



TOWN OF NEWBURGH

1496 Route 300
Newburgh, N.Y. 12550

**TOWN OF NEWBURGH VEHICLE AND TRAFFIC
PLEA BY MAIL PROGRAM**

INSTRUCTION SHEET

AND

DEFENDANT'S REQUEST TO RESOLVE
THE CASE BY MAIL WITHOUT A TRIAL
FORM

Town Prosecutor, Vehicle & Traffic Matters
1496 Route 300
Newburgh, NY 12550

INSTRUCTION SHEET

You have the right to be represented by an attorney in connection with this matter. The Town Prosecutor cannot give you legal advice. Participation in the Plea by Mail Program is voluntary.

You are under no obligation to accept any plea offer made to you, and have the right to a trial in this matter.

If you wish to participate in the Plea by Mail program, please follow the below step-by-step instructions in their entirety. If BOTH of the below steps have not been completed PRIOR to your court date, you MUST appear on your court date. Failure to appear may result in fines and the suspension of your driver's license.

STEP 1: This step should be completed within ten (10) days of your receiving notice of the plea by mail program to allow time for processing. Print, complete and sign the enclosed *Defendant's Request to Resolve the Case by Mail without a Trial* form. See the sample form on the next page which highlights all items that must be completed. Please complete the form using exactly the same name and other information as is on your court appearance notice. Return the completed and signed form to **Town Prosecutor for Vehicle and Traffic Matters, 1496 Route 300, Newburgh, New York 12550, along with a self-addressed, stamped envelope** and any additional documents as described below. Unfortunately, we cannot process your request to plea by mail without a self-addressed, stamped envelope. If no envelope is provided, you will receive no further communications from this office and must appear on your court date.

Along with the completed form, you may also include any additional information you wish the Prosecutor to consider, and if possible, please include a copy of your ticket(s) and a copy of any correspondence you have received from the Court relating to your ticket(s).

Please note that if your violation is related to **expired inspection sticker, expired registration, or an equipment violation** (e.g. headlight, plate lamp, window tint, plate cover, muffler, etc.), you **must provide proof that the problem has been fixed**. If you do not provide proof of fix, the Prosecutor will be unable to offer you a plea to a reduced charge. If your violation is related to a **failure to provide proof of valid insurance**, you **must provide proof from the insurance company that the vehicle was insured on the date of your violation**.

If you do not have a New York driver's license, please also provide a copy of your driving record from the applicable state or province agency where you are licensed to drive.

Please do not provide the Prosecutor with original documents. They will not be returned to you.

STEP 2: Upon receiving your completed and signed *Defendant's Request to Resolve the Case by Mail without a Trial* form, along with the accompanying documents described above, and your self-addressed, stamped envelope, the Prosecutor's office will access your New York driving record, and the Prosecutor will review the form, documents you provided, and your driving record. The Prosecutor will then send back to you via mail, in the envelope you provided, a proposed plea offer or a written determination not to extend a plea offer. If a plea offer is extended, the plea offer form is called a *Memorandum of Agreement for Disposition without Trial*. If the plea offer sent to you is acceptable, **you will complete the form sent to you, sign it, and return it to the Prosecutor at the address given above at least fifteen (15) days prior to your scheduled court date**. If the plea offer is *not* acceptable to you, you will need to appear in person on your court date and the Prosecutor will be available at that time to further discuss this matter with you. If the Prosecutor declines to extend a plea offer, you will be notified in writing and must appear on your court date. **Do not include requests for a modification or further consideration with a signed plea offer. It will be considered as rejected.**

If BOTH Steps 1 and 2 have not been fully completed by the above deadlines PRIOR to your assigned court date, you MUST APPEAR IN PERSON ON YOUR COURT DATE. Failure to do so may result in fines and a suspension of your driver's license.

