



CRAIG P. CARRIERO
District Attorney

OFFICE OF
FRANKLIN COUNTY DISTRICT ATTORNEY

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To Whom It May Concern:

Thank you for your request for a reduction of your traffic ticket. There are two separate options for you to resolve your pending Vehicle and Traffic offense. **The District Attorney's Office will not entertain questions regarding the following options.** Please read the information carefully and completely

OPTION ONE

Franklin County Traffic Diversion Program

This option was designed as a way to resolve traffic offenses for first time offenders. It is only available to individuals who have not had any other moving violations in the last 18 months and have not had an alcohol-related conviction in the last 10 years. **If you maintain a Commercial Driver's License (CDL), you are NOT eligible to participate in this option (please proceed to Option Two).**

The application fee is \$150.00. Furthermore, you will be required to sign up for and complete a six hour defensive driving course. This course is offered by a variety of providers. The NYS Department of Motor Vehicles website (<https://harmonia.dmv.state.ny.us/pirp/>) has examples of online course providers. Please contact your local insurance agent for a classroom course. Once you have completed the course, you will be required to send proof of completion to our office. Once we have received proof of completion, we will withdraw prosecution of your ticket in court. **You will receive no points on your license. You will receive no court fine or surcharge.**

Enclosed you will find information printed from our website regarding the Traffic Diversion Program, as well as an application. If you would like to choose this option to resolve your ticket, please complete and return the enclosed application and send the requested documents, with the \$150.00 application fee. Be advised, this option is only available once in your lifetime in Franklin County.

OPTION TWO

Plea Reduction

If you are currently charged with a moving violation (see enclosed chart), this option *may* reduce your charge to a two point non-speeding violation called Failure to Obey a Traffic Control Device. This is a moving violation in New York State that is generally more beneficial than a speed or other moving violation, which may otherwise affect your insurance. The fine on a Failure to Obey a Traffic Control Device can range from \$0 to \$150; the mandatory surcharge is \$93. **You may receive 2 points on your license. You will receive a fine and surcharge notice from the court after you plead guilty.**

Enclosed you will find a Traffic Reduction Form application for your completion. If you would like to choose this option to resolve your ticket, please return the enclosed application and requested documents as soon as possible.

You may only choose one of the above options. Either application must be completed as soon as possible. All offers expire within 30 days of the letter of recommendation for traffic reduction request. Please be aware that if you do not resolve your ticket promptly, your privilege to drive in New York State may be suspended by the court for failing to answer the ticket. If you need to postpone a court date, you must contact the court. Our office does not take phone calls regarding traffic tickets.

Sincerely,

Craig P. Carriero
District Attorney

FRANKLIN COUNTY TRAFFIC DIVERSION PROGRAM

(Please read through the following for program requirements and forms)

Welcome to the Franklin County Traffic Diversion Program established by Derek P. Champagne, former Franklin County District Attorney. This program is designed to assist first time traffic ticket offenders who are seeking a disposition of their current Vehicle and Traffic Tickets.

The Franklin County Traffic Diversion Program is part of an on-going effort to provide an efficient and judicious service to the residents of Franklin County and other non-resident drivers traveling the Franklin County region. Accordingly, the goals of the program are as follows:

-Promote Safe Driving. Every participant in the Traffic Diversion Program will be required to complete a Defensive Driving Course;

-Promote Driver Financial Responsibility. Every participant in the Traffic Diversion program shall be required to have a valid automobile insurance policy in effect in order to be eligible to participate. This request will reduce the number of uninsured drivers on Franklin County roads.

-Efficiently Resolve Cases. The Traffic Diversion Program is designed to free up valuable prosecution resources, allowing the District Attorney's Office to focus on more complex criminal cases. In addition, because the applicant pays the cost of the program, the District Attorney's Office is able to offer this program at no additional cost to the taxpayers of Franklin County.

The Franklin County Traffic Diversion Program is a valuable tool in Franklin County District Attorney Craig P. Carriero's ongoing effort to service Franklin County with initiatives designed to protect the public, promote lawful conduct, and reduce inefficiency in the criminal justice system without decreasing services to Franklin County residents.

ELIGIBILITY

In order to be eligible for the Traffic Diversion Program you must meet the following requirements:

1. You are charged with an eligible offense;
2. You have not been convicted of any moving violation of the Vehicle and Traffic Law within the last **18** months;
3. You have a valid license and insurance at the time of the offense;
4. You do NOT maintain a Commercial Driver's License (CDL);
5. You are able to pay a non-refundable fee of one hundred and fifty dollars (\$150.00) effective April 1, 2011.

ELIGIBLE / INELIGIBLE OFFENSE

"Eligible Offense" means any New York State Vehicle and Traffic violation, but specifically excludes, any V&T §1192 Driving Under the Influence of Alcohol or Drug Charge; V&T §1212 Reckless Driving; V&T §511 Aggravated Unlicensed Operation; any sections of the Transportation Law; V&T §1174 Passing a Stopped School Bus; Accidents that resulted in physical, serious physical injury or death; V&T §600-1a leaving the scene of an Accident or V&T §600-2a Leaving the scene of a personal injury accident; V&T 1225-d Use of Portable Electronic Device; or any offense committed in a school or construction zone.

