

**ELMSFORD VILLAGE COURT
FREQUENTLY ASKED QUESTIONS
VEHICLE AND TRAFFIC AND PARKING**

I was recently issued a traffic citation(s). What do I do now and when is my court date?

1. First you must determine if your ticket(s) is criminal in nature. As a general rule, this can be determined by the way the ticket is written.

1. First, locate the plea response date on the ticket. This date is typically located at the bottom of the summons. (See yellow highlighting in sample document on page
2. If an X or dot is placed in the box indicating "Respond by mail or in-person on," then you may enter a guilty or not guilty plea by mail and an **APPEARANCE IS NOT REQUIRED** on the date printed on the ticket. (See below for instructions on how to proceed) 2. If your ticket has an X or dot placed next to "Must appear in person on," this is a criminal violation, and you **MUST** appear in the Elmsford Village Court at that date and time unless you receive written correspondence from the court telling you otherwise.
3. **IMPORTANT:** If you were issued more than one ticket in one stop/road check, and any **ONE** of these violations requires an appearance due to its criminal nature, **ALL** tickets that were issued will be adjudicated in person before a judge either on the date printed on the ticket or at a date that the court sets and advised you of in writing by mail.

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To Enter a Guilty Plea

1. If you wish to plead guilty to a non-criminal moving violation, first locate the plea response date on the ticket. This date is typically located at the bottom of the summons (see sample document on page 1). Your guilty plea must be received by the Court on or before this date.
2. Complete section A on the ticket ("Plea of Guilty"), place an X through section B, and mail the ticket to the Court. Upon receipt, a Judge will assign a fine for the violation(s) and the Court will mail a fining notice back to you with a future pay-date.

Can I pay my tickets online YES! you can pay your parking tickets or moving violations Online.

www.elmsfordcourtpayments.com

For Moving Violations

To pay for your ticket(s), you must first enter a WRITTEN PLEA OF GUILTY to the ticket(s) and submit it to the Court for processing. You may do so by either signing "Section A – Plea of Guilty" on the ticket and returning it via mail or fax (914-347-4726) to the Court. If the original ticket(s) is(are) unavailable for submission, you may fill out the Court's "Written Plea of Guilty to Uniform Traffic Ticket" form here and fax or mail it to the Court. Upon submission of the guilty plea, a fine notice will be mailed to the defendant's home address (be sure to keep the Court informed of any address changes)

PAYMENT WILL NOT BE ACCEPTED BY THE COURT IF A GUILTY PLEA HAS NOT FIRST BEEN SUBMITTED.

For Parking Tickets

To pay for your Parking Ticket you must first enter a WRITTEN PLEA OF GUILTY to the ticket(s) and submitted to the Court. In the sample Parking Ticket note the Guilty part at the bottom. Fill it out and send with your payment before the date on the SUMMONS. If you come in person you may return it on the date of the SUMMONS with the plea of GUILTY and your payment.

Payments can be done via:

Exact Cash, Visa, Master Card, American Express for a fee at the window, Money Order or Cashier's Check made payable to The Village of Elmsford Court for the amount on the fine notice Be sure to include your name and current address.

To Enter a Not Guilty Plea

- If you wish to plead Not Guilty to a non-criminal moving violation, you may do so by completing section B on the ticket ("Plea of Not Guilty"), placing an X through section A and mailing the ticket to the Court. The Court will then process the not guilty plea and mail you an Appearance/Pre-Trial conference date.
- **IMPORTANT:** It may take several weeks to several months before you receive written correspondence from the court. It is YOUR RESPONSIBILITY to notify the court in writing of a change of address.
- **IMPORTANT:** If you mail or return your ticket to the court prior to the response date printed on the ticket, please DO NOT appear at the court on the date indicated on the ticket. This is not your court date. Your court dates will be mailed to you by the Court Clerk's office.

What is a Supporting Deposition?

- A Supporting Deposition is a legal document composed by the police officer who issued you the moving violation; Supporting Depositions provide you with additional information regarding the basis for the ticket.
- **IMPORTANT:** Many tickets that are computer printed (NOT HANDWRITTEN) provide Supporting Depositions automatically at the time the ticket is issued and are attached to the ticket itself. DO NOT request a supporting deposition if one was already provided to you. A sample supporting deposition is provided below:

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SAMPLE SUPPORTING DEPOSITION

03/04/2019

**SUPPORTING DEPOSITION / CPL 710.30(1)(A) NOTICE
TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION**

COUNTY OF WESTCHESTER LOCAL CRIMINAL COURT
STATE OF NEW YORK
THE PEOPLE OF THE STATE OF NEW YORK
VS

UFT NUMBER

Officer _____ of the WESTCHESTER COUNTY POLICE

a Police Officer and the Complainant alleges that the Defendant committed a violation of

