of offense, **33:44**
 - Enhancement for nonpayment of insurance surcharges
 - Relief from imposed enhancement, **33:37**
 - Nonpayment of insurance surcharges, enhancement for
 - Relief from imposed enhancement, **33:37**
 - Operation of vehicle with suspended registration, **33:43 to 34:48**
 - Permanent record of conviction, **33:55**
 - Permitting operation by suspended driver, **33:38 to 34:40**
 - Personal operation, **33:3**
 - Purchasing liability insurance, disqualification, **33:52**
 - Restoration fee, **33:53**
 - Suspended driver, permitting operation by, **33:38 to 34:40**
 - Suspended registration, operation of vehicle with, **33:43 to 34:48**

MOTOR VEHICLES—Cont'd

- Revoked list, driving on—Cont'd
 - Trial and sentence, **33:61**
 - Violation of statute, **33:2 to 34:14**
- Sentence and punishment
 - Enhancements, **33:19 to 33:23**
- Suspension of driving privileges
 - Permitting operation by a suspended driver, offense of, **33:38 to 34:40**

MOVING VIOLATIONS

- Jail terms enhanced, repeat offenders, **33:42**

MUNICIPAL COURTS

- Administrators and support staff
 - Court administrators, **5:4**
 - Certification and tenure, **5:5**
 - Conclusion, **5:11**
 - Duties, **5:6 to 5:9**
 - Independence, **5:10**
 - Division managers, **5:2**
 - Introduction, **5:1**
 - Violations clerk and clerical staff, **5:3**
- Civil and equitable jurisdiction, **1:9**
- Conditional
 - Discharge for drug offenders, **10:4**
 - Dismissal program, **10:5 to 10:9**
- Conferred by rules of court, **1:5**
- Constitutional requirements, **1:1**
- Disorderly persons offenses, **1:7**
- Diversion based upon alcohol abuse, **10:3**
- Establishment under law, **1:2**
- Exception to the one diversion rule
 - Marijuana possession conditional discharges, **10:2**
- Judges
 - Chief judge, **4:6**
 - Discipline and removal from office, **4:10**
 - Introduction, **4:1**
 - Municipal court judge, duties, **4:8**
 - Number of judges, **4:5**
 - Oath of office, **4:2**
 - Presiding judge of municipal courts, **4:7**

INDEX

MUNICIPAL COURTS—Cont'd

- Judges—Cont'd
 - Restrictions upon municipal court judges, **4:9**
 - Term of office
 - Full and part time judges, **4:3**
 - Temporary judges, **4:4**
 - Juvenile offenders, jurisdiction over, **1:10**
 - Mediation and dispute resolution programs, **10:10**
 - One time limitation on diversions, **10:1**
 - Political influences in municipal court, **1:3**
 - Subject matter jurisdiction, **1:4**
 - Territorial jurisdiction, **1:6**
 - Traffic cases involving death or serious bodily injury, **1:11**
 - Traffic violations, **1:8**

MUNICIPAL ORDINANCES

- Parking lots and parked vehicles
 - Regulating restrict parking, **34:24**

NEW JERSEY DIVISION OF MOTOR VEHICLES

- License
 - Policy considerations
 - Generally, **25:5 to 25:8**
 - Administrative suspension, length of, **25:6**
 - Definition of conviction, **25:8**
 - Non compact states, **25:5**
 - Time limitations, **25:7**

NEW JERSEY STATUTES ANNOTATED

- Drug offenses
 - Possession of drug paraphernalia, (N.J.S.A. 2C:36-2), **37:16**
- License revoked list
 - N.J.S.A. 39:3-40, related to driving, **25:9**

NON-APPEARANCE

- Parking offenses adjudication act
 - Complainant, **26:4**

NON-RESIDENT

- License, violator compact
 - Generally, **25:10 to 25:16**
- Complementary legislation, **25:12**
- Governing statutes, **25:10**
- Law enforcement procedures under the compact
 - Generally, **25:13 to 25:16**
 - Intoxicated drivers, **25:14**
 - Motorist fails to appear in court, **25:15**
 - New Jersey division of motor vehicles, **25:16**

OFFENSES

- Administration of law
 - Obstruction
 - Grading of offense, **40:6**
 - Obstruction, element of, **40:3**
- Boating Offenses, this Index
- Disorderly conduct
 - Elements of, **30:3**
- Disorderly persons
 - Collection of DNA sample at sentencing, **15:20**
- Community service, **15:10**
- Conditions of probation or suspended sentences, **15:31**
- Consequences of non payment of fines, **15:25**
- Criteria for imposing fines, **15:6**
- Failure to pay
 - Generally, **15:26**
- Fine, **15:4**
 - Collections
 - Pre sentence investigations, **15:29**
 - Supreme court directive, **15:28**
- Forfeiture of public office, **15:19**
- Grounds for removal from a residential rental property, **15:21**
- Imposing sentence of imprisonment, **15:8**
- Jail sentence, **15:7**
- Loss of driving privileges, **15:12**
- Loss of presumption of non incarceration, **15:15**

OFFENSES—Cont'd

- Disorderly persons—Cont'd
 - Mandatory serological testing, **15:22**
 - Modifications of terms and conditions of probation, **15:32**
 - No admission to pretrial intervention, **15:16**
 - Probation and suspended sentences, **15:30**
 - Residential facilities, **15:11**
 - Restitution, **15:5**
 - Revocation of corporate charter, **15:17**
 - Right to remain silent at sentencing, **15:23**
 - Sentencing in accordance with the code of criminal justice, **15:2**
 - Split sentences, **15:9**
 - Statement of reasons
 - Findings for imposition of sentence, **15:13**
 - Suspended sentence, **15:3**
 - Termination of leased premises, **15:18**
 - Use of prior uncounselled convictions, **15:24**
 - Vacating all financial obligations due the municipal court, **15:27**
 - Violation of probation, resentencing, **15:33**
- Disorderly Persons, this Index
- Domestic Animals, this Index
- Drug Offenses, this Index
- Expungement records
 - Early pathway
 - Disorderly persons offense, **21:2**
 - Petty disorderly persons offense, **21:2**
- Harassment
 - Elements of, **29:3**
- Lewdness
 - Element of, **41:3**
- Motor vehicle
 - Generally, **16:89**
 - Accidents involving
 - Damage to
 - Attended property, **16:140**

OFFENSES—Cont'd

- Motor vehicle—Cont'd
 - Accidents involving—Cont'd
 - Damage to—Cont'd
 - Unattended property, **16:141**
 - Death or injury, **16:139; 16:143**
 - Property damage, **16:144**
 - Additions to fines, **16:5**
 - Admissibility in evidence, **16:154**
 - Analysis of abstract, **16:155**
 - Basic penalties, addition, **16:19**
 - Characteristics of motor vehicle offenses, **16:49**
 - Civil ramifications of motor vehicle convictions, **16:17**
 - Civil reservations, **16:59**
 - Collateral consequences, **16:127**
 - Common moving violations, **16:48**
 - Common sentencing issues
 - Jail terms and probation, **16:52 to 16:56**
 - Comprehensive court code indices, **16:169**
 - Consequences of non payment, **16:7**
 - Considerations, plea bargaining, **16:145**
 - Contents of written report, **16:150**
 - Court costs, **16:6**
 - Criminal offense for driving while revoked, **16:168**
 - Criminal prosecutions, **16:146**
 - Doubled motor vehicle fines, **16:4**
 - Double jeopardy considerations, **16:99**
 - Driver at accident scene, duties of, **16:138**
 - Driving history, **16:153**
 - Duties of motorist at traffic lights
 - Amber lights, **16:103**
 - Flashing signals, **16:106**
 - Green lights, **16:102**
 - Red lights, **16:104**
 - On red, **16:105**
 - Elements of
 - Offense, **16:90; 16:114**
 - Stop signs, **16:115**
 - Yield signs, **16:116**

