

THIS FORM IS FOR INFORMATIONAL PURPOSES ONLY

To: Individuals Charged with Traffic Infractions Pending in the Town/Village Court

This court has received an accusatory instrument alleging that you have committed an offense. You are presumed innocent until proven guilty and you have the right to retain an attorney to represent you now, or at any stage in these proceedings. Unless charged with a misdemeanor you are not entitled to an assigned attorney.

You have various procedural options in the course of bringing this matter to a just disposition. You may choose to proceed in any of the following manners, or any other legally authorized manner. You may want to consult an attorney for guidance or representation before determining which course of action you will pursue. The court may not provide you with a recommendation as to how you should proceed, or as to which of these or any other options you should choose.

YOU MAY:

Plead Not Guilty

By pleading "Not Guilty" you exercise your right to a public trial at which time the People of the State of New York, represented by the prosecution, must prove, beyond a reasonable doubt, that you have committed the offense alleged in the accusatory instrument. At the trial you will have the right to hear, see and challenge the evidence submitted to prove your guilt. This includes confronting, by cross-examination, the Police Officer, Peace Officer or other witness or witnesses who testify against you. You also have the right to have witnesses testify on your behalf and you may, but you are not required to, testify on your own behalf as well. The court will determine, after hearing all the evidence submitted at the trial, whether or not the People have proven guilt beyond a reasonable doubt, and will render an appropriate verdict.

Plead Guilty as Charged

By pleading "Guilty" you waive your right to a trial at which the People of the State of New York, represented by the prosecution, must prove beyond a reasonable doubt that you committed the offense alleged in the accusatory instrument. A Plea of Guilty will subject you to sentencing, by the judge presiding, to any legally authorized sentence.

You may withdraw, with the court's permission, your plea of guilty at any time prior to sentencing and exercise your right to a trial.

Communicate with Appropriate Prosecutorial Office Concerning Alternative Disposition.

You may contact the Prosecutor or other official who is responsible for proving the charge or charges against you and attempt to negotiate an agreement to plead guilty to alternative legally authorized offense, including a lesser included offense, or a less severe offense or offenses. Any proposed agreement is subject to approval by the court. Upon a plea of guilty to the agreed upon offense, you will be subject to sentencing, by the judge presiding, to any sentence legally authorized to be imposed for the offense to which you plead guilty.

The prosecutorial office responsible to prove the charge or charges against you alleged in the accusatory instrument is the (District Attorney or Assistant District Attorney, Town Attorney, Village attorney, etc.). All traffic reduction requests must be handled by mail only. The address for that office is:

(Options continued on reverse side)

**Cayuga County District Attorney's Office
95 Genesee Street, First Floor
Auburn, New York 13021**

The **original** letter must be sent to the District Attorney's Office with a **copy** sent to the Court. If you are requesting a reduction, the following procedure **must** be followed:

1. Write letter to District Attorney's Office, attention of Assistant District Attorney, Traffic Court.
FAXED REQUESTS WILL NOT BE ACCEPTED, nor will walk-in appointments.
2. The letter must contain all of the following information:
 - a. Driver's **Date of Birth** and **mailing address**
 - b. Driver's **Full Name** as it appears on Driver's License
 - c. **Name of Offense(s)** charged (**include rate of speed for speeding violations**)
 - d. **Name of Court** where ticket is pending
 - e. **Copy** of the **ticket(s)** if available
 - f. Reason(s) why you think the charge(s) should be reduced or an explanation.

NOTE: If you have been charged with a violation resulting from an accident, the District Attorney's Office **will not** consider a reduction of the charge, **UNLESS YOU PROVIDE DOCUMENTATION FROM YOUR INSURANCE COMPANY INDICATING THAT ALL DAMAGES (PROPERTY/PERSONAL INJURIES) HAVE BEEN PAID.** Similarly, if you have resolved some underlying circumstance leading to the charges, please provide this proof as well.

3. **Please include/provide a self-addressed, stamped return envelope.**

The District Attorney's Office will obtain your driving record and a form will be sent to the court, with a copy to you, advising both of you of the District Attorney's Office recommended disposition.

The "pink" recommendation form you receive will have a place on the back where you may fill in your plea (guilty or not guilty). **This form must be mailed directly to the court (not back to the DA).** The court will then inform you of any further instructions, such as the fine/disposition.

You may also appear in court on the adjourned date scheduled by the court and enter a plea at which time the court will impose a fine. **If you fail to send in the signed form to the court or fail to appear on the adjourned date, your license can be suspended by the court. Note: If you do not send a self-addressed, postage-paid envelope, you will not be advised of the recommended disposition.**

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You have the right to consult with an attorney at any time.**