

Seneca Co. District Attorney's Office Policy on Traffic Infractions

The Seneca County District Attorney's Office has the authority to prosecute all traffic infractions that occur in Seneca County. As a courtesy to the Town and Village Courts of Seneca County, the District Attorney's Office has developed a procedure by which we attempt to conference traffic matters by mail prior to trial. Please know that you may retain an attorney to represent you with your traffic violation and that you have a right to a trial on your traffic violation. However, you may choose to act on your own behalf and try to resolve your ticket without a trial.

If you do not wish to hire an attorney and do not wish to proceed to trial, you have two options. One is to plead guilty to the charge against you. Your second option is to make a traffic reduction request to our office. To do so, complete Part I of the **Reduction Request Form** (page 2 below) and return it with a **copy of the traffic ticket**, a **copy of your abstract of driving record** from the Department of Motor Vehicle and a **stamped self-addressed envelope** to the following address:

SENECA CO. DISTRICT ATTORNEY
44 W. WILLIAMS ST STOP 2
WATERLOO NY 13165

Mail all required documents together. Make sure your mailing has sufficient postage. Do NOT mail the documents separately. **Incomplete submissions will not be processed or returned.**

If you have a NY driver's license, an abstract of your N.Y. driving record is available at any DMV office or on the internet. If you have a non-New York driver's license, please contact your state's licensing department for an abstract of your driving record. If your traffic violation involves an accident or damages to a person, animal or property, or driving while intoxicated/impaired or aggravated unlicensed operation, we will not consider any reduced charge by mail. No offer will be made if all the requested documentation is not supplied to us.

Once the completed reduction request form (Part 1) and all required papers (i.e., copy of traffic ticket, driving abstract and SASE) are received at the District Attorney's office, a prosecutor will review the paperwork, make a plea offer, if any, in Part II, and mail only the form back to you. If you agree with the prosecutor's offer in Part II, you may then read and sign Part 3 of the form and mail it to the Court address listed at the top of the form (and on your ticket). After you sign Part 3, do not return it to the District Attorney's Office. Once the court receives your plea, the court, if it accepts the plea offer, will determine the fine and mail its determination to you. If you reject the offer in Part II, please advise the Court and it will inform you of your trial date.

Please know that the Court is the final arbiter of your case. Only the Court decides the amount of the fine. Do not mail this instruction page; please keep it and a copy of your ticket for your records. All requests for adjournments must be addressed to the Court; for instance, if the appearance date on your ticket is approaching, you may send a letter to the court asking for an adjournment of your case.

Do NOT call the District Attorney's Office regarding traffic tickets. We are NOT permitted to give advice or make offers over the telephone. If you must speak with a prosecutor about your case, contact the court and ask it to schedule your case for the next D.A. day.

PART I (to be completed by defendant):

REDUCTION REQUEST FORM

Please complete the following 3 lines from your ticket(s):

YOUR NAME: _____ **CHARGE(S):** V&T Law § _____

COURT: _____ **TICKET NUMBER(S):** _____

COURT ADDRESS: _____

Circle “Yes” or “No” after you read and answer each question. Follow task if directed.

Yes or No 1. Was there an accident? If yes, please explain on the back of this form.

Yes or No 2. Do you have a criminal record? If yes, please explain on the back of this form.

Yes or No 3. Do you have any prior alcohol-related convictions. If yes, please explain on the back of this form.

Yes or No 4. Do you have any traffic convictions in the past 18 months. If yes how many? _____

Yes or No 5. Do you have any pending criminal or traffic charges in any courts? If yes, list them on the back.

Yes or No 6. Have you enclosed a photocopy of your ticket(s)? If no, do not mail this form.

Yes or No 7. Have you enclosed a copy of your driving history from the DMV Office? If no, do not mail this form.

Yes or No 8. Have you enclosed a self-addressed, stamped envelope? If no, do not mail this form.

If you would like to explain why a reduction is in order, you may do so on the back or on a separate paper.

Notice pursuant to Penal Law § 210.45: “In a written instrument, any person who knowingly makes a false written statement, which such person does not believe to be true, has committed a crime under the laws of New York State punishable as a Class A Misdemeanor.”

(Signature of Defendant) (date)

Once Part 1 is completed and signed, mail the form and required documents to the District Attorney’s Office.

=====

PART II (to be completed by prosecutor once Part 1 is completed):

The People offer a plea to VTL § _____: _____ in full satisfaction of the above listed charges, with the fine(s) set by the court. This matter is otherwise ready for Trial.

Dated: _____
Seneca County District Attorney’s Office

=====

PART III (to be completed by defendant once Part II is completed and only if the plea offer in Part II is acceptable):

“I hereby waive an appearance/trial in the Court and agree to plead guilty to the reduced charge(s) as indicated above in Part II. I understand that a plea of guilty to this charge is equivalent to a conviction after trial. If I am convicted, I understand I will be subject to a fine set by the court and a mandatory state surcharge.”

(Signature of Defendant) (Date)

After signing Part III, please send to the Court at the address listed above in Part I or on your ticket (do not return it to the District Attorney’s Office). The court will notify you of its acceptance of the plea and your fine.