- 1 VIL Section Description SPEED IN ZONE
- 2 Date Time CITY of ELMSFORD, VILLAGE OF - 6039
- 3 Vehicle Year Make Color
- License Plate No. State
- 4 General Direction of Travel by Defendant SOUTH
- 5 Highway (Type/Name): 9 - PARKWAY SMRP S/B NORTH OF 287
- 6 Defendant's Speed 66 MPH in a 50 MPH Zone
- 7 Charge based on Officer's DIRECT OBSERVATION
- 8 Speed Verified By PACE Model
- 9 Additional Information

DEF DID OP MV AT SPEED VISUALLY ESTIMATED AS 60MPH PASSING MARKED RMP 1469 AND CONFIRMED VIA PACE USING CALIBRATED SPEEDOMETER IN MARKED RMP 1469 AS 66MPH IN A 50MPH ZONE.

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30(1)(A) OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT MADE BY YOU

ON 03/04/2019 at 8:23 AM at SMRP S/B NORTH OF 287, To _____ a public servant,

IN WHICH YOU SUBSTANTIALLY STATED AS FOLLOWS:
I THOUGHT THE LIMIT WAS 60

FALSE STATEMENTS MADE HERE IN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed Under Penalty of Perjury

03/04/2019



How many points will I receive if I plead guilty to or am convicted of my moving violation? What if I do not have a license in the State of New York?

- The New York State Department of Motor Vehicles administers the Driver Violation Point System. The DMV website lists common violations and their associated points: <https://dmv.ny.gov/tickets/about-nys-driver-point-system>
- If you are a non-New York driver, you must contact your home state's DMV/Licensing authority or your insurance company to inquire about how points assigned to your driving privileges in New York State will impact your license. Even though you may not have a New York license, you do still have driving privileges in the State of New York and points will be added to your privileges in New York just as if you were a New York licensee.

I just received my Appearance/Pre-Trial Conference letter from the Court and I cannot appear at the scheduled time. Can I change the date?

- If, upon receipt of your Appearance/Pre-Trial Conference notice, you determine that you ABSOLUTELY CANNOT APPEAR on the date set by the Court, you are entitled to ONE adjournment and one adjournment only. On Page 9 of 9 is an Appearance/Pre-Trial Conference letter.
- If you wish to exercise your right to this adjournment, you may make your request by submitting in writing a request for an ADJOURNMENT for a later date.

On your Adjournment Request for Appearance/Pre-Trial Conference (Traffic), include the following information:

Your name, address, and case number or ticket number and the reason for your request. You can scan it and sent it via mail to the Court's e-mail addresses on our web page <https://www.elmsfordny.org/elmsford-village-court> or fax it to 914 347-4726.

IMPORTANT: YOUR NEXT SCHEDULED DATE WILL BE FINAL. Only ONE complimentary adjournment will be considered before you may be required to appear before a judge to schedule a new appearance date.

If you fail to appear in court on the scheduled Appearance Pre-trial/Conference date, your privileges as a New York State Driver may be suspending for the pending matter in this Court.

DMV ASSESSMENT FEES

IMPORTANT: If you have been charged by The Department of Motor Vehicle with

“Driver Responsibility Assessment Fees”, please refer to the DMV link

<https://dmv.ny.gov/tickets/how-pay-driver-responsibility-assessment>, this is NOT our Courts fees they are DMV’s.

SAMPLE APPEARANCE/PRE-TRIAL CONFERENCE

Elmsford Village Court
15 South Stone Ave.
Elmsford, NY 10523

Richard J. Leone
Elmsford Village Justice

Phone: (914)592-8949

November 27, 2019

Jeremy

Re	Case No.	Statute/Section	Description	Ticket No.
	1806	VTL 1180 CD	Speeding 87/60	NY2

Appearance/Pre-Trial Conference: 12/04/2019 Time: 09:50AM

This Court has received your not guilty plea on the charge(s) listed above. An Appearance/Pre-Trial Conference has been scheduled as indicated. **THIS IS NOT A TRIAL DATE.** This conference will give you the opportunity to discuss your case with the prosecutor to negotiate a plea bargain. The Judge will then review any proposed plea bargain. If the plea bargain is accepted by the Judge a sentence will be set at that time. If no plea bargain can be agreed upon by all three parties a trial date will be set.

You are entitled to be represented by an attorney at each stage of these proceedings. If you wish to be represented by an attorney, your attorney should accompany you as scheduled.

Failure to appear as scheduled could result in your driving privilege being suspended. Requests for adjournment within seven (7) days of the scheduled appearance date may not be granted except in cases of extreme hardship. PLEASE NOTE if a plea is taken payment is in the form of a CERTIFIED CHECK, CASH, MONEY ORDER.