

## TRAFFIC TICKET PLEA POLICY

The following is the Chautauqua County District Attorney's plea policy for traffic tickets issued in Chautauqua County by the New York State Police and the Chautauqua County Sheriff's Office. The procedure set forth below is to be used by those individuals who wish to enter a plea of guilty by mail AND pursuant to the District Attorney's guidelines. A copy of these instructions and form are to be provided to any unrepresented individual charged with the enumerated Vehicle and Traffic sections by the New York State Police or Chautauqua County Sheriff.

### PLEASE READ THESE INSTRUCTIONS CAREFULLY

This policy is not intended to provide you with information about the charges or advise on whether or not to enter a plea of guilty. If you need any advice then you should consult an attorney.

### **DO NOT CONTACT THE DISTRICT ATTORNEY'S OFFICE IF YOU CALL YOU WILL BE TOLD TO CONSULT WITH THE ONLINE PLEA PROCEDURE**

This policy applies **ONLY** to tickets that are marked "Infraction" or "Violation" and were issued under the "Vehicle and Traffic Law" (VTL).

This policy does **NOT** apply in the following situations:

1. If the ticket is marked "Felony" or "Misdemeanor" (unless it is written under VTL Section 511),
2. If you have **also** been charged with a penal law offense, a DWI offense, or any other misdemeanor or felony charge (other than a VTL 511),
3. If the ticket was issued after being involved in a serious injury/fatal accident,
4. If the ticket was written under a law other than the "Vehicle and Traffic Law" e.g., the "Transportation Law".

If any of these situations apply to your case, then you or your attorney must deal directly with the District Attorney's Office at your court appearance.

The following chart applies to **FIRST** offenses only. If you have been ticketed before for the same offense, then the plea offer is a plea to the ticket as charged only. In such case, if you wish to enter a plea of guilty to the charge by mail you may follow the same procedure as set forth below.

The sentence imposed on the plea is entirely the Court's decision. The Court is free to impose any fine, jail sentence or any condition (such as safe driving school) that the judge deems appropriate and is within the boundaries of the law.

The Court and the District Attorney's Office are free to revoke an offer at any time if it is determined that an individual has made any errors regarding the availability of the plea offer, the circumstances for the issuance of the ticket or their prior convictions.

If you wish to accept the plea offer, you **MUST** send the following to the Court:

1. A copy of the front of your ticket (if not previously done),
2. A copy of your driver's license,
3. A copy of your driving abstract (obtainable from DMV),
4. A completed "Chautauqua County District Attorney's Plea Form",
5. A self-addressed stamped envelope

It is your responsibility to provide all the required information to the Court. **IF YOU DO NOT PROVIDE US WITH ALL THE REQUESTED INFORMATION, WE WILL NOT MAKE YOU AN OFFER AND YOU WILL NEED TO APPEAR ON YOUR SCHEDULED COURT APPEARANCE.**

It is also your responsibility to make all required court appearances or to obtain an adjournment from the court prior to your appearance date if necessary. Your failure to do so could result in your license being suspended and/or a warrant for your arrest.

Upon receipt of the necessary materials, the Court will process your plea, and if accepted, will notify you of your sentence.

**VEHICLE AND TRAFFIC LAW VIOLATIONS – FIRST OFFENSE ONLY**

**CHARGE SECTION**

**Plea Offer**

Any “100” Section (117)

VTL 1203(b)\*

Any “200” Section (207-250)

VTL 1203(b)\*

Any “300” Section (301-397)

VTL 1203(b)\*

Any “400” Section (401-495)

VTL 1203(b)\*

Any “500” Section (509-551)

VTL 1203(b)\*

^^^(Except Section 511)^^^

^^^OFFERS FOR SECTION 511:^^^

**The only section under 511 that has a plea available by mail is 511-a-1**

511-a-1

509-1\*\*

Any “600 Section (600-605)

VTL 1203(b)\*

Any “1100” Section (1101-1198)

VTL 1203(b)\*

\*\*\*(Except VTL 1180 and 1192)\*\*\*

\*\*\*OFFERS FOR SECTION 1180:\*\*\*

1180-(a)

VTL 1203(b)\*

1180-(b)

0-20 mph over speed limit

VTL 1203(b)\*

21-30 mph over speed limit

VTL 1110-(a)\*\*\*

Over 31 mph over speed limit

NO OFFER

1180-(c)

0-10 mph over speed limit

VTL 1203(b)\*

10-20 mph over speed limit

VTL 1110-(a)\*\*\*

Over 21 mph over speed limit

NO OFFER

1180-(d)

0-20 mph over speed limit

VTL 1203(b)\*

21-30 mph over speed limit

VTL 1110-(a)\*\*\*

Over 31 mph over speed limit

NO OFFER

1180-(e) VTL 1203(b)\*

1180-(f)

0-10 mph over speed limit	VTL 1203(b)*
10-20 mph over speed limit	VTL 1110-(a)***
Over 21 mph over speed limit	NO OFFER

1180-(g)

0-10 mph over speed limit	VTL 1203(b)*
10-20 mph over speed limit	VTL 1110-(a)***
Over 21 mph over speed limit	NO OFFER

**\*\*NO OFFERS ON SECTION 1192 ARE AVAILABLE THROUGH THE MAIL\*\***

Any "1200" Section (1200-1265) VTL 1203(b)\*

Any "1600" Section (1625-1685) VTL 1203(b)\*

Any "2100" Section (2130) VTL 1203(b)\*

Any "2200" Section (2222-2288) VTL 1203(b)\*

Any "2400" Section (2403-2413) VTL 1203(b)\*

\* VTL 1203(b) is a parking ticket. No points are assessed. No Surcharge is Assessed.

\*\* 509-1 is "Unlicensed Operator". No Points are assessed.

\*\*\* VTL 1110-(a) is "Failed to obey traffic control device". It is a 2 point moving violation.

**CHAUTAUQUA COUNTY DISTRICT ATTORNEY'S PLEA FORM**

**YOU MUST COMPLETE AND SIGN THIS FORM**

People v. \_\_\_\_\_  
*Your name as it appears on the ticket(s)*

List Charges(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify the following:

\_\_\_\_\_ I have read and understand the warning that appears in bold face at the bottom of the ticket(s) issued to me.

\_\_\_\_\_ I have read and understand the Chautauqua County District Attorney's "Traffic Ticket Plea Policy".

\_\_\_\_\_ I understand that I have the right to be represented by an attorney, but I wish to proceed on my own and hereby waive that right.

\_\_\_\_\_ I understand I have the right to a trial on these charges. I hereby waive my right to a trial and wish to enter a plea of guilty as stated below.

\_\_\_\_\_ Pursuant to the District Attorney's "Traffic Ticket Plea Policy" I hereby enter a plea of guilty to the following:

Written Charge

Plea of Guilty To

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Signature of Attorney (if applicable) \_\_\_\_\_

**RETURN TO COURT LISTED ON BOTTOM OF TICKET**