OUTCOME

If approved for the Traffic Diversion Program, the applicant will be required to complete a defensive driving course (the course for "Point and Insurance Reduction Program") given by an agency approved by the New York State Department of Motor Vehicles (or the licensing agency in the state which the operator maintains a valid license). The course must be completed within sixty (60) days of the date of the approval letter. The course may be completed in a classroom setting or online. Once the applicant completes the Defensive Driving Course, the offender is required to submit proof of completion to the District Attorney's Office. Upon completion of the Traffic Diversion Program, the District Attorney's Office will move to dismiss the pending traffic ticket(s).

A list of on-line course providers (for New York State) can be located at: <https://harmonia.dmv.state.ny.us/pirp/>

**Application For Franklin County
Traffic Diversion Program**

Please Print

Last Name		First Name	
Street Address			
City	State	Zip Code	
Home Phone / Cell Phone			
Work Phone			
Date of Birth			
Driver's License Number		State	
Insurance Company Name			
Policy Number		Expiration Date	
Charge(s) – Please attach copies of tickets, NOT ORIGINAL(S):			
Court			

Traffic Related Offenses:

(1) Have you been convicted of a Driving Under the Influence (DWI) Offense, Vehicular Homicide, Involuntary Manslaughter within the last 10 years?

___ Yes or ___ No

(2) Have you been convicted of any traffic related offense within the last 18 months?

___ Yes or ___ No

If yes, please explain what traffic offense you have been convicted of in the last 18 months.

Please attach a copy of your driving abstract to your application.

If there was an accident, please provide a copy of the accident report (ordered from the Department of Motor Vehicles).

I hereby apply as a participant in the Franklin County Traffic Diversion Program, waive speedy trial and ask for an adjournment of the case for at least 3 months and/or until I complete the Diversion Program. I agree that failure to respond to the information sought or the giving of false or incorrect information in the application is grounds to deny me diversion or remove me from the program.

It is a crime, punishable as a Class A Misdemeanor under the Laws of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement, which such person does not believe to be true.

AFFIRMED UNDER PENALTY OF PERJURY.

Completed and signed on _____
(date) (Signature of Applicant)

WARNING: This request does not alleviate your responsibility to appear in court. You must ask the Court for an adjournment of any scheduled appearance date to try to dispose of your ticket(s) through this application. Failure to appear in Court or request an adjournment will result in a suspension of your license and/or a bench warrant being issued for your arrest. Please retain the last page of this packet as it contains the contact information for the courts in Franklin County.

Please submit your application to:

Franklin County District Attorney's Office
Traffic Diversion Program
355 West Main Street, Suite 466
Malone, New York 12953

Please enclose along with your application the following items:

1. A Non-refundable **certified check** or **money order** for \$150.00 made payable to the Franklin County District Attorney's Office (no cash or personal checks accepted);
2. A copy of all traffic tickets;
3. A copy of your Driving Abstract (from the State where you hold a valid driver's license);
4. If an accident occurred, a copy of the accident report (ordered from DMV); and
5. A self-addressed stamped envelope.



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Option 2

INSTRUCTION SHEET VEHICLE AND TRAFFIC CHARGE – REQUEST FOR TICKET REDUCTION (NEW YORK STATE POLICE TICKETS – ONLY)

On the reverse side of this page is an Affirmation Form to request a reduction recommendation from the District Attorney's Office. We will not grant interviews or respond to faxed requests. The Court will have the final decision as to whether any reduction will be granted along with any penalty imposed.

This Office will respond to your request ONLY IF the following items are completed to the best of your knowledge and provided to this Office:

1. The completed Affirmation Form PERSONALLY signed.
2. One CLEAR AND LEGIBLE photocopy of each ticket issued.
[If you do not have a copy of your ticket, you must obtain one from the Court.]
3. A SELF-ADDRESSED STAMPED business-size envelope.
4. One CLEAR photocopy of any accident report.
[If an accident occurred, please provide a copy of the accident report.]
5. A Certified Drivers Abstract.
[Must be obtained from the State where you hold a valid driver's license.]

* For tickets received in the Towns of Bangor, Bellmont, Bombay, Brandon, Burke, Chateaugay, Constable, Dickinson, Duane, Fort Covington, Malone, Moira, Waverly, or Westville, items 1-5 above must be returned to:

Northern Franklin County District Attorney's Office
355 West Main Street
Suite 466
Malone, New York 12953

* For tickets received in the Towns of Brighton, Franklin, Harrietstown, Santa Clara, or Tupper Lake, items 1-5 above must be returned to:

Southern Franklin County District Attorney's Office
56 Lake Street
Tupper Lake, New York 12986

* For tickets received in the Village Tupper Lake, you must contact the Chief of Police to request a reduction.

