

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE

Lonnie Garner, Jr.
Indianapolis, Indiana

ATTORNEYS FOR APPELLEES

Theodore E. Rokita
Attorney General of Indiana

Frances Barrow
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Lonnie Garner, Jr.,
Appellant-Petitioner,

v.

Marion County Prosecutor,
Ryan Mears, and the Indiana
Bureau of Motor Vehicles,
Appellees-Respondents.

July 28, 2021

Court of Appeals Case No.
21A-MI-129

Appeal from the Marion Circuit
Court

The Honorable Amber Collins-
Gebrehwet, Magistrate

Trial Court Cause No.
49C01-2003-MI-11203

Najam, Judge.

Statement of the Case

- [1] Lonnie Garner, Jr. appeals the trial court's order denying both his petition for judicial review and his summary judgment motion following the Bureau of Motor Vehicles' ("BMV") temporary suspension of his driver's license. Garner presents two issues for our review. While both parties address the merits of Garner's appeal in their briefs, we do not reach the merits because the issues he raises are moot.
- [2] We dismiss.

Facts and Procedural History

- [3] On September 21, 2019, Garner parked his 2002 Infiniti vehicle outside an AutoZone in Indianapolis. Shortly after Garner parked, Yassine Rami arrived, driving a Cadillac, with the intent to repossess Garner's Infiniti for nonpayment of his loan. Rami parked the Cadillac behind Garner's Infiniti to block him in to his parking space. But Garner backed into the Cadillac, and then Garner got out of his Infiniti to confront Rami. Somehow, Rami managed to get into Garner's Infiniti, and he drove it away. Garner then got into the Cadillac and drove after Rami. After a short chase, Garner drove back to the AutoZone parking lot and crashed the Cadillac into an SUV parked there.
- [4] Officers with the Indianapolis Metropolitan Police Department arrived to investigate the incident, and they prepared a report, which they provided to the BMV. On September 25, 2019, the BMV mailed a letter to Garner that stated in relevant part that: the BMV was notified that Garner had operated a 2002

Infiniti “that was involved in an accident on 09/21/2019”; that Garner was required to have a representative from his insurance company “provide the BMV evidence of financial responsibility in the form of a Certificate of Compliance (COC)” for the Infiniti; and that if the BMV did not receive a COC by December 24, it would suspend Garner’s “driving privileges, vehicle registration, or both.” Appellant’s Ex. B-2. The BMV’s letter also informed Garner that he could request a review of the matter under Indiana Code Section 9-25-6-16, including judicial review.

[5] Garner was not insured at the time of the accidents on September 21, 2019, so he was unable to provide a certificate of compliance to the BMV. Accordingly, the BMV suspended his driving privileges effective December 24, 2019, through March 23, 2020. On February 19, 2020, Garner wrote a letter to the BMV in which he stated that he should not be required to show proof of insurance “for a vehicle not registered in [his] name which is in violation of [his] [F]ourteenth Amendment Right to The United States Constitution and Indiana Constitution.” *Id.* Garner also stated that an amended crash report for September 19, 2019, showed that he was driving the Cadillac, not the Infiniti. Garner requested that the BMV reinstate his license or award him a hardship license pending his appeal. The BMV denied Garner’s requests.

[6] On March 13, Garner filed a petition for judicial review of the BMV’s temporary suspension of his driving privileges. In that petition, Garner stated that, contrary to the BMV’s September 25, 2019, letter, he was driving a Cadillac, not an Infiniti, at the time of the accident on September 21 and that he

should not have to provide proof of insurance for a vehicle he did not own. In his memorandum in support of that petition, Garner admitted “that the relevant statute required that his license be suspended.” Appellee’s App. Vol. 2 at 9. But he asserted that “the BMV denied him due process by failing to provide for a system of administrative review.” *Id.* In his conclusion, Garner asserted that the BMV violated his right to due process because it did not give him an opportunity “to show ‘Extenuating Circumstances,’ or ‘Explain Not Being At Fault’ due to the ‘Unusual Circumstances.’” *Id.* at 10.

- [7] While Garner’s petition for judicial review was still pending, on November 9, Garner filed a motion for summary judgment alleging that “there is no material dispute that the State of Indiana has ‘no Statement of Material Facts’ to show a ‘Factual Dispute’” regarding the circumstances that led to the suspension of his driving privileges. *Id.* at 16. The arguments that Garner set out in his motion are difficult to discern. In any event, following a hearing, the trial court denied both Garner’s petition for judicial review and summary judgment motion. The court found in relevant part that, “as suspension number 26 [on his driving record] is the suspension that Garner is challenging,^[1] and that suspension ended on March 23, 2020, these Motions are both Moot. March 23, 2020 has ended. The suspension that Garner is contesting is over.” Appellant’s App. Vol. 2 at 38. This appeal ensued.

¹ Garner’s driving record includes multiple suspensions that are not relevant to this appeal.

Discussion and Decision

- [8] We do not reach the merits of Garner’s appeal. The long-standing rule in Indiana courts has been that a case is deemed moot when no effective relief can be rendered to the parties before the court. *Gibson v. Hernandez*, 764 N.E.2d 253, 255 (Ind. Ct. App. 2002), *trans. denied*. When the concrete controversy at issue in a case has been ended or settled, or in some manner disposed of, so as to render it unnecessary to decide the question involved, the case will be dismissed. *Id.* (citation omitted). However, a case may be decided on its merits under an exception to the general rule when the case involves questions of “great public interest.” *Id.*
- [9] Here, in his brief on appeal, Garner ignores the trial court’s conclusion that his petition for judicial review was moot. As the trial court found, the challenged suspension of his driving privileges expired March 23, 2020, and this Court cannot now render Garner any effective relief.² Accordingly, this appeal is moot. Garner makes no contention that his appeal involves questions of “great public interest” to justify reaching the merits of his appeal notwithstanding its mootness, and that issue is waived.³ *Id.* Therefore, we dismiss this appeal as moot.

² Garner does not allege any collateral consequences as a result of the expired suspension of his driving privileges.

³ In any event, Garner acknowledged that the BMV was required by statute to suspend his driving privileges.

[10] Dismissed.

Riley, J., and Brown, J., concur.