INDEX

OFFENSES—Cont'd

- Motor vehicle—Cont'd
 - Eligibility points, insurance, **16:14**
 - Enhancement for
 - Sanctions for school zone violation, **16:22**
 - Suspension
 - Drunk driving, **16:21**
 - Due to driving without liability insurance, **16:20**
 - Establishment of stop or yield signs, **16:118**
 - Evaluation of aggravating and mitigating factors, **16:1**
 - Exemptions from speed limits, **16:84**
 - Failure to report an accident, **16:147**
 - Finding prior offenses, **16:156**
 - Fines, **16:3**
 - First offense, **16:23**
 - Governing statute, **16:94**
 - Imprisonment, **16:15**
 - Injury, defined, **16:136**
 - Insurance surcharge, **16:10**
 - Introduction, **16:95; 16:101; 16:114**
 - Involvement in an accident, defined, **16:131**
 - Knowledge proof, **16:132**
 - Leaving the scene of an accident, **16:129**
 - Lesser included offenses, **16:93**
 - Liability insurance, **16:120**
 - Loss of driving privileges, **16:8**
 - Merger, **16:98**
 - Offenses for purposes of sentencing, **16:26**
 - Motor vehicle operators
 - Presumption of identity, **16:58**
 - Non-owner operators, liability of, **16:122**
 - Non point violation
 - Cell phones
 - Applicable statute, **16:40**
 - Devices prohibited, **16:42**
 - Hands free devices, **16:43**
 - Permitted devices, **16:44**

OFFENSES—Cont'd

- Motor vehicle—Cont'd
 - Non point violation—Cont'd
 - Cell phones—Cont'd
 - Plea bargaining, **16:47**
 - Prohibited uses, **16:41**
 - Uses permitted, **16:45**
 - Delaying traffic, **16:31**
 - Equipment violations, **16:32**
 - Failure to obey signals, signs, or directions, **16:38**
 - Introduction, **16:28**
 - Obstructing passage of vehicles, **16:36**
 - Operating a motor vehicle in an unsafe manner, **16:29**
 - Plea bargaining considerations, **16:30; 16:33; 16:35; 16:37**
 - Rate of speed across sidewalk, **16:34**
 - Seat belts, **16:39**
 - Obligation to report a motor vehicle accident
 - Reportable accidents, **16:148**
 - Occupants, duties of, **16:149**
 - Operation, proof, **16:130**
 - Other entries, **16:162**
 - Out-of-state violations, checking, **16:164**
 - Owners and registrants, **16:121**
 - Pennsylvania licensees, **16:88**
 - Place of accident, **16:134**
 - Plea bargaining, **16:87**
 - Point assessment, **16:9**
 - Presumptions, **16:133**
 - Prior drunk driving offenses, checking, **16:163**
 - Probation, **16:16**
 - Procedure used to pay the surcharges, **16:11**
 - Proof elements of, **16:97**
 - Property damage, defined, **16:137**
 - Proposed notice and order of suspension, **16:161**
 - Reduced speed, **16:80 to 16:83**
 - Registered out of state, out of state, **16:123**
 - Relief from surcharges, **16:12**
 - Res ipsa loquitur, no use of, **16:91**

OFFENSES—Cont'd

Motor vehicle—Cont'd
Restoration of driving privilege,
 16:27
Review of prior history, **16:2**
Sample
 Abstract 1, **16:157**
 Abstract 2, **16:160**
 DWI abstract 1, **16:165**
 DWI abstract 2, **16:166**
 DWI abstract 3, **16:167**
Second offense, **16:24**
Sentence enhancements, **16:159**
Sentence enhancements based
 upon corollary facts, **16:18**
Sentencing issues, **16:86; 16:92;**
 16:100; 16:109 to 16:112;
 16:119; 16:152
 First offenders, **16:125**
 Second and subsequent offend-
 ers, **16:126**
Speeding, **16:60 to 16:88**
State v. Hochman, **16:128**
Statute of limitations, **16:50;**
 16:142; 16:151
 Tolling of, **16:51**
Statutory exemptions, **16:117**
Stop signs, **16:113**
Subject to the statute, **16:135**
Surcharges out of state violators,
 16:13
Suspensions and restorations,
 16:158
Technical requirements for traffic
 lights, **16:107**
Third or subsequent offense, **16:25**
Traffic control devices
 Presumption of validity, **16:57**
Uninsured status of motor vehicle,
 16:124
Use of photo radar devices
 prohibited, **16:85**
Violation of statute, **16:108**
Simple assault
 Element of, **28:2**
 Lesser-included offenses, **28:4**
Theft, this Index

