

# VEHICLE AND TRAFFIC MATTERS

Other than DWI Cases

# HOW DOES A TRAFFIC CASE BEGIN IN YOUR COURT?

- Traffic cases begin with issuance of a Simplified Traffic Information, also called a Uniform Traffic Ticket (UTT)
- UTT is issued by a police officer

There are two ways to **file** a UTT with the court:

1. Electronically; OR
2. Filing a paper copy with the Court

# WHERE/HOW DO YOU DOWNLOAD YOUR ELECTRONIC TICKETS?

Off the OCA website

Detailed instructions in the Clerk's Manual located at:

[http://www.nycourts.gov/courts/townandvillage/judges\\_only/ed-train-clerks-only.shtml](http://www.nycourts.gov/courts/townandvillage/judges_only/ed-train-clerks-only.shtml)

# HOW DOES A TRAFFIC CASE BEGIN IN YOUR COURT?

## Clerk's Responsibility:

1. Place ticket on the appropriate court date calendar
2. Enter into your Case Management System if paper ticket
3. Run an eJusticeNY DMV record search ahead of the court date or when a guilty plea is received\*

New York State - Department of Motor Vehicles  
UNIFORM TRAFFIC TICKET  
POLICE AGENCY

**K1030063SP** NEW YORK STATE POLICE  
Local Police Code

To be completed by Police Officer and given to Motorist

**TO PLEAD BY MAIL (NOT TO BE USED FOR MISDEMEANORS)**

- If you are pleading "GUILTY" by mail, place an "X" through SECTION B, then complete and sign SECTION A.  
- If you are pleading "NOT GUILTY" by mail, place an "X" through SECTION A, then complete and sign SECTION B.  
- Mail this form to the Court noted on this ticket by Registered, Certified, or First Class Mail, with Return Receipt Requested.  
- DO NOT use this form for Misdemeanors or for a third or subsequent speeding violation in an 18 month period. Instead you must appear in the Court noted on this ticket in person.  
- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.

**SECTION A - PLEA OF GUILTY**

To the Court listed on the other side of this ticket:  
I, \_\_\_\_\_  
residing at \_\_\_\_\_  
have been charged with the violation as specified on the other side of this ticket. I acknowledge receipt of the warning printed in bold type on the other side of this ticket, and I waive arraignment in open court and the aid of an Attorney. I plead GUILTY to the offense as charged and request that this charge be disposed of and a fine or penalty fixed by the court.

Additionally, I make the following statement of explanation (optional):  
\_\_\_\_\_  
\_\_\_\_\_

All statements are made under penalty of perjury.  
Date: \_\_\_\_\_ Signed: \_\_\_\_\_

**SECTION B - PLEA OF NOT GUILTY**

The following notice applies to you if the officer did not issue you a supporting deposition with your ticket:  
**NOTICE: YOU ARE ENTITLED TO RECEIVE A SUPPORTING DEPOSITION FURTHER EXPLAINING THE CHARGES PROVIDED YOU REQUEST SUCH SUPPORTING DEPOSITION WITHIN THIRTY (30) DAYS FROM THE DATE YOU ARE DIRECTED TO RESPOND TO THE COURT NOTED ON THE OTHER SIDE OF THIS APPEARANCE TICKET. DO YOU REQUEST A SUPPORTING DEPOSITION?**

SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED? Yes  No   
NO  SPEEDING (Gen 101)   
GENERAL (Gen 101A)

Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: NY Zip Code: \_\_\_\_\_

NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your trial date.

APPLICANTS UNDER 18 YEARS OF AGE MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.

Name of Parent or Guardian: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

UPD-17 (4/02)

**THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS**

Time: **8:35 AM** Date of Offense: **09/29/2008** IN VIOLATION OF **NYS V AND T LAW**

Section Sub Section: **1180B** Tr. Inf.  Med.  MPH: **72** MPH Zone: **55**

Description of Violation: **SPEED OVER 55 ZONE**

Place of Occurrence: **TACONIC STATE PARKWAY S/B** Hwy. No.: **TSPK** Loc. Code: **1153**

CITY Name: **CHATHAM TOWN OF - 1153** County: **COLUMBIA** Hwy. Type: **9** Loc. Code: **11304**

APPROVED UNDER PENALTY OF PERJURY

Date Affirmed: **09/29/2008** Off. Assign: **K 0 44**

Arrest Type: **1 - PATROL**

Officer's Signature: \_\_\_\_\_  
Officer's Last Name: **A.** First Name: \_\_\_\_\_ M.I.: \_\_\_\_\_  
Badge/Shift: **6401**

Radar Officer's Signature: \_\_\_\_\_

**THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW**

**CHATHAM TOWN COURT**  
Address: **TRACY HALL, PO BOX 326**  
City: **CHATHAM** State: **NY** Zip: **12037**

RETURN BY MAIL BEFORE OR IN PERSON ON: Date: **10/29/2008** Time: **7:00 PM**  
 MUST APPEAR IN PERSON

**A PLEA OF GUILTY TO THIS CHARGE IS EQUIVALENT TO A CONVICTION AFTER TRIAL. IF YOU ARE CONVICTED, NOT ONLY WILL YOU BE LIABLE TO A PENALTY, BUT IN ADDITION YOUR LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF REGISTRATION, IF ANY, ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW.**

Conviction may subject you to a mandatory surcharge and/or Driver Responsibility Assessment as prescribed by law.

