

STATE OF NEW YORK : COUNTY OF MONROE : CITY OF ROCHESTER  
MUNICIPAL CODE VIOLATIONS BUREAU

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In the Matter of:

LAWRENCE KREIGER,

R-2012-119515

Respondent.

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BEFORE:

**PAUL MARASCO,**  
Hearing Examiner

Transcript of a proceeding held in the above matter  
at the Municipal Code Violations Bureau, 42 South Avenue,  
Rochester, New York, on January 23, 2013.

APPEARANCES:

**LAWRENCE KREIGER,**  
Appearing Pro Se

TRANSCRIBED BY:

**EXECUSCRIBE, INC.**  
620 Park Avenue, Box 336  
Rochester, New York 14607  
Tel. (888)521-6500 Ext. 101

*Official Court Copy of Transcript*

1 THE CLERK: Pleased be informed that this  
2 hearing is being tape recorded, so I'll need you to speak  
3 clear for the microphone.

4 Lawrence Kreiger, Red Light 2012-119515.  
5 Ticket issued December 22, 2012, 12:46 p.m., at Chestnut  
6 and Court for License Plate AKU-5991. The charge is  
7 failure to stop at a right light on a right turn.

8 THE COURT: Okay. Good afternoon, sir. Before  
9 we begin today let me advise you, you do have the right to  
10 get an adjournment to get an attorney or speak with an  
11 attorney, or we can proceed right now.

12 MR. KREIGER: Thank you. I'm ready to proceed.

13 THE COURT: All right.

14 **(Whereupon LAWRENCE KREIGER was duly sworn.)**

15 THE COURT: All right. So you've got a ticket  
16 here on December 22nd, 2012, at Chestnut Street and Court  
17 Street. It alleges your vehicle failed to stop at a red  
18 light for a right turn.

19 How do you want to plead to that, sir?

20 MR. KREIGER: Not guilty.

21 THE COURT: What's your explanation, please?

22 MR. KREIGER: Well, I have several procedural  
23 objections that I'd like to raise first.

24 THE COURT: Certainly.

25 MR. KREIGER: The first is that the ticket is

1 defective on its face, in that it's issued to the  
2 registered owner, but I'm only the registrant. I'm not  
3 the registered -- the term "registered owner" is wrong.  
4 I'm not the owner of the vehicle. I'm the registrant.

5 Secondly, the City's website and all the  
6 information the City puts out about this says that the  
7 vehicle owner is going to be issued the ticket. They use  
8 the term "vehicle owner" in some instances and "registered  
9 owner" in other instances. And in any case, I'm not the  
10 owner.

11 Secondly, I think it is defective on,  
12 additionally --

13 THE CLERK: If he's not the owner, he can't  
14 have a hearing on the ticket, because they only allow the  
15 registered owner to have a hearing on the ticket.

16 MR. KREIGER: Wait a minute, are you the  
17 prosecutor?

18 Who is this lady?

19 THE COURT: This is my clerk.

20 THE CLERK: None of us are prosecutors.

21 THE COURT: She's my clerk.

22 THE CLERK: I'm the adjudication assistant.

23 THE COURT: Are you not the owner? Are you  
24 saying you're not the owner of the vehicle?

25 MR. KREIGER: I'm the registrant of the

1 vehicle.

2 THE COURT: Well, the registered owner is who  
3 the ticket goes to, sir.

4 MR. KREIGER: Okay. Well, so for the record,  
5 I'm stating that that's procedurally defective.

6 THE COURT: I understand your argument. I'm  
7 rejecting that.

8 MR. KREIGER: Okay.

9 THE COURT: Do you have any other procedural  
10 arguments?

11 MR. KREIGER: Yes. Additionally, the ticket is  
12 also defective on the grounds that the accusatory  
13 instrument is defective. The ticket states -- well,  
14 there's no deponent. There is a scribbled signature with  
15 no name or title, but some kind of a machine-made  
16 signature, instead of a sworn statement from a complainant  
17 that states upon personal knowledge or upon information  
18 and belief. So it's defective.

19 The correct wording according to the case law,  
20 and what it should say or what would make a valid  
21 accusatory here is, "The foregoing is based upon personal  
22 knowledge, the source of which is your deponent's review  
23 of the video."

