

## MOVING VIOLATIONS ONLY

### VEHICLE & TRAFFIC

#### FAQ

1. I received a ticket or summons charging me with a moving violation or a traffic offense, what do I need to know?
2. Can I plead "Not-Guilty" by mail or in-person?
3. Can I plead "Guilty" by mail or in person?
4. What happens after I plead "Not" Guilty by mail or in person?
5. I just received my Appearance/Pre-Trial Conference letter from the Court and I cannot appear at the scheduled time. Can I change the date?
6. Why isn't the fine listed on the ticket or summons?
7. How many "Points" will I get assessed if I plead guilty or am convicted of a moving violation?
8. What payment options do I have?
9. What is a supporting deposition?

---

#### **1. I received a ticket or summons charging me with a moving violation or a traffic offense, what do I need to know?**

First you must determine if you have received a Criminal or Non-Criminal summons. You do this by locating the plea response date on the summons. This date is typically located at the bottom of the summons. If an X is placed in the box indicating "**Respond by mail or in-person on.....01/01/2000.....**," (Non-Criminal Summons) then you may enter a guilty or not guilty plea by mail and an **APPEARANCE IS NOT REQUIRED** on the date printed on the ticket.

If your ticket has an X placed next to "**Must appear in person on .....01/01/2000.....**," this is a criminal violation and you **MUST** appear in the Eastchester Town Court at that date and time unless you receive written correspondence from the court telling you otherwise.

**IMPORTANT:** If you were issued more than one ticket in one stop/road check, and any **ONE** of these violations requires an appearance due to its criminal nature, **ALL** tickets that were issued will be adjudicated in person before a judge either on the date printed on the ticket or at a date that the court sets and advised you of in writing by mail.

## **2. Can I plead “Not-Guilty” by mail or in-person?**

**You May Plead “Not” Guilty by mail or in person.** You may do so by completing section B on the ticket ("Plea of Not Guilty"), placing an X through section A, and mailing the ticket to the Court. The Court will then process your not guilty plea and mail you an Appearance/Pre-Trial conference date.

**IMPORTANT:** It may take several weeks to a number of months before you receive written correspondence from the court. It is YOUR RESPONSIBILITY to notify the court in writing of a change of address.

## **3. Can I plead “Guilty” by mail or in person?**

**You may Plead Guilty as Charged. To Enter a Guilty Plea•** If you wish to plead guilty to a non-criminal moving violation, first locate the plea response date on the ticket. This date is typically located at the bottom of the summons (see sample document on page 1). Your guilty plea must be received by the Court on or before this date. Complete section A on the ticket (“Plea of Guilty”), places an X through section B, and mail the ticket to the Court. Upon receipt, a Judge will assign a fine for the violation(s) and the Court will mail a fining notice back to you with a future pay-date.

With a Guilty plea you waive your right to a trial and an appeal and you will be notified by mail of the fine and surcharge imposed by the Court and you must pay the fine and surcharge that the Court assesses by the date on the notice you receive.

## **4. What happens after I plead “Not” Guilty by mail or in person?**

**If you plead “Not Guilty” by mail or in person, you will first be notified by the**

**Court of a date for a Conference with The Prosecuting Attorney**

The prosecuting attorney is responsible for proving the charge against you and may, based on your record and the nature of the offense you are charged with, offer you a plea to a lesser offense, which, if you accept such a plea, will recommend to the Court the plea that you agreed to. Any such plea is subject to the review and approval of the Court, which in its sole discretion may or may not accept the recommendation of the prosecutor. See copy of Declaration and Plea Agreement you will be asked to sign if you accept the offer of the prosecuting attorney ([click here to see the Plea Agreement Form](#)).

If you choose not to attend the conference you may notify the Court, in writing, prior to the conference date and request a trial date.

If you attend the conference and choose not to accept the offer of the prosecuting attorney at the scheduled conference you can request a Trial date, at that time, and one will be forwarded to you by the Court.

By maintaining your plea of “Not” Guilty you will exercise your right to a trial at which the prosecuting attorney, must prove, beyond a reasonable doubt, that you have committed the offense. At the trial you will have the opportunity to challenge the evidence and cross-examine any witness who testifies against you, including the Police Officer that ticketed you. You have the right to have witnesses testify on your behalf and you may, but are not required to, testify on your own behalf. The Court will determine after the trial or appearance/conference whether or not the prosecution has proven guilt beyond a reasonable doubt, and the judge will render an appropriate verdict. If you disagree with the Court’s decision you will have a right to appeal within 30 days of the decision by following the appeal process.

**5. I just received my Appearance/Pre-Trial Conference letter from the Court and I cannot appear at the scheduled time. Can I change the date?**

If, upon receipt of your Appearance/Pre-Trial Conference notice, you determine that you ABSOLUTELY CANNOT APPEAR on the date set by the Court, you are entitled to one adjournment and one adjournment only.

If you wish to exercise your right to this adjournment, please fax your Appearance/Pre-Trial Conference notice--along with a written explanation of why you are requesting the adjournment--at least a week before your scheduled Appearance date. The Court will then mail you another Appearance date and THIS NEXT DATE WILL BE FINAL. Only ONE complimentary adjournment will be considered before you may be required to appear before a judge to schedule a new appearance date.

**6. Why isn’t the fine listed on the ticket or summons?**

The fine and surcharge will be imposed by the Judge and you will be notified by mail of the amount of the fine and surcharge. The amount must be paid by the date set forth in the notice you receive in the mail.

**7. How many “Points” will I get assessed if I plead guilty or am convicted of a moving violation?**

The New York State Department of Motor Vehicles administers the Driver Violation Point System. The DMV website lists common violations and their associated points: <http://dmv.ny.gov/tickets/about-nys-driver-point-system>

If you are a non-New York driver, you must contact your home state’s DMV/Licensing authority or your insurance company to inquire about how points assigned to your driving privileges in New York State will impact your license. Even though you may not have a New York license, you do still have driving privileges in the State of New York and points will be added to your privileges in New York just as if you were a New York licensee.

**8. What payment options do I have?**

Once The Court will advise of your payment options once the fine and surcharge has been determined by the Judge:

**PLEASE DO NOT MAKE PAYMENT ON YOUR MOVING VIOLATION - VEHICLE & TRAFFIC LAW UNTIL YOU HAVE RECEIVED THE LETTER AND INVOICE FROM THE COURT**

Payment options will include the following

Pay Online :

Please note that a service fee will be charged by the company processing the on line payments. The service fee is 7% of the payment amount for Vehicle and Traffic tickets. The actual amount of the fee varies since it is based upon the payment amount. Visa, MasterCard, Discover and American Express Cards are accepted. Please note that the service charge will be added to the fine/fee due to the Court.

*Note that neither the Town of Eastchester nor the Eastchester Town Court receives any portion of the service fee*

## 9. What is a Supporting Deposition?

A Supporting Deposition is a legal document composed by the police officer who issued you the moving violation. Supporting Depositions provide you with additional information regarding the basis for the ticket.

- **IMPORTANT:** Many tickets that are computer printed (NOT HAND WRITTEN) provide Supporting Depositions automatically at the time the ticket is issued and are attached to the ticket itself. **DO NOT** request a supporting deposition if one was already provided to you.