

RIGHT TO APPEAL IN ALL CASES

If you believe that the Court made an error in your case, you may appeal to the Tompkins County Court. You must file a Notice of Appeal with the Village of Cayuga Heights Court within 30 days after you are sentenced (infraction/crime) or are served with notice of entry of the judgment (civil). You will need to arrange and pay for a transcript of the proceedings. The Court Clerk will provide you a list of certified transcribers at your request. Appeals are very complex and you should seek the assistance of an attorney.

COMMON QUESTIONS ABOUT TRAFFIC OFFENSES

Ask the judge for further information.

Q How many points can cause me to lose my NY drivers license?

A If you get 11 points (or 3 speeding convictions) within an 18 month span, then the New York Department of Motor Vehicles (NY DMV) will take your New York driver's license. If your license is from another state, you will lose your "privilege to drive in New York," and NY DMV will notify your home state. Your home state will probably take away your driver's license. NY DMV, not the Court, controls the number of points assessed.

Q Can I reduce points by taking a course?

A You can reduce, for some purposes, as many as 4 points by taking a Defensive Driving course if you have not already taken it in the past 18 months. The courses can be found in the yellow pages of the phone book under "Driving Instruction" and usually costs around \$40. Your insurance company must reduce your insurance premium by 10% for 3 years. Before you take the course, check with NY DMV to be sure the points have already been put on your driving record.

Q What is the fine/surcharge/jail/point structure for common traffic offenses (first offense)?

A The following is just a brief summary of some common offenses. Ask the judge for more detail.

<u>CHARGE (1st offense)</u>	<u>MIN.</u>	<u>MAX.</u>	<u>MAX.</u>	<u>SURCHARGE</u>	<u>POINTS</u>
<u>Speeding</u> (11-20 mph over limit)	\$ 90	\$300	15 days	\$ 93	4
(21-30 mph over limit)	\$ 90	\$300	15 days	\$ 93	6
(31-39 mph over limit)	\$180	\$600	30 days	\$ 93	8
<u>Speeding in School Zone</u>	<i>(Double the min. + max. fines above. The rest stays the same.)</i>				
<u>Failure to Obey a Traffic Control Device</u>	\$ 0	\$150	15 days	\$ 93	2
<u>Cell phone / portable electronic device</u>	\$ 50	\$150	-	\$ 93	5
<u>Not move over for emergency vehicle</u>	\$ 0	\$150	15 days	\$ 93	2
<u>Stop Sign</u>	\$ 0	\$150	15 days	\$ 93	3
<u>No Insurance</u>	\$150	\$1500	15 days	\$ 93	0
	<i>(+ 1 year license revocation and \$750 civil fee by DMV)</i>				
<u>No seat belt</u> (driver/passenger)	\$ 0	\$ 50	-	\$ 93	0
(child)	\$ 25	\$100	-	\$ 93	3
<u>No Inspection</u>	\$ 25	\$100	15 days	\$ 93	0

Q What is a "surcharge?"

A It is a fee that NY State requires the Court to assess and collect for most violations. As with "points," the Court has no control over the amount of the surcharge.

Q What is the "Driver Responsibility Assessment" fee?

A In addition to the penalties mentioned above, the NY DMV charges \$100 / year for 3 years against defendants who accumulate 6 or more points during an 18 month span. It also adds \$25 per year for every point over 6. If a defendant is convicted of a drug or alcohol offense or refuses an alcohol test, then \$250 is collected every year for 3 years. The NY DMV, not the Court, collects and determines these fees.

Q What can happen if one does not appear in court or pay the fine/surcharge as ordered?

A The defendant is deemed a "scofflaw," and NY DMV will suspend the defendant's driver's license/privilege. The Court may also issue a warrant for the defendant's arrest.

VILLAGE OF CAYUGA HEIGHTS COURT

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RIGHTS AND WARNINGS FOR TRAFFIC VIOLATIONS

The following rights and warnings apply to persons charged with traffic infractions (this does not include misdemeanors or felonies). All proceedings are recorded. If you have any questions, you must ask the judge.

1. **ATTORNEY:** You have the right to be represented by an attorney at every stage of your case. Tell the Judge if you want help or additional time to contact an attorney.
2. **SUPPORTING DEPOSITION:** You have the right to a "supporting deposition." It is a sworn statement by the ticketing officer giving you additional facts about your case.
3. **ADJOURNMENT:** If you want to speak with an attorney or you want a supporting deposition or you want a delay for any legitimate reason, the court will delay the case until another date when you will return to enter your plea of "guilty" or "not guilty."
4. **PLEA OF "GUILTY":** If you plead "guilty," you will be treated the same as if you were convicted after a trial. The same possible penalties apply. This conviction of the New York Vehicle and Traffic Law, in combination with any you have from the past or receive in the future, could result in your New York driver's license and vehicle registration being suspended or revoked by the New York Department of Motor Vehicles. If you have a non-New York driver's license, then your "New York driving privileges" could be suspended or revoked.
6. **PLEA OF "NOT GUILTY":** If you plead "not guilty," the case will be scheduled for an "appearance" where you may meet with the Assistant District Attorney to discuss your case. Alternatively, you may skip that meeting and immediately request a trial date. At trial you may present evidence. You also have the right to remain silent, and your silence cannot be used against you. In order for you to be convicted, the prosecution (the People) must prove that you are guilty "beyond a reasonable doubt."

Today at your arraignment you will be asked:

- Do you have any questions?
- Do you want a delay so you can speak with an attorney?
- Do you want a delay so you can be sent a supporting deposition?
- How do you plead to each charge? ("Guilty" or "Not Guilty")

PLEA OF "GUILTY" IN ALL CASES

As stated above, if you decide to plead "guilty" you are making a knowing, intelligent and voluntary waiver of many of your rights, including, among others:

- the right to a trial, where the burden of proving your guilt is on the People and they must convince the Court of your guilt beyond a reasonable doubt;
- the right to remain silent and not have that silence held against you;
- the right to present evidence and the right to confront witnesses.

You also must understand that:

- your guilty plea cannot be caused by threats or promises undisclosed on the Court's open record;
- the penalties imposed may be the same as you might face if you were convicted after a trial;
- some convictions (felonies and misdemeanors) could have a negative impact on your immigration status or your ability to be hired for some jobs;
- at any time you may ask the judge questions or request a delay in your case in order to consult with an attorney;
- if you have an attorney, you are satisfied with his/her representation;
- you are admitting to the facts on which the charge is based;
- after pleading guilty, you may address the Court regarding the penalty.