

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. The procedure set forth below is to be used by those individuals who wish to enter a plea of guilty 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.

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

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, an injury or accident involving a third party or other vehicle.
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. You **cannot** enter a plea of guilty through the mail.

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.

If you are charged with multiple tickets it is left to the Court's discretion as to whether or not to apply this policy. It may choose to apply this policy to one of the tickets and no others, some of the tickets but all, all of the tickets, or none of the tickets.

Acceptance of the plea as outlined in this policy is wholly within the discretion of the court. 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** supply the court with those items that it deems necessary, including:

1. A copy of the front of your ticket,
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 all the information, you will not be allowed to take the offer.

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.

If you do not desire to avail yourself of the reduced plea as it is offered in this policy, or should the court reject the offered reduction, then in that event, the charge(s) will proceed to trial with the officer that issued the ticket designated as the prosecutor (except when an attorney has been retained).

VEHICLE AND TRAFFIC LAW VIOLATIONS – FIRST OFFENSE ONLY

Written Ticket

Plea Offer

Any “100” Section (117)

VTL 1200-(d)*

Any “200” Section (207-250)

VTL 1200-(d)

Any “300” Section (301-397)

VTL 1200-(d)

(Except Sections 385-8, 9, or 10)

OFFERS FOR SECTION 385-8, 9, or 10:

If under 40% over weight

Same charge but with 50% reduction
in excess weight classification

If 40% and above over weight

Plea to the charge

Any “400” Section (401-495)

VTL 1200-(d)

Any “500” Section (509-551)

VTL 1200-(d)

(Except Section 511)

OFFERS FOR SECTION 511:

511-1(a)

VTL 511-a-1(a)**

511-1(c)

VTL 511-a-1(a)

511-2(a)(i)

VTL 511-1(a)

511-2(a)(ii)

VTL 511-1(a)

511-2(a)(iii)

VTL 511-1(a)

511-2(a)(iv)

VTL 511-a-1(a)

511-3(a)(ii)

VTL 511-1(a)

511-a-1

VTL 1200-(d)

511-a-3

VTL 511-a-1(a)

511-a-3(c)

VTL 511-a-1(a)

511-a-4

VTL 511-a-3

511-d

Plea to the charge

Any "600" Section (600-605) Plea to the charge

Any "1100" Section (1101-1198)
**(Except VTL 1180 and 1192,
1102, 1144 and 1174)** VTL 1200-(d)

OFFERS FOR SECTION 1180:

1180-(a) VTL 1200-(d)

1180-(b)

00-19 mph over speed limit VTL 1200-(d)
20-29 mph over speed limit VTL 1110-(a)***
Over 30 mph over speed limit Plea to the charge

1180-(c)

00-14 mph over speed limit VTL 1200-(d)
15-20 mph over speed limit VTL 1110-(a)
Over 20 mph over speed limit Plea to the charge

1180-(d)

00-19 mph over speed limit VTL 1200-(d)
20-29 mph over speed limit VTL 1110-(a)
Over 30 mph over speed limit Plea to the charge

1180-(e) VTL 1200-(d)

1180-(f)

00-14 mph over speed limit VTL 1200-(d)
15-20 mph over speed limit VTL 1110-(a)
Over 20 mph over speed limit Plea to the charge

1180-(g)

00-19 mph over speed limit VTL 1200-(d)
20-29 mph over speed limit VTL 1110-(a)
Over 30 mph over speed limit Plea to the charge

NO OFFERS ON SECTION 1192 ARE AVAILABLE THROUGH THE MAIL

Any "1200" Section (1200-1265)	VTL 1200(d)
Any "1600" Section (1625-1685)	VTL 1200-(d)
Any "2100" Section (2130)	VTL 1200-(d)
Any "2200" Section (2222-2288)	VTL 1200-(d)
Any "2400" Section (2403-2413)	VTL 1200-(d)

* VTL 1200-(d) is a parking ticket. No points are assessed.

** VTL 511-a-1 is a traffic infraction. All other VTL 511 charges are either misdemeanors or felonies.

*** VTL 1110-(a) 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)

Address _____

Date of Birth _____

List Charges(s): _____

I hereby certify the following (initial each):

_____ 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) _____