



ONEONTA CITY COURT

Public Safety Building
81 Main Street
Oneonta, New York 13820
Phone: (607) 432 4480
Fax: 1-646-963-6433
Hours: 8:00 a.m. to 4:00 p.m.

Hon. Lucy P. Bernier
Oneonta City Court Judge

Catherine J. Tisenchek
Chief Clerk

Hon. Richard W. McVinney
Oneonta City Court Judge

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR REDUCTION OF CHARGES **FOR USE ONLY IF YOU ARE NOT ELIGIBLE FOR TRAFFIC DIVERSION PROGRAM**

1. You must complete Section #1 and forward the entire application to Oneonta City Prosecutor, % Otsego County District Attorney's Office, 197 Main Street, Cooperstown, NY 13326, with the following:
 - a. a copy of the traffic ticket, which the court will provide to you upon your plea of Not Guilty.
 - b. your Abstract of Driving Record from any office of the Motor Vehicle Department of the State where you are licensed.
 - c. a self-addressed stamped envelope.

FAXED COPIES WILL NOT BE ACCEPTED.

2. After the Oneonta City Prosecutor completes Section #2, the application with attachments will be mailed back to you in the self-addressed, stamped envelope, with a proposed offer.
3. You will then complete the following in Section #3 on the application:
 - a. the section and name of the reduced charge that you are pleading to.
 - b. sign before a Notary Public (a notary may be located in a bank, attorney's office or a courthouse).
 - c. mail the application with ALL ATTACHMENTS, to Oneonta City Court, 79-81 Main Street, Oneonta, NY 13820. If you do not submit the application and the driver's abstract, the application will not be processed and returned to you.

THE COURT WILL NOT ACCEPT FAXED COPIES.

4. If the Court accepts the proposal of the Oneonta City Prosecutor's, the Court will assess a fine and mandatory surcharge and you will receive a fine letter in the mail. If the Court rejects your proposed disposition, you will be notified of an appearance date. Any agreement with the Oneonta City Prosecutor is subject to approval by the Court. A case is not completed until you receive a disposition from the court. Any requests for additional time must be made through the Court in writing.

IF YOU DO NOT ACCEPT THE PROPOSED OFFER, YOU MAY REQUEST A NON-JURY TRIAL. PLEASE SUBMIT YOUR REQUEST IN WRITING TO THE COURT. THE COURT WILL NOTIFY YOU VIA MAIL OF THE NON-JURY TRIAL DATE.

SHOULD THE COURT NOT RECEIVE THE COMPLETED APPLICATION FOR REDUCTION OF CHARGES WITHIN SIXTY (60) DAYS OF THE APPEARANCE DATE, or a Notice of Appearance from your attorney, or you do not appear on the scheduled appearance date or the Court does not receive a written request for a trial, your driving privileges may be suspended. If your license is suspended, you may be required to pay a suspension lift fee of \$70.00 per ticket. It is suggested that you keep copies of all your transmitted documents for your records.

APPLICATION for REDUCTION OF CHARGES - ONEONTA CITY COURT
(ONLY FOR VEHICLE AND TRAFFIC INFRACTIONS)

USE ONLY IF YOU ARE NOT ELIGIBLE FOR TRAFFIC DIVERSION PROGRAM

WARNING: If your application is rejected by the Court, and you go to trial on the original charge(s), any statements you make on this application may be used against you at trial.

Section 1:

Defendant's Name: _____

Address: _____

Ticket No. _____

Charge: _____ Section: _____ of the Vehicle & Traffic Law

I propose that I be allowed to plead guilty to the charge of _____
in full satisfaction of the charges originally pending against me, for the following reasons:

Describe the circumstances leading up to the charge:

****A certified abstract of my driving record, obtained from the Department of Motor Vehicles, is attached to this Application.** If you do not attach the driving record, your application will not be processed and returned to you.**

You must enclose a self-addressed, stamped envelope in order for this form to be returned to you.