ORDERS OF PROTECTION

Extreme Risk Protective Orders,
 31:10

ORDINANCE

Expungement records, violations,
 21:3

OVERDOSE PROTECTION ACT

Drug offenses
 Immunity from prosecution, **37:15**

OWNER AND OPERATOR

Joint liability
 Parking offenses adjudication act,
 26:6
Leased vehicles, liability
 Parking offenses adjudication act,
 26:7

**PARKING LOTS AND PARKED
VEHICLES**

Failure to appear
 Generally, **34:8 et seq.**
 Arrest warrant and suspension of
 driving privileges, **34:11**
 Default judgment after failure to
 appear, **34:12**
 Municipal ordinances
 Regulating restrict parking,
 34:24
 Notice of failure to appear, **34:9 to**
 34:10
 Return of notice of failure to
 appear as undelivered, **34:10**
Handicapped parking
 Generally, **34:22 et seq.**
 Governing statutes, **34:22**
 Handicapped identification cards,
 placards and license plates,
 34:23
 Maintenance of handicapped park-
 ing space, **34:26**
 Privileges and immunities, **34:25**
Immobilization of motor vehicle,
 liability for payment, **34:20**
Impoundment of motor vehicle,
 liability for payment, **34:20**
Joint liability of owner and operator,
 34:18
Judgment, **34:12; 34:17**

