

**NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0444-16T3

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

RODERICK CYKTOR,

Defendant-Appellant.

Submitted June 19, 2017 – Decided July 10, 2017

Before Judges Fisher and Fasciale.

On appeal from Superior Court of New Jersey,
Law Division, Hunterdon County, Municipal
Appeal No. 4A-2016-K1.

Scholl, Whittlesey & Gruenberg, L.L.C.,
attorneys for appellant (Franklin G.
Whittlesey, on the brief).

Anthony P. Kearns, III, Hunterdon County
Prosecutor, attorney for respondent (David P.
Culley, Assistant Prosecutor, on the brief).

PER CURIAM

Defendant appeals from his conviction of driving while
intoxicated, N.J.S.A. 39:4-50. Judge Angela F. Borkowski

conducted a de novo review of the record, found defendant guilty, and rendered a comprehensive written decision.

On appeal, defendant raises the following point:

THE TRIAL JUDGE ERRED IN HER FINDING THAT
THERE WAS SUFFICIENT EVIDENCE OF APPELLANT'S
GUILT[] BEYOND A REASONABLE DOUBT.

When a defendant appeals a decision made by a municipal court to the Law Division, the court is required to conduct a de novo review of the record, giving "due regard to the municipal judge's opportunity to view the witnesses and assess credibility." State v. Golin, 363 N.J. Super. 474, 481 (App. Div. 2003) (citing State v. Johnson, 42 N.J. 146, 157 (1964)). On appeal from the Law Division's decision, we must determine whether the Law Division judge's findings "could reasonably have been reached on sufficient credible evidence present in the record." State v. Locurto, 157 N.J. 463, 471 (1999) (quoting Johnson, supra, 42 N.J. at 162). However, "[a] trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." Manalapan Realty, L.P. v. Twp. Comm. of Manalapan, 140 N.J. 366, 378 (1995).


After carefully considering the record, standard of review, and briefs, we affirm for the thorough reasons expressed by the judge, and conclude that defendant's argument is "without

sufficient merit to warrant discussion in a written opinion." R.

2:11-3(e)(2).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION