



ONTARIO COUNTY DISTRICT ATTORNEY'S OFFICE

ONTARIO COUNTY COURTHOUSE
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District Attorney

THIS OUTLINE IS FOR INFORMATIONAL PURPOSES ONLY

If you are 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 with a recommendation as to how to proceed, or which of these three options you should choose.

YOU MAY:

(1) Plea of "Not Guilty"

By pleading "Not Guilty" you are exercising your right to a public trial. The People of the State of New York, represented by the District Attorney's Office or another designated prosecuting agency, must prove beyond a reasonable doubt, that you have committed the offense(s) alleged in the accusatory instrument(s). At trial you 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. You are entitled to Discovery but may also waive your right to Discovery. 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.

(2) Plea of "Guilty"

By pleading "Guilty" you waive your right to a trial where the Prosecution, must prove, beyond a reasonable doubt, that you committed the offense(s) alleged in the accusatory instrument. You are entitled to Discovery but may also waive your right to Discovery. 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).

(3) 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 and engage in a diversion or traffic safety course. 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.

If you are requesting a reduction of your ticket, you are required to complete a traffic safety course outlined below. Once the traffic safety course is completed, you must electronically send the certificate of completion, a copy of your ticket, and your driving abstract to Tracey.Butcher@ontariocountyny.gov. Your reduction request will be processed and sent to you and the Court. You will need to follow the directions on the letter and send it to the Court. Please do NOT mail anything to the District Attorney's Office unless requested to do so.

REDUCTION REQUEST PROCEDURE:

1. Go to the link on the Ontario County District Attorney's webpage
On the webpage is a link you must click on:

NEW *Traffic Ticket Reduction Request*****

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
 - j. Reason(s) why you think the charge(s) should be reduced or an explanation
3. For Distracted Driving tickets (Using your cell phone or texting while driving) you may also utilize the following program:

ESSI@rochester.rr.com

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 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