INDEX

PARKING LOTS AND PARKED VEHICLES—Cont'd

Leased vehicle, liability for payment, **34:19**

Liability for payment

Generally, **34:18 et seq.**

Impoundment, immobilization and sale of motor vehicle, **34:20**

Joint liability of owner and operator, **34:18**

Leased vehicle, **34:19**

Periodic payment, **34:21**

Maintenance of handicapped parking space, **34:26**

Municipal ordinances regulating restrict parking, **34:24**

Non-appearance of complainant, **34:16**

Notice of failure to appear, **34:9 to 34:10**

Offenses

Generally, **34:1 et seq.**

Appeal, **34:17**

Arrest warrant, failure to appear, **34:11**

Burden of proof, **34:14**

Complaints, **34:6 to 34:7**

Default judgment after failure to appear, **34:12**

Evidence, parking ticket as, **34:15**

Periodic payment, **34:21**

Privileges and immunities, handicapped parking, **34:25**

Regulation by department of transportation, **34:3**

Regulation by municipalities and counties, **34:4**

Return of notice of failure to appear as undelivered, **34:10**

Sale of motor vehicle, liability for payment, **34:20**

Service of summons and complaint, **34:7**

Sources of law

Generally, **34:2 et seq.**

Police power, generally, **34:5**

Regulation by department of transportation, **34:3**

PARKING LOTS AND PARKED VEHICLES—Cont'd

Sources of law—Cont'd

Regulation by municipalities and counties, **34:4**

Suspension of driving privileges, failure to appear, **34:11**

Tickets

Evidence, business records exception, **34:15**

Trial

Generally, **34:13 et seq.**

Burden of proof, **34:14**

Judgment and appeal, **34:17**

Non-appearance of complainant, **34:16**

Parking ticket as evidence, business records exception, **34:15**

PARKING OFFENSES

ADJUDICATION ACT

Generally, **26:1 to 26:9**

Burden of proof, **26:2**

Evidence

Business records exception, **26:3**

Parking ticket, **26:3**

Immobilization of motor vehicle, **26:8**

Impoundment of motor vehicle, **26:8**

Joint liability

Owner and operator, **26:6**

Judgment and appeal, **26:5**

Non-appearance of complainant, **26:4**

Owner and operator

Leased vehicles, liability, **26:7**

Periodic payment of parking tickets, **26:9**

Sale of motor vehicle, **26:8**

PAYMENTS

Parking offenses adjudication act

Periodic payment of parking tickets, **26:9**

PEDESTRIAN

Bicycles, **18:6; 22:6**

PENALTIES AND FEES

Drug offenses, **37:4**

PETITIONS

Expungement records, **21:5**

PLEA BARGAINING

Restrictions on, **11:1**

Withdrawal of guide of the plea-bargaining

Guidelines., **11:2**

POST CONVICTION

APPLICATION

Generally, **20:1 to 20:6**

Motion to reconsider

Rule 7:9-4, **20:6**

Sentence, **20:6**

Motion to withdraw

Plea of guilty, **20:5**

Rule 7:6-2(b), **20:5**

New trial rule

Generally, **20:2 to 20:4**

Newly discovered evidence, **20:4**

Rule 7:10-1, **20:2; 20:3**

Time requirements, **20:3**

POST CONVICTION RELIEF

Generally, **19:1 to 19:11**

Brady materials

Failure to provide, **19:10**

Burden of proof, **19:4**

Grounds for relief

Generally, **19:5**

Guilty plea

No factual basis, **19:7**

Municipal court, relief in, **19:2**

Specific grounds for relief

Generally, **19:6**

Time limitations, **19:3**

Vacated conviction

Effect of, **19:11**

Waiver

Ineffective

Assistance of counsel, **19:9**

Right to counsel, **19:8**

Right to counsel, ineffective, **19:8**

PROCEDURE

Trial

Appointment of counsel for indigent defendants, **7:2**

Client discovery review, **7:6**

PROCEDURE—Cont'd

Trial—Cont'd

Criminal offenses and traffic tickets, **7:1**

Demand for discovery, **7:5**

Entry of appearance of counsel, **7:4**

Initial client contact, **7:3**

Joint representation of more than one defendant, **7:9**

Securing

Reciprocal discovery, **7:8**

Witnesses subpoenas, **7:7**

PROSECUTION AND DEFENSE

Action to place motor vehicle in motion, **23:10**

Administered in accordance with implied consent laws, **23:76**

Administration of test within a reasonable time, **23:46**

Admissibility of blood test results, **23:104**

Adverse inferences

Refusal to give blood sample, **23:100**

Adverse inferences from a refusal conviction, **23:82**

Alcotest test based upon reasonable grounds, **23:75**

Allowing intoxicated operation, **23:47**

All terrain vehicle, **23:5**

Arrest of the defendant, **23:62**

Arrest without warrant of intoxicated driver, **23:13**

Bicycles, **23:3**

Blood sample taken as a search incident to arrest, **23:99**

Blood tests and patient physician privilege, **23:96**

Breath testing, **23:45**

Burden of proof, **23:79**

Cause to believe defendant operated while under the influence, **23:59**

Certificate of person who drew blood sample, **23:94**

Chain of custody, **23:102**

INDEX

PROSECUTION AND DEFENSE

—Cont'd

- Combinations of alcohol and drugs
 - Synergistic effect, **23:30**
- Conditional refusals, **23:70**
- Confusion doctrine, **23:73**
- Contents of standard statement, **23:77**
- Control of motor vehicle, **23:8**
- Conventional and non-conventional motor vehicles, **23:1**
- Conversion of blood serum level to blood alcohol concentration, **23:95**
- Curing a refusal, **23:81**
- Defendant
 - Hospital blood samples, **23:93**
- Defenses
 - Telephonic search warrants, **23:91**
- Delay in administration of the test, **23:69**
- Drug recognition expert, **23:36**
- Elements of offense, **23:49**
- Elements of the refusal offense, **23:58**
- Exigency
 - Excuse the search warrant requirement, **23:89**
- Expert opinion, **23:34**
- Express refusals, **23:67**
- Extraction
 - Blood samples from living human beings, **23:23**
 - Breath samples incident to arrest for DWI, **23:25**
 - Urine samples from living human beings, **23:24**
- Hearings under, **23:101**
- Implementation of right to independent test, **23:85**
- Implied consent
 - Generally, **23:57**
- Insufficient number of breath samples, **23:66**
- Intention to operate, **23:9**
- Introduction, **23:7**
- Issuance of telephonic search warrants in blood cases, **23:90**
- Language barriers, **23:71**
- Lawful motor vehicle stops, **23:14**