24 This doesn't state who the deponent is. It  
25 doesn't tell me that they reviewed it, and it doesn't base

1 it upon any kind of personal knowledge or upon information  
2 of belief. So I believe the accusatory or the information  
3 is defective.

4 Additionally, I believe that the statutory  
5 scheme is defective, in that it doesn't provide a  
6 sufficient due-process safeguard. The statutory scheme  
7 provides for a strict liability to the owner. There is  
8 not a rebuttable presumption or any mechanism for a  
9 hearing on that issue before you're found liable. So I  
10 believe that's unconstitutional, for the record.

11 And the summary of my objection is that the  
12 statute and the law under which this was issued in  
13 invalid.

14 THE COURT: Okay. I understand your arguments,  
15 and I am declining to grant them.

16 MR. KREIGER: Fine.

17 THE COURT: So we're going to go on to the  
18 merits of this, which the ticket was issued on December  
19 22nd, 2012, again, at Chestnut and Court Streets, failure  
20 to stop at a red light for a right turn. So do you wish  
21 to give any testimony as to the reasons that you're not  
22 guilty to the merits of the case?

23 MR. KREIGER: I believe that the digital  
24 recording does not represent what it purports to represent  
25 and no red-light violation took place.

1 THE COURT: Okay, let's take a look at the  
2 video. All right, is that your SUV in the right-hand  
3 lane? I'll show it again.

4 MR. KREIGER: That appears to be the vehicle  
5 that's registered to me.

6 THE COURT: Okay. And what are you objecting  
7 to or what are you saying is different than what really  
8 happened?

9 MR. KREIGER: Well, the video comes with a  
10 disclaimer that's not on the screen, but the photo notice  
11 website states that due to the formatting constraint,  
12 formatting constraints, and I guess other technical  
13 things, that the video is not a representation of the  
14 actual evidence. And there are technical issues that -- I  
15 can't determine if that's in real time, and it appears  
16 that no red-light violation took place.

17 THE COURT: What is that?

18 THE CLERK: From the copy, when they open it  
19 up.

20 THE COURT: Oh, yeah.

21 THE CLERK: It's the disclaimer, because it's a  
22 copy.

23 THE COURT: Well, the video I'm watching, sir,  
24 clearly shows a violation of a right turn. Are you saying  
25 it doesn't?

1 MR. KREIGER: I don't believe it does, because  
2 that doesn't seem to be in real time, and there's no clock  
3 running as well that would help to determine if that's a  
4 real time and technically perfect representation of what  
5 it purports to be.

6 THE COURT: Okay, but I'm not following you,  
7 because it shows a red light and your vehicle way past it.  
8 So even if it was stop motion, I'm not really following  
9 your argument.

10 MR. KREIGER: Well, I'll just -- I'll stand on  
11 my argument --

12 THE COURT: Okay.

13 MR. KREIGER: -- that the disclaimer -- well, I  
14 won't interrupt you.

15 THE COURT: Huh?

16 MR. KREIGER: I don't want to interrupt you.

17 THE COURT: That's all right. I didn't want to  
18 interrupt you.

19 MR. KREIGER: No.

20 THE COURT: So go ahead.

21 MR. KREIGER: I'll just stand on my objection  
22 and let you rule.

23 THE COURT: All right, then. Okay, I'm going  
24 to find you guilty of that.

25 All right, sir. You're all set.

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MR. KREIGER: Thank you.

THE COURT: Thank you.

(Whereupon this matter was concluded at LED 3678.)

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TRANSCRIBER'S CERTIFICATE

STATE OF NEW YORK }  
COUNTY OF MONROE }

I, Margaret A. Henry, certify that the foregoing transcript of a proceeding held in the Municipal Code Violations Bureau in the matter of Lawrence Kreiger, Red Light Camera Ticket R-2012-119515, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

*Margaret A. Henry*

Margaret A. Henry

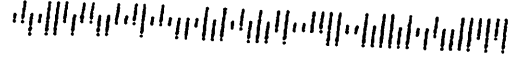
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Date: February 19, 2013



City of Rochester  
Parking & Municipal Code Violations Bureau  
42 South Avenue  
Rochester, NY 14604

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TO: Lawrence Kreiger  
P.O. Box 20189  
Rochester, NY 14602

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