

VILLAGE OF WILLIAMSVILLE PROSECUTOR'S TRAFFIC SAFETY PROGRAM PLEA BY MAIL

The following is the Village of Williamsville Prosecutor's guidelines for traffic tickets issued in Village of Williamsville. The procedure set forth below may be used by those individuals who wish to enter a plea of guilty by mail pursuant to these guidelines. To utilize this policy, you still **MUST** respond to the ticket. Plead "Not Guilty" on your ticket(s) and mail the originals to the court as set forth on the ticket. Make a copy for yourself and another copy that you will submit to the court with your "Plea Form".

PLEASE READ THESE INSTRUCTIONS CAREFULLY

These guidelines are **NOT** intended to provide you with information about the charges or offer legal advice on whether to enter a plea of guilty or not guilty. If you want any legal advice you should consult an attorney.

ALL COMMUNICATION WITH THE VILLAGE OF WILLIAMSVILLE PROSECUTOR'S OFFICE MUST BE VIA EMAIL

If you have a question regarding the reduction of a traffic charge, all communication must be via email to our office. Your communication should be addressed hcadmus@village.williamsville.ny.us and a response will be via email.

Important Note on License Suspension

The local court can suspend your license for failure to answer any traffic ticket in a timely manner. If you are not timely in applying to this program or answering your traffic ticket your license may already be suspended. If your license is suspended there is a Department of Motor Vehicle fee associated with lifting that suspension. Participation in this program will satisfy the traffic ticket, but it will **NOT SATISFY** suspensions and suspension fees as a result of your failure to handle your traffic matter in the appropriate time frame. It is your responsibility to answer your ticket in the appropriate time frame. It is also your responsibility to keep the local court informed regarding the status of your participation in this program.

ELIGIBILITY

The following is the Village of Williamsville Prosecutor's plea guidelines for traffic tickets. This policy applies **ONLY** to tickets that are marked "**Infraction**" or "**Violation**" and were issued under the "Vehicle and Traffic Law" (VTL). **NO Felony** or **Misdemeanor** offenses fall under this Policy.

In order to be eligible for the Traffic Safety Program you **MUST** meet the following requirements:

1. You are charged with an eligible offense (see list below);
2. You have **NOT** been convicted of any moving violation (violation with points) of the Vehicle and Traffic Law within the last 12 months, **or** any alcohol or drug related driving offense within the last 10 years, **or** have been convicted of any felony;
3. You were **NOT** involved in a collision with another vehicle;
4. You were driving **LESS** than 30 mph over the posted speed limit or less than 20 mph over the posted speed limit in a school or work zone;
5. You have proof that the vehicle you were operating has valid motor vehicle insurance as of the date of this application;
6. You are able to complete the Advent eLearning Traffic Safety Course (see information below);
7. You have **NOT** previously participated in the VILLAGE OF WILLIAMSVILLE Traffic Safety Program within 12 months preceding this application;
8. You received **3** or fewer tickets in the current case;
9. You have answered and pleaded not guilty to the ticket prior to the return date listed on your ticket(s); and,
10. You have not missed any scheduled court appearances without prior approval of the court.

Note

The Court and/or the Village of Williamsville Prosecutor's Office are free to revoke an offer at **ANY** time if it is determined that an individual has made any errors/omissions regarding the availability of the plea offer, the circumstances for the issuance of the ticket or his or her prior convictions.

INSTRUCTIONS FOR APPLYING

1. Plead “Not Guilty” on your ticket(s) and mail the originals to the court as soon as possible. Make 2 copies of your ticket(s) so that you have copies for yourself and your application.
2. Completely fill out and sign the **“VILLAGE OF WILLIAMSVILLE PROSECUTOR’S TRAFFIC SAFETY PROGRAM PLEA FORM”**;
3. Provide a copy of your ticket(s);
4. Provide a copy of your Driving Abstract (obtainable from your DMV);
5. Provide the Certificate of Completion from Advent eLearning Traffic Safety Course or other approved program (information below); and
6. Provide a self-addressed stamped envelope