PROSECUTION AND DEFENSE

—Cont'd

- Lay opinion, **23:33**
- Mistrial due to errors in chain of custody
 - Double jeopardy, **23:105**
- Mobile data terminals, **23:16**
 - Owners and operators, **23:17**
 - Racial challenges, **23:18**
- Motorized bicycles, **23:2**
- No cause of action for drunk driving related injuries
 - To defendant, **23:86**
- Non testimonial character of field sobriety tests, **23:43**
- Notification of right to independent test, **23:84**
- Offense per se violation, **23:56**
- Operation of a motor vehicle in an allowing case, **23:50**
- Opinion testimony, **23:32**
- Ownership, custody and control, **23:54**
- Permitting operation by another person, **23:53**
- Physical incapacity due to intoxication, **23:74**
- Physical tests, **23:40**
- Place of operation, **23:60**
- Police officers opinions, **23:37**
- Possibility of motion by motor vehicle, **23:11**
- Procedural issues
 - Telephonic search warrants, **23:92**
- Proof of conditions required by *Schmerber v. California*, **23:103**
- Proof of operation, **23:12**
- Proving operator intoxication, **23:52**
- Psychological tests, **23:39**
- Public policy on allowing intoxicated operation, **23:48**
- Pulmonary dysfunction, **23:72**
- Reading incorrect version of standard statement, **23:78**
- Rebut blood alcohol test results, **23:41**
- Refusal to perform tests, **23:42**
- Request
 - Submit to a chemical test, **23:63**

PROSECUTION AND DEFENSE

—Cont'd

- Request—Cont'd
 - Valid breath sample, submit, **23:64**
- Requirement of actual or constructive knowledge of impairment, **23:55**
- Retaining blood samples, **23:106**
- Right of the state to appeal an acquittal of a refusal charge, **23:80**
- Right to an independent chemical test, **23:83**
- Right to independent blood test, **23:107**
- Road blocks, **23:15**
 - Introduction, **23:15**
- Roller skates and skateboards, **23:6**
- Scientific tests, **23:44**
- Search warrants in the taking of blood samples, **23:88**
- Seizure and impoundment, **23:22**
- Short sample, **23:68**
- Silence, **23:65**
- Snowmobiles, **23:4**
- Standardized field sobriety tests, **23:38**
- Standards for determining reliability of novel
 - Scientific forensic procedures, **23:35**
- Step-down relief from enhanced penalties, **23:87**
- Stops based
 - Mistake of fact, **23:20**
 - Mistake of law, **23:21**
- Subpoena duces tecum for hospital blood records, **23:97**
- Under the influence, **23:61**
 - Generally, **23:26**
 - Alcohol, **23:27**
 - Marijuana, **23:29**
 - Narcotic, hallucinogenic or habit producing drug, **23:28**
 - Per se violation, **23:51**
- Urine samples
 - Incident to arrest, **23:111**
 - Introduction, **23:108**
 - Provided on a voluntary basis, **23:109**
 - Taken by force, **23:110**

PROSECUTION AND DEFENSE

—Cont'd

- Use of force to obtain blood samples, **23:98**

REDUCTION

- Motor vehicle points, **17:10**

REVOKED LIST

- Generally, **24:1**
- Accident involving bodily injury to another, **24:17**
- Administrative sanctions
 - Motor vehicle commission, **24:39**
- Burden of proof, **24:19**
- Case law that affects, **24:15**
- Collateral consequences, **24:35**
- Designated school crossing offenses, **24:27**
- Due process considerations, **24:14**
- Elements of proof, **24:2; 24:25**
- Establishing a school zone offense, **24:24**
- Habitual offender, **24:20**
- Insurance eligibility points, **24:37**
- License, **24:12**
- Motor vehicle accident involving bodily injury to another, **24:16**
- Motor vehicle surcharges, **24:36**
- Offense, elements of, **24:30; 24:33**
- Operation
 - Administrative suspension, **24:9**
 - Court-imposed suspensions, **24:8**
 - During period of refusal, suspension, revocation or prohibition, **24:7**
 - Length of suspension term, **24:10**
 - Personal, **24:6**
 - Place of, **24:5**
 - Proof of, **24:4**
 - Suspension of reciprocity privilege, **24:11**
- Operation by a revoked driver, **24:29**
- Out of state suspensions, **24:18**
- Personal operation of a motor vehicle, **24:3**
- Prohibited from obtaining a drivers license, **24:13**
- Prosecution and sentencing, **24:23**

