

THIS SHEET IS FOR INFORMATIONAL PURPOSES ONLY

For: Individuals Charged with Traffic Infractions Pending in City/Town/Village Courts

An accusatory instrument, alleging that you have committed an offense, has been filed with the court. You are presumed innocent until proven guilty. You have the right to a trial in this matter. You have the right to retain an attorney to represent you now, or at any stage in these proceedings. However, 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 one of the following legally authorized manners. You may want to consult with an attorney for guidance or representation before determining which of these courses of action you will pursue. Neither the court nor this Office may provide you a recommendation as to how to proceed, or which of these options you should choose.

YOU MAY:

Plead “Not Guilty”

By pleading “Not Guilty” you will exercise your right to a public trial. The People of the State of New York, represented by the District Attorney’s Office (or the Prosecution), must prove beyond a reasonable doubt that you have committed the offense(s) alleged in the accusatory instrument(s). At trial you will have the right to hear, see, and challenge any evidence submitted to prove your guilt. This includes confronting and cross-examining witnesses (police or peace officers, or any other witness who may testify against you). You also have the right to call witnesses on your behalf to testify. Indeed, you may, but are not required to, testify on your own behalf as well. After hearing all of the evidence submitted at the trial, the Court determines whether or not the People have proven your guilt beyond a reasonable doubt and renders a verdict.

Plea of “Guilty”

By pleading "Guilty" you waive your right to a trial where the People of the State of New York, represented by the DA’s Office, must prove, beyond a reasonable doubt, that you committed the offense(s) alleged in the accusatory instrument. A plea of “Guilty” will subject you to sentencing to any legally authorized sentence by the judge. Only with the court’s permission may you withdraw your guilty plea (and only prior to sentencing). If done you may exercise your above right to a trial.

Negotiate/Communicate with District Attorney’s Office Concerning Alternative Disposition

You may contact the DA’s Office (or any other official who is responsible for proving the charge(s) against you) in order to attempt to negotiate an alternative agreement. This potentially includes pleading guilty to any legally authorized alternative offense (including lesser included or less severe offenses). Any proposed agreement between you and the DA’s Office is subject to approval by the Court). Upon entry of your plea of “Guilty” to an offense if accepted by the Court, you will be subject to sentencing by the judge to any legally authorized sentence.

All traffic reduction requests must be handled, at least initially, through the internet. After you have completed the traffic safety course, we will process your reduction request, and email you and the court a pdf consent letter (at the email address you enter). Do not mail anything to the District Attorney’s Office **unless** required to do so by the DA’s Office.

If we are not able to resolve an issue via email, you will be requested to send correspondence to the DA’s Office. It must also be copied and sent to the court. However, do **NOT** mail anything to the District Attorney’s Office **UNLESS** required to do so by the DA’s Office. The Office address is:

[Instruction for Traffic Ticket Reductions Continued Below (on next page)]

If requested to submit anything by mail, please provide a self-addressed, stamped envelope
Cayuga County District Attorney's Office
95 Genesee Street, First Floor
Auburn, NY 13021

All traffic reduction requests must be handled, at least initially, through the internet.

If you are requesting a reduction, the following procedure **must** be followed:

1. Go to the link on the Cayuga County District Attorney's webpage (located at):

<http://www.cayugacounty.us/213/District-Attorney>

On the webpage is a link you must click on:

NEW *Traffic Ticket Reduction Request*****

If the webpage is down or the link is not functioning, you may directly access the reduction site at :

<https://www.advent-elearning.com/Aol/CourseLink/344/1>

2. Follow the prompts and enter all of the following information:

- a. Your **date of birth** and **mailing address**
- b. Your driver's license number
- c. Your **full name (including middle initial)** as it appears on your driver's license
- d. **Name of offense(s)/section(s) charged (include rate of speed for speeding)**
- e. **Name of court** where ticket is pending
- f. Whether you have had any traffic convictions in the past three years
- g. Whether you have had any accidents in the past three years
- h. Uniform Traffic Ticket number and/or **copy** of the **ticket(s)**, if available
- i. 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 DA's Office will **NOT** consider a reduction of the charge **UNLESS YOU PROVIDE DOCUMENTATION FROM YOUR INSURANCE COMPANY INDICATING THAT LIABILITY HAS BEEN ACCEPTED AND ALL DAMAGES (PROPERTY/PERSONAL INJURIES) HAVE BEEN (OR WILL BE) PAID.** Similarly, if you have resolved some underlying circumstance leading to the charges, please provide proof of this as well.

The DA's Office will obtain your driving record and a form will be sent to both the court and you, advising both of any recommended disposition from the DA's Office.

The recommendation letter form you receive will have a place where you may sign the form indicating your desire to plead guilty and accept the DA's Office's recommendation. This form must be mailed and/or emailed directly to the court (*NOT* back to the DA's Office). The court will then inform you of any further instructions, such as the fine/disposition.

You may also appear in court on the adjournment date scheduled by the court and enter a plea. At which time the court will impose an appropriate sentence. **If you fail to send in the signed form to the court and/or fail to appear at any adjourned date, the court may suspend your license.**

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