

## **THIS FORM IS FOR INFORMATIONAL PURPOSES ONLY**

**TO:** Individuals Charged with Traffic Infractions Pending in the Town Court

This Court has received an accusatory instrument alleging that you have committed an offense. You are presumed innocent until proven guilty and you have the right to retain an attorney to represent you now, or at any stage in these proceedings.

You have various procedural options in the course of bringing this matter to a just disposition. You may choose to proceed in any of the following manners, or any other legally authorized manner. You may want to consult an attorney for guidance or representation before determining which course of action you will pursue. The Court may not provide you with a recommendation as to how you should proceed, or as to which of these or any other options you should choose.

### **YOU MAY:**

#### **Plead Not Guilty.**

By pleading "Not Guilty" you exercise your right to a public trial at which the People of the State of New York, represented by the prosecution, must prove, beyond a reasonable doubt that you have committed the offense alleged in the accusatory instrument. At the trial you will have the right to hear, see, and challenge the evidence submitted to prove your guilt, including, confronting, by cross-examination, the Police Officer, Peace Officer, or other witness or witnesses who testify against you. You have the right to have witnesses testify on your behalf and you may, but you are not required to, testify on your own behalf. The Court will determine, after hearing all the evidence submitted at the trial, whether or not the People have proven guilt beyond a reasonable doubt, and will render an appropriate verdict.

#### **Plead Guilty as Charged.**

By pleading "Guilty" you waive your right to a trial at which the People of the State of New York, represented by the prosecution, must prove beyond a reasonable doubt that you committed the offense alleged in the accusatory instrument. A plea of guilty will subject you to sentencing, by the Judge presiding, to any legally authorized sentence. You may withdraw, with the Court's permission, your plea of guilty at any time prior to sentencing and exercise your right to a trial.

**Communicate with the Appropriate Prosecutorial Office Concerning an Alternative Disposition.**

You may contact the Prosecutor or other official who is responsible for proving the charge or charges against you and negotiate an agreement to plead guilty to a legally authorized alternate offense, including a lesser included offense, or a less severe offense or offenses. Any proposed agreement is subject to approval by the Court. Upon a plea of guilty to the agreed-upon offense, you will be subject to sentencing, by the Judge presiding, to any sentence legally authorized to be imposed for the offense to which you plead guilty.

The prosecutorial office responsible to prove the charge or charges against you alleged in the accusatory instrument is the Oneida County District Attorney. The address and telephone number for that office is:

ADA Dawn Catera-Lupi, Esq.  
235 Elizabeth Street  
Utica, New York 13501  
Phone: 315.798.5766 Fax: 315.798.5582

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