INDEX

REVOKED LIST—Cont'd

- Punishment for conviction, **24:34**
- Punishment for violation of statute, **24:31**
- Purchasing liability insurance, **24:38**
- Registration, **24:32**
- Requirements of culpability, **24:22**
- School crossings, **24:28**
- School zone offenses, **24:26**
- Sentencing enhancements, **24:21**

REVOKED LIST, DRIVING ON

- Generally, **33:1 et seq.**
- Administrative suspension, **33:9**
- Collateral consequences, **33:49 to 34:61**
- Court imposed suspension, **33:8**
- Drivers license, prohibited, **33:13**
- Due process, **33:14**
- Enhancement for nonpayment of insurance surcharges
 - Relief from imposed enhancement, **33:37**
- License revoked, **33:12**
- Motor vehicle
 - Personal operation, **33:3; 33:6**
 - Place of operation, **33:5**
 - Proof of operation, **33:4**
- Nonpayment of insurance surcharges, enhancement for
 - Relief from imposed enhancement, **33:37**
- Operation during period of
 - Prohibition, **33:7**
 - Refusal, **33:7**
 - Revocation, **33:7**
 - Suspension, **33:7**
- Operation of vehicle with suspended registration
 - Generally, **33:43 to 34:48**
 - First offense
 - Monetary sanction and license suspension, **33:46**
 - Second offense, **33:47**
 - Third offense or subsequent offenses, **33:48**
- Permitting operation by suspended driver, **33:38 to 34:40**

REVOKED LIST, DRIVING ON—Cont'd

- School zone enhancement
 - Suspension due to drunk driving
 - Habitual offender, breath test, **33:24**
 - School zone offenses
 - Generally, **33:24 to 33:36**
 - Culpability, requirements for, **33:26**
 - Elements of proof, **33:28**
 - Enhanced sanctions, **33:33**
 - First offense, **33:34**
 - Included standard sanctions, **33:32**
 - Officially designated school crossing offenses, **33:30**
 - Other school crossings, **33:31**
 - Prosecution and sentencing, issues for, **33:27**
 - Second offense, **33:35**
 - Sentencing enhancement, **33:25**
 - Third offense or subsequent offenses, **33:36**
 - Sentencing issues
 - Non-enhanced sentencing
 - First offense, **33:16**
 - Second offense, **33:17**
 - Third of subsequent offenses, **33:18**
 - Suspended driver, permitting operation by, **33:38 to 34:40**
 - Suspended registration, operation of vehicle with
 - Generally, **33:43 to 34:48**
 - First offense
 - Monetary sanction and license suspension, **33:46**
 - Suspension
 - Administrative suspension, **33:9**
 - Court imposed, **33:8**
 - Length of, **33:10**
 - Operation during period of, **33:7**
 - Reciprocity privilege, **33:11**
 - Violation of statute, **33:2 to 34:14**
- ### SCHOOL ZONE OFFENSES
- Revoked list, driving on
 - Generally, **33:24 to 33:36**

SENTENCE

- Administration of law
- Obstruction
 - Direct and collateral consequences, **40:4**
- Direct and collateral consequences
 - Administration of law, obstruction, **40:4**
 - Disorderly conduct, **30:4**
 - Harassment, **29:4**
 - Lewdness, **41:5**
 - Simple assault, **28:7**
 - Trespass, **38:5**
- Drug offenses, considerations, **37:12**
- Harassment
 - Direct and collateral consequences, **29:4**
- Lewdness
 - Direct and collateral consequences, **41:5**
 - Practical considerations, **41:6**
- Motion to reconsider
 - Post conviction application, **20:6**
- Simple assault
 - Direct and collateral consequences, **28:7**
- Theft offenses, **35:4**
- Trespass
 - Direct and collateral consequences, **38:5**

SERVICE OF PROCESS

- Bad checks, **36:3**

SHOPLIFTING

- Generally, **32:1 to 32:12**
- Anti-shoplifting devices, **32:3**
- Burglary tools, **32:4**
- Civil penalty, **32:6**
- Corporate entities, prosecution by, **32:12**
- Diversiory programs, **32:7**
- Nature of offense, **32:2**
- Police arrests powers, **32:8**
- Private citizen arrests powers, **32:9**
- Sentencing issues, **32:5**
- Statutory immunity, **32:10**
- Unavailable evidence, **32:11**

SIDEWALKS AND HIGHWAYS

- Place of riding
 - Bicycles, **18:7; 22:7**

SIMPLE ASSAULT

- Generally, **28:1 to 28:8**
- Criminal code defenses, **28:8**
- De minimis applications, **28:5**
- Direct and collateral consequences
 - Sentencing, **28:7**
- Domestic violence, **28:6**
- Element of offense, **28:2**
- Grading of, **28:3**
- Lesser-included offenses, **28:4**

SOLICITATIONS

- Generally, **6:1**
- Municipal court direct mail solicitations, **6:2**
- Opinion 29 from the committee on attorney advertising, **6:3**

STATUTES OF LIMITATIONS

- Disorderly and petty disorderly persons offenses, **2:1**
- Ordinance violations
 - Time requirements, **2:3**
- Time requirements for traffic violations, **2:2**

STATUTORY IMMUNITY

- Shoplifting, **32:10**

SURCHARGES

- Generally, **17:1 to 17:10**
- Conclusion, **17:5**
- Imposition
 - Motor vehicle, **17:7**
- Motor vehicle
 - Consequences of, **17:4**
 - Imposition, **17:7**
- Offenses, **17:2**
- Payment, **17:3**

SUSPENSION

- Revoked list, driving on
 - Administrative suspension, **33:9**
 - Court imposed, **33:8**
 - Length of, **33:10**
 - Operation during period of, **33:7**
 - Operation during the period, **33:7**

INDEX

SUSPENSION—Cont'd

- Revoked list, driving on—Cont'd
- Reciprocity privilege, **33:11**

SUSPENSION OF DRIVING PRIVILEGES

- Permitting operation by a suspended driver, offense of, **33:38 to 33:40**

TEMPORARY DISABILITY PLACARD

- Handicapped parking, **34:23**

THEFT

- Corporate entities, prosecution by, **35:6**
- Offenses
 - Generally, **35:1 to 35:6**
 - Common theft, elements of, **35:2; 35:3**
 - Municipal court
 - Jurisdiction to hear, **35:2**
- Plea agreements
 - Amendments and downgrades, **35:5**
- Sentencing, **35:4**

TIME

- Post conviction application
 - New trial rule, time requirements, **20:3**

TRAFFIC LAW

- Bicycles, **18:2; 22:2**

TRAFFIC VIOLATIONS

- Bicycles, by children, **18:4; 22:4**

TRESPASS

- Affirmative defenses, **38:8**
- Domestic violence, **38:6**
- Offense
 - Generally, **38:1 to 38:8**
 - Elements, **38:2**
 - Grading, **38:3**
 - Lesser included offenses, **38:4**
- Protected speech, **38:7**

TRESPASS—Cont'd

- Sentence
 - Direct and collateral consequences, **38:5**

TRIAL

- Procedure
 - Appointment of counsel for indigent defendants, **7:2**
 - Client discovery review, **7:6**
 - Criminal offenses and traffic tickets, **7:1**
 - Demand for discovery, **7:5**
 - Entry of appearance of counsel, **7:4**
 - Initial client contact, **7:3**
 - Joint representation of more than one defendant, **7:9**
- Securing
 - Reciprocal discovery, **7:8**
 - Witnesses subpoenas, **7:7**

VICTIMS RIGHTS

- Bill of rights, **14:13**
- Crime of victim, **14:7**
- Defined, **14:2**
- Death, **14:5**
- Domestic violence, **14:8; 14:14**
- Impact statement, **14:12**
- Introduction, **14:1**
- Loss, damage, and psychological injury, **14:6**
- Mandatory serological testing, **14:11**
- Notice requirements for victims of motor vehicle accidents, **14:9**
- Personal injury, **14:3**
- Right of consultation with prosecutor, **14:10**

WAIVER

- Post conviction relief
 - Ineffective
 - Assistance of counsel, **19:9**
 - Right to counsel, **19:8**
 - Right to counsel, ineffective, **19:8**