When the Prosecutor receives your signed *Memorandum of Agreement for Disposition without Trial*, the Prosecutor will sign and provide the completed and signed form to the Court. The Court will determine whether to accept your plea offer and, if so, will enter judgment and impose a fine and surcharge pursuant to the applicable provisions of the law. The Court will notify you by mail of the fine and provide you with instructions for paying it. If the Court does not accept your plea offer, you will be notified and given further instructions.

JUSTICE COURT OF THE TOWN OF NEWBURGH
COUNTY OF ORANGE: STATE OF NEW YORK

**DEFENDANT'S REQUEST TO
RESOLVE THE CASE BY MAIL
WITHOUT A TRIAL**

----- X
THE PEOPLE OF THE STATE OF NEW YORK

Docket Number: **WRITE IN DOCKET
OR CASE NUMBER
FROM COURT NOTICE**

-against-

Print Full Name Here Exactly as it Appears on the Court Notice

COURT DATE: ___/___/___

_____,
PRINT NAME LEGIBLY Defendant.

DATE OF BIRTH: ___/___/___

----- X

1. I UNDERSTAND THAT I HAVE THE RIGHT TO A TRIAL BEFORE A JUDGE FOR THE CHARGE(S) MADE AGAINST ME.

2. I UNDERSTAND THAT A PLEA OF GUILTY IS THE SAME AS A CONVICTION AFTER TRIAL. IF I AM CONVICTED, NOT ONLY WILL I BE LIABLE FOR A PENALTY, BUT IN ADDITION, MY LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE AND MY CERTIFICATE OF REGISTRATION ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW. I UNDERSTAND THAT MY SENTENCING IS WITHIN THE COURT'S DISCRETION.

3. I AM REQUESTING TO RESOLVE MY CASE WITHOUT A TRIAL. I HAVE ANSWERED THE FOLLOWING QUESTIONS TRUTHFULLY. I UNDERSTAND A FALSE STATEMENT MAY RESULT IN MY PROSECUTION FOR A CLASS A MISDEMEANOR.

CHECK YES OR NO BOXES

- | | YES | NO |
|--|--------------------------|--------------------------|
| A. Was there an accident involved in the incident? | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Have you received another ticket in the last two years? | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Have you been convicted of a traffic offense in the last two years? | <input type="checkbox"/> | <input type="checkbox"/> |
| D. Do you have another traffic offense case still outstanding? | <input type="checkbox"/> | <input type="checkbox"/> |

Explain any "Yes" answers (if mores space is required, use the back of this page) _____

4. **Any additional facts I wish to be considered:**

I understand that returning this completed and signed form to the Prosecutor's office DOES NOT excuse my appearance on my assigned court date. I understand that I must complete BOTH Steps 1 and 2 on the attached *Plea by Mail Program Instruction Sheet* to avoid appearing in person on my court date.

SIGN HERE

Date: ___/___/20__

Print Name _____, Defendant

(If Defendant is under the age of 18 only) Parent's or Guardian's Consent Signature and Printed Name: _____

JUSTICE COURT OF THE TOWN OF NEWBURGH
COUNTY OF ORANGE: STATE OF NEW YORK

DEFENDANT'S REQUEST TO
RESOLVE THE CASE BY MAIL
WITHOUT A TRIAL

----- X
THE PEOPLE OF THE STATE OF NEW YORK

Docket Number

-against-

COURT DATE: ___/___/20__

DATE OF BIRTH: ___/___/___

_____,
PRINT NAME LEGIBLY Defendant.
----- X

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- | | YES | NO |
|--|--------------------------|--------------------------|
| A. Was there an accident involved in the incident? | <input type="checkbox"/> | <input type="checkbox"/> |
| B. Have you received another ticket in the last two years? | <input type="checkbox"/> | <input type="checkbox"/> |
| C. Have you been convicted of a traffic offense in the last two years? | <input type="checkbox"/> | <input type="checkbox"/> |
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Explain any "Yes" answers (if mores space is required, use the back of this page) _____

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Date: ___/___/20__ _____, Defendant

(If Defendant is under the age of 18 only) Parent's or Guardian's Consent Signature and Printed Name: _____