



## WILMINGTON TOWN COURT

Community Center on Springfield Road

PO Box 180

Wilmington, NY 12997

518.946.7129

[TownofWilmington.org](http://TownofWilmington.org)

### **TO PERSONS CHARGED WITH TRAFFIC INFRACTIONS**

This Court has been presented an accusatory instrument alleging that you have committed a violation of NYS Vehicle and Traffic Law. By law, *you are presumed innocent until proven guilty* and you have the right to be represented by counsel at any stage during court proceedings, albeit at your own expense. There are several procedural options available to you in resolving this matter, however the Court cannot recommend how to proceed. You may:

#### **PLEAD NOT GUILTY**

By pleading not guilty, you would be exercising your right to a public trial. During such, the People of the State of New York (as represented by the prosecuting authority) would have to prove, *beyond a reasonable doubt*, that you committed the offense alleged in traffic ticket. You would have the right to hear and challenge any evidence submitted against you, as well as confronting any witnesses who testify against you, including the law enforcement officer(s) who cited you. You would also have the right to present your own evidence rebutting the charge, including presenting witnesses to testify on your behalf or even testifying yourself, although you would not be required to present any defense at all. After hearing all evidence/testimony submitted during the trial, the Court would determine whether or not the People had proven you'd committed the offense as alleged. If not, you would be acquitted and the charge dismissed. If so, the Court would adjudicate you guilty and determine a legally authorized sentence.

#### **PLEAD GUILTY AS CHARGED**

By pleading guilty, you would be waiving your right to a trial (as described above) and be subject to a legally authorized sentence, as determined by the Court. At any time *prior to sentencing*, you could change your plea and exercise your right to a trial.

#### **PLEA BARGAIN WITH THE PROSECUTING AUTHORITY**

You may contact the prosecuting authority (which could be either the law enforcement officer who cited you or the Essex County District Attorney) and ask to negotiate an agreement wherein you would plead guilty to a lesser, included offense(s) or a legally authorized alternate offense(s). Should they consent to do so (they are not legally required to), you would be responsible for presenting the resulting agreement to the Court, which has authority to approve or disapprove it. *The Court cannot participate in any plea negotiation prior to its submission for approval.* If approved, you would then be subject to a legally authorized sentence, as determined by the Court, for the offense(s) contained in the agreement. You would need to inquire of the Court the contact information for the prosecuting authority in your case.