NOTICE: THIS REQUEST DOES NOT ALLEVIATE YOUR RESPONSIBILITY TO APPEAR IN COURT AS DIRECTED. YOU MUST STILL ASK THE COURT FOR AN ADJOURNMENT OF ANY SCHEDULED APPEARANCE DATE TO TRY TO DISPOSE OF YOUR TICKET(S) BY PLEA-BARGAIN. Please retain the last page of this packet as it contains the contact information for the courts in Franklin County.

**FRANKLIN COUNTY DISTRICT ATTORNEY
"TRAFFIC TICKET" REDUCTION FORM**

_____, _____ signing below under penalty of law, states the following:
(PRINT YOUR NAME) (DATE OF BIRTH)

1. I am making this application in support of my request for a reduction of a certain Vehicle and Traffic charge or charges as stated below.
2. Address: _____ Telephone No.: _____
_____ Email: _____
Employer: _____
3. The charge which I wish to be reduced is as follows:
Court: _____ Arrest Date: _____
Return Date: _____ Trooper's Name: _____
Charge(s): _____

[ATTACH COPY OF TICKET(S)]

4. ___ The above tickets were not issued as a result of an accident.
___ The above tickets were issued as a result of an accident involving:
___ Property Damage Accident
___ Personal Injury or Death
[PLEASE PROVIDE A COPY OF ANY ACCIDENT REPORTS.]
5. Within the last thirty-six (36) months I have been ticketed and convicted of the following Vehicle and Traffic violations within the United States of America as shown on the Certified Department of Motor Vehicles Driver's Abstract not older than 30 days of this application (**ATTACH DMV ABSTRACT**):

6. ___ The Court has scheduled a trial of this matter.
___ The Court has not scheduled a trial of this matter.
(NO reductions will be considered where the Court has scheduled any trial.)
7. ___ I am represented by a lawyer. Lawyer's Name: _____
___ I am not represented by a lawyer. Address: _____

8. I understand that in making this request for a reduction, I waive all rights to a speedy trial.
9. A reduction should be granted because (attach additional sheet if necessary): _____

NOTICE PURSUANT TO PENAL LAW §210.45

IN A WRITTEN INSTRUMENT, ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT THAT SUCH PERSON DOES NOT BELIEVE TO BE TRUE HAS COMMITTED A CRIME UNDER THE LAWS OF THE STATE OF NEW YORK PUNISHABLE AS A CLASS "A" MISDEMEANOR.

AFFIRMED UNDER PENALTY OF PERJURY
THIS _____ DAY OF _____, 20____

APPLICANT'S SIGNATURE

This table lists the number of points given for specific traffic violations:

Violation	Points
Speeding (MPH over speed limit not indicated).....	3
Speeding (MPH over speed limit):	
1 - 10 MPH.....	3
11 - 20 MPH.....	4
21 - 30 MPH.....	6
31 - 40 MPH.....	8
More than 40 MPH.....	11
Operate Motor Vehicle Using Mobile Phone.....	5
Operator Motor Vehicle Using Portable Electronic Device.....	5
Reckless Driving.....	5
Failed to stop for a school bus.....	5
Inadequate brakes.....	4
Following too closely.....	4
Passing improperly, changing lanes unsafely, driving to the left of center, driving in the wrong direction.....	3
Failed to obey a traffic signal, a Stop sign, or a Yield sign.....	3
Railroad crossing violation.....	3
Failed to yield the right-of-way.....	3
Passenger safety violation, including seat belt and child safety seat violations for passengers under the age of 16.....	3
Left the scene of an accident that includes property damage or the injury of a domestic animal.....	3
Other moving violations.....	2
Inadequate brakes (vehicle of an employer).....	2

TOWN-JUSTICE-TELEPHONE NO.-TIME OF COURT

BANGOR	Judge Melanie Sherwin	court: 521-3455	Monday @ 4:00 p.m.
BELLMONT	Judge Joseph Perry	court: 425-3461	2 nd and 4 th Monday @ 7:00 p.m.
BOMBAY	Judge C. Curtis Smith	court: 358-9968	Tuesday @ 4:30 p.m.
	Judge Terry Durant		
BRANDON	Judge Emily Lawrence	court: 483-4701	Tuesday @ 7:00 p.m.
BRIGHTON	Judge Nik Santagate	court: 327-3202	Wednesday @ 7:00 p.m.
BURKE	Judge John Dunlavey	court: 483-5497	2 nd and 4 th Wednesday 6:00 p.m.
CHATEAUGAY			
	Judge Marie Cook	court: 497-3429	Monday @ 6:00 p.m.
CONSTABLE	Judge Diane Wisnesky	court: 481-6113	Wednesday @ 6:00 p.m.
DICKINSON	Judge Randy Farmer	court: 529-0138	2 nd and 4 th Wednesday @ 7:00 p.m.
DUANE	Judge James J. LaLonde	court: 483-0517	Last Thursday of the month @ 6:00 p.m.
FORT COVINGTON			
	Judge Cheryl Wilbanks	court: 358-4629	Tuesday @ 6:00 p.m.
	Judge Tony Leroux		
FