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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-3653-14T1

STATE OF NEW JERSEY,

Plaintiff-Respondent,

v.

FOUR THOUSAND THREE HUNDRED
FORTY-SIX DOLLARS,

Defendant-Appellant.

Submitted January 11, 2017 – Decided October 16, 2017

Before Judges Fuentes and Carroll.

On appeal from Superior Court of New Jersey,
Law Division, Union County, Docket No. L-1578-
10.

Shawn E. Parrott, appellant pro se.

Grace H. Park, Acting Union County Prosecutor,
attorney for respondent (Tangerla Mitchell
Thomas, Special Deputy Attorney General/Acting
Assistant Prosecutor, of counsel and on the
brief).

The opinion of the court was delivered by

FUENTES, P.J.A.D.

Shawn E. Parrot appeals from the March 6, 2015 order entered by Judge Karen M. Cassidy denying his motion seeking the return of a 2005 Cadillac-STS, and a Cadillac SRX, which were seized by the State in connection with criminal charges filed against Parrot. At the time of the seizure, these vehicles were owned by Delice Ruiz. We affirm.

All ownership rights and title to these two vehicles were forfeited and transferred to the State by order for Judgment of Forfeiture entered by default by the Law Division on August 8, 2010 in an in rem civil action initiated by the State pursuant to N.J.S.A. 2C:64-1 to -9. This order was modified on July 12, 2012 to exclude a 1998 Mercedes Benz CLK. This aspect of the Judgment of Forfeiture is not challenged in this appeal.

N.J.S.A. 2C:64-8 provides:

Any person who could not with due diligence have discovered that property which he owns was seized as contraband may file a claim for its return or the value thereof at the time of seizure within 3 years of the seizure if he can demonstrate that he did not consent to, and had no knowledge of its unlawful use. If the property has been sold, the claimant receives a claim against proceeds.

[Emphasis added].

As it relates to this case, the Legislature has defined an "owner" as "a person who holds the legal title of a vehicle[.]" N.J.S.A. 39:1-1.


Relying on the unambiguous language in these two statutes, Judge Cassidy found appellant does not have standing to challenge the forfeiture because he did not hold legal title to these vehicles:

Here the facts show that at the time the 2005 Cadillac STS and 2004 Cadillac SRX were seized, Delice Ruiz held title in both vehicles. As such, she was the owner of the vehicles at issue in the present matter at the time of their seizure. Subsequently, by Order for Judgement by Default on August 8, 2010, title to the 2005 Cadillac STS and 2004 Cadillac SRX was transferred to the State of New Jersey. To date, New Jersey remains the title holder and owner of both vehicles. It is clear on the record that defendant Parrot does not have title to either of the vehicles indicated in his motion and therefore cannot maintain a claim for return of either the 2005 Cadillac STS and 2004 Cadillac SRX.

Appellant's arguments challenging Judge Cassidy's decision lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E). We affirm substantially for the reasons expressed by Judge Cassidy.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION