

Unlicensed Operation of a Motor Vehicle

VTL 511(3)(a) Unlicensed Operation

Unlicensed operation of a motor vehicle in the first degree in violation of section 511(3)(a)(i) of the New York Vehicle and Traffic Law, which prohibits a person from driving under the influence of alcohol or drugs while knowing or having reason to know that his or her license is suspended, is categorically a crime involving moral turpitude. *Matter of Lopez-Meza*, 22 I&N Dec. 1188 (BIA 1999), followed. See *Matter of Margaret VUCETIC*, 28 I&N Dec. 276 (BIA 2021)

N.Y. Veh. & Traf. Law § 511(3)(a)(i) (McKinney 2014). This provision requires a defendant to operate a motor vehicle on a public highway while under the influence of alcohol or a drug knowing or having reason to know his or her license or privilege of operating such a motor vehicle or privilege of

obtaining a license to operate such a vehicle is suspended, revoked, or otherwise withdrawn. CJI2d[NY] Veh. & Traf. Law § 511(3)(a)(i) (2020).

Matter of Margaret VUCETIC (BIA 2021)

There is a *mens rea* element because it requires that he know that his license is revoked or suspended already.

FULL DECISION: <https://www.justice.gov/eoir/file/1381766/dl?inline=>

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