7. Mail Items 2 – 7 **TO:**

**VILLAGE OF WILLIAMSVILLE PROSECUTOR
VILLAGE HALL
5565 MAIN STREET
WILLIAMSVILLE, NY 14221**

ELIGIBLE OFFENSES AND CORRESPONDING PLEA OFFER

<u>VTL CHARGE SECTION</u>	<u>PLEA ON CHARGE</u>
<u>Any "100" Section</u>	VTL 1203(b)
<u>Any "200" Section</u>	VTL 1203(b)
<u>Any "300" Section</u>	VTL 1203(b)
<u>Any "400" Section</u>	VTL 1203(b)
<u>Any "500" (Except Section 511)</u>	VTL 1203(b)
The ONLY section under 511 that has a plea available is 511-a-1.	
511-a-1	VTL 509-1****
<u>Any "600 Section</u>	VTL 1203(b)*
<u>Any "1100" Section Except VTL 1174(a), 1180 and 1192</u>	VTL 1203(b)*)

The following Vehicle and Traffic law violations:

1174(a) (Passing a School Bus)	VTL 1110-(a)***
1180-(a)	VTL 1203(b))
1180-(b)	
0-20 mph over speed limit	VTL 1203(b))
21-30 mph over speed limit	VTL 1110-(a)
Over 31 mph over speed limit	<u>NO OFFER</u>
1180-(c) (School Zone)	
0-10 mph over speed limit	VTL 1203(b))
10-20 mph over speed limit	VTL1110-(a)
Over 21 mph over speed limit	<u>NO OFFER</u>
1180-(d)	
0-20 mph over speed limit	VTL 1203(b))
21-30 mph over speed limit	VTL 1110-(a)
Over 31 mph over speed limit	<u>NO OFFER</u>
1180-(e)	VTL 1203(b))
1180-(f) (Work Zone)	
0-10 mph over speed limit	VTL 1203(b))
10-20 mph over speed limit	VTL 1110-(a)
Over 21 mph over speed limit	<u>NO OFFER</u>
1180-(g)	
0-10 mph over speed limit	VTL 1203(b))
10-20 mph over speed limit	VTL 1110-(a)
Over 21 mph over speed limit	<u>NO OFFER</u>

VTL SECTION 1192 (DWI OFFENSES) You MUST come to court. There is no Plea Offer by mail.

<u>CHARGE SECTION</u>	<u>PLEA ON CHARGE</u>
<u>Any "1200" Section (Except VTL 1225 – c or d)</u>	VTL 1203(b)*
1225 – c or d	VTL 1110-(a)
<u>Any "1600" Section</u>	VTL 1203(b)*
<u>Any "2100" Section (2130)</u>	VTL 1203(b)*
<u>Any "2200" Section (2222-2288)</u>	VTL 1203(b)*
<u>Any "2400" Section (2403-2413)</u>	VTL 1203(b)*

* VTL 1203(b) is a parking ticket. – No Points are assessed to your license. No Surcharge is Assessed – Potential Fine is \$0 – \$150

** VTL 1152-(c) is Pedestrian crossing intersection diagonally (jaywalking) Potential Fine \$0 – \$150

*** VTL 1110-(a) is “Failed to obey traffic control device”. – Two (2) Points will be assessed to your license. – Potential Fine \$0 – \$150

**** 509-1 is “Unlicensed Operator”. – Potential Fine \$0 – \$300

Village of Williamsville Traffic Safety Program Plea Form

YOU MUST COMPLETE AND SIGN THIS FORM

Please fill out form then print initials and sign in designated places:

First Name: _____ Middle Initial: ____ Last Name: _____

Current Street Address: _____

City: _____ State: _____ Zip Code: _____ Date of Birth: ____

Email Address: _____ Telephone #: _____

People v. _____

Your Name as it appears on your ticket(s)

I hereby certify the following:

By initialing _____, I understand that I am responsible for any fines resulting from the plea the Village Prosecutor is offering me.

By initialing _____, I understand that I have the right to hire an attorney, but I wish to proceed on my own and hereby waive that right.

By initialing _____, I agree to waive any right under VTL section 1806 to have a conference with the prosecutor.

By initialing _____, I understand I have the right to a trial on these charges. I hereby waive my right to a trial and wish to enter a plea of guilty as stated below.

ORIGINAL VTL CHARGE SECTION PLEA ON CHARGE

Charge #1

Charge #2

(EXAMPLE 1180(d) – 76 in 65 (11 over) _____ 1203(b))

It is a crime, punishable as a Class A Misdemeanor under the Laws of New York, for a person, in and by written instrument, to knowingly make a false statement, or to make a statement, which such person does not believe to be true.

AFFIRMED UNDER PENALTY OF PERJURY.

Sign Name: _____ Date: _____

Signature of Attorney (if applicable): _____