Your failure to respond may result in a warrant for your arrest or suspension of your driver's license and/or a default judgement against you.

# REPORTING TICKET DISPOSITIONS

Ticket dispositions **MUST** get reported to Traffic Safety Law Enforcement & Disposition division (TSLED) either:

- Manually

OR

- Electronically
  - Courts who are not electronic already and would like to become electronic should contact Tina Richburg at 1-866-246-2361

*More on this tomorrow...*

# EJUSTICENY DMV RECORD SEARCH

The screenshot shows the eJusticeNY Integrated Justice Portal. The page title is "Drivers License" under the "Inquiry" section. There are two main search methods: "By Name" and "By ID".

**By Name:**

- \* Name: \* Last, \* First, Middle
- \* Birth Date: mm/dd/yyyy
- \* Sex:
- Reason for Inquiry: (Text area, 0/200 characters)
- SEARCH button

**By ID:**

- \* Complete one of the following:
- Client ID (CID):
- Motorist ID (NBR):
- Reason for Inquiry: (Text area, 0/200 characters)
- SEARCH button

\* Originating Agency (ORI): NY001131J

Inquiry Options:

- Check Hot Files (Generated)
- Include images with results, if applicable
- Include History

\* = Denotes Required Field

CLEAR button

> Results

# VPASS:

VPASS is a web application that allows the Courts to access DMV records and information on defendants appearing before court

- Defendant's license;
  - Registration;
  - Insurance;
  - Inspection; and
  - Vehicle title records
- More information on this in tomorrow's presentations!

# HOW DOES A TRAFFIC CASE BEGIN IN YOUR COURT?

The UTT must be filed with the correct court:

1. ON OR BEFORE the return date on the ticket
2. The return date on the ticket must be on a DAY AND TIME THAT THE COURT IS IN SESSION



# SOME COMMON ISSUES WITH TRAFFIC TICKETS YOU WILL EXPERIENCE

1. Ticket fails to arrive on time
2. Ticket timely arrives but the date is not one that the court is in session
3. A ticket arrives but is for a different court

# SOME COMMON ISSUES WITH TRAFFIC TICKETS YOU WILL EXPERIENCE

4. Person appears at court with a ticket but the ticket was not timely filed with the court
5. Person pleads guilty by mail but the ticket was not timely filed with the court
6. Person pleads not guilty by mail but the ticket was not timely filed with court

# SOME COMMON ISSUES WITH TRAFFIC TICKETS YOU WILL EXPERIENCE

Each of these scenarios raise substantial legal issues as to the jurisdiction of the court to hear the case.

## Clerk's Responsibility:

Flag tickets that fall into the above scenarios for the judge.

Follow the instructions from your judge.

# SUPPORTING DEPOSITIONS

Persons charged by a UTT may request a Supporting Deposition.

- A supporting deposition is a sworn statement by a Police Officer alleging facts providing reasonable cause to believe that the defendant committed the offense charged.
- A supporting deposition gives the defendant additional details about the charges in the UTT.

# SUPPORTING DEPOSITIONS

## Clerk's Responsibility:

Send a letter to the police officer who issued the UTT informing them of the defendant's request.

The police officer must:

1. Serve a copy of the supporting deposition on the defendant (or on defendant's attorney, if represented),  
AND
2. File the supporting deposition, along with proof of service, with the court.