Dated: _____
_____ Defendant's Signature or Defense Counsel

Section 2: The Oneonta City Prosecutor (accepts) (rejects) (modifies) the above proposal as follows, for the reasons specified:

(Agreed) (Recommended) sentence: _____

Dated: _____
_____ Signature of Oneonta City Prosecutor

Section 3: To be filled out by the defendant after the Oneonta City Prosecutor has signed Section 2.

I, _____ (Defendant) do accept the proposed reduction in the charge pending against me, and hereby state under penalty of perjury as follows:

1. I hereby waive my rights to Discovery pursuant to CPL Section 245.75 and certify that the waiver is not a condition of this agreement.

2. I understand that I have the right to be represented by an attorney at my own expense on the original charge(s). I understand that an attorney may have specialized legal knowledge and ability to assist me in the defense of this charge(s) which I myself lack. Nevertheless, I do not want an attorney in this matter and I hereby waive my right to an attorney. I do not want an adjournment to consult with an attorney or anyone else, nor do I need any more time to decide what to do.

3. I understand that I have the right to a trial on the original charge(s). I understand that at such a trial, the prosecutor must establish proof of my guilt beyond a reasonable doubt in order to get a conviction. At such a trial, I understand I would have the opportunity to question the witnesses and

evidence presented against me, and to present witnesses and evidence on my own behalf. I understand I would also have the right to testify on my own behalf if I chose to do so, but that my failure to testify may not be held against me in any way. I have decided I do not want a trial.

4. Upon accepting my plea of guilty, the Court may sentence me to a fine and surcharge. If the Oneonta City Prosecutor has indicated an agreement on sentence hereinabove, and if the Court does not agree to the conditions of the sentence, I will be allowed to withdraw my guilty plea to the reduced charge(s) and continue with the original charge(s).

5. Other than a sentence consisting of a fine and surcharge for each reduced charge to which I am pleading guilty, I acknowledge and state that there have been no representations made to me by the Oneonta City Prosecutor or the Court as to the consequences of a plea of guilty to the reduced charge(s). This means, for example, that neither the Oneonta City Prosecutor nor the Court has advised me or informed me of what the possible effects of my guilty plea(s) might be on my driving record or insurance expenses. No representation has been made to me as to what points, if any, may be assessed on my driving record, or as to whether my license may be subject to suspension because of the guilty plea(s).

6. I understand that I must pay the fine and surcharge to the Court by the time specified by the Court; but that if I need an extension of time to pay, I may be able to obtain one by making a written request to the Court in advance of the due date of any such payment.

7. I understand that I may have one or more legal or factual defenses to the original charge(s), but that since I am waiving my right to a trial on the original charge(s), I will not have any opportunity to present proof of those defenses. I further understand that without such proof, or a request (motion) to consider my legal or factual defenses, the Court cannot rule on any defenses I might be able to claim. I understand it is possible that I may have been able to get the original charge(s) dismissed upon such request (motion) or after trial, instead of pleading guilty to the reduced charge(s) as proposed in this Application for Reduction of Charges.

8. I understand that the Court is relying on the truthfulness of the statements I make in Section 1 and Section 3 of this Application for Reduction of Charges, and I hereby state under penalty of perjury that they are true.

9. I hereby ask the Court to accept my guilty plea to the reduced charge(s) of:

Section _____ of the Vehicle and Traffic Law

Name of Charge: _____

(The specific section and name of charge must be completed prior to submitting the application to the Court. If you do not know the specific section, name of charge, or the points that may be placed on your driver's license, you may wish to consult with the Department of Motor Vehicles).

Dated: _____
Signature of Defendant

Sworn to before me this _____ day of _____, 20____.

Notary Public - State of _____
Qualified in County of _____ Commission Exp: _____

Section 4:

The Court (accepts) (rejects) (modifies) this Application for Reduction of Charges as follows:

Fine: \$ _____
Surcharge: \$ _____ To be paid by: _____

Dated: _____
Oneonta City Court Judge