**SUPPORTING DEPOSITION / CPL 710.30(1)(A) NOTICE  
TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION**

COUNTY OF SCHENECTADY      LOCAL CRIMINAL COURT  
STATE OF NEW YORK  
THE PEOPLE OF THE STATE OF NEW YORK  
VS  
JULIE SHAW

UTT NUMBER      LX908578  
Officer T      PEMBLETON      of the NISKAYUNA POLICE DEPARTMENT  
a Police Officer and the Complainant alleges that the Defendant committed a violation of

1. VTL Section 1180D      Description      SPEED IN ZONE  
2. Date 09/21/2007      Time 8:18 PM      C/T/V of NISKAYUNA, TOWN OF - 4752  
3. Vehicle Year 2003      Make TOYOTA      Color GR - GREEN  
License Plate No.      ADR1234      State NY  
4. General Direction of Travel by Defendant      NORTH  
5. Highway (Type/Name)      G - TOWN      WEST STREET AT YALE ROAD  
6. Defendant's Speed: 62      MPH in a      40      MPH Zone  
7. Charge based on Officer's      DIRECT OBSERVATION  
8. Speed Verified By      RADAR  
9. Additional Information

**TO THE ABOVE NAMED DEFENDANT:**

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30(1)(A) OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT MADE BY YOU

on 09/21/2007      at 8:14 PM      at WEST STREET AT YALE ROAD, To  
T      PEMBLETON      , a public servant,  
IN WHICH YOU SUBSTANTIAL STATED AS FOLLOWS:  
YES, I WAS SPEEDING.  
WHEN ASKED IF SHE KNEW HOW FAST SHE WAS GOING SHE STATED...60 MPH  
WHEN ASKED IF SHE KNEW THE POSTED SPEED LIMIT SHE STATED...40 MPH  
SHE STATED SHE WAS GOING TO HER MOTHER'S HOUSE AND WAS IN A HURRY

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed Under Penalty of Perjury  
09/21/2007  
*Sgt. Tim Pembleton*

# ENTERING PLEAS TO VEHICLE AND TRAFFIC CHARGES

A defendant has three ways to enter a plea of guilty or not guilty to a traffic ticket:

1. By mail
2. In person
3. By his/her attorney

# PLEAS BY MAIL

## NOT GUILTY:

### Clerk's Responsibility:

1. Defendant must be given a court date for pre-trial conference (except if plea is to a misdemeanor; see next slide)
2. Adjourn case in case management system

## GUILTY:

### Clerk's Responsibility:

1. Give file to judge for sentencing\* (see next slide for exceptions)
2. Report ticket disposition in TSLED and in case management system
3. Track case for payment of fine and surcharge

# PLEAS OF GUILTY BY MAIL: EXCEPTION

A defendant cannot plead guilty by mail to  
a:

1. Misdemeanor\*; OR
2. Third speeding conviction within 18 months

\* Defendant must plead either guilty or not guilty in person on a misdemeanor.



# PLEAS OF GUILTY BY MAIL - DEFENDANTS WHO ARE UNDER 18

Where the Defendant:

1. is less than 18 years old, and
2. resides in the household of his or her parent or guardian

The court must send a notice of the conviction to the parent or guardian.

# PLEAS IN PERSON OR BY ATTORNEY

## NOT GUILTY:

### Clerk's Responsibility:

1. Adjourn to the conference date.\*
2. Enter adjournment in case management system.

## GUILTY:

### Clerk's Responsibility:

1. Collect the fine and surcharge or adjourn for payment in case management system.
2. Report the disposition to TSLED.

# **PLEAS OF NOT GUILTY - DEFENDANTS WHO ARE UNDER 18**

On a charge of violating the VTL or a motor-vehicle-related law or ordinance (other than for a violation related to parking, standing or stopping), the court must notify the parent or guardian...

UNLESS the Defendant pleads guilty to the offense as charged or is convicted on the same day that he or she is arraigned.

# REPORTING VTL CONVICTIONS

## Clerk's Responsibility:

- Report the conviction at the time that it is entered, even when the judge gives the defendant additional time to pay the fine/surcharge.

# FAILURE TO APPEAR OR PAY A FINE

## Scofflaw

- A “scoff” is a suspension of the defendant’s license for:
  - Failing to appear, OR
  - Failing to pay their fine.
- Charge must be a vehicle and traffic offense\*, but CANNOT be a parking ticket.

# FAILURE TO APPEAR OR PAY A FINE

- If the defendant fails to appear within 60 days of the court date, or fails to pay a fine imposed by a court, the court may send a notification to DMV to suspend the defendant's license.
- The suspension shall take effect no less than 30 days after the notice is sent to DMV.
- If the person appears or pays the fine before the suspension takes effect, the suspension will be canceled.

# FAILURE TO APPEAR OR PAY A FINE

- What about when the defendant's license is suspended, and the defendant later comes to court to lift the suspension?
- The defendant must pay a \$70 suspension lift fee per scoffed ticket in order to lift the suspension. The court is collecting this fee on behalf of DMV.

# FAILURE TO APPEAR OR PAY A FINE

- If the defendant was suspended for **failing to pay the fine**, the person can pay the fine and be eligible to have the suspension lifted by paying the lift fee.
  - The Court must deposit any monies received within 72 hours.
- If the defendant was suspended for **failing to appear**, talk to your judge about the procedure he/she wants you to follow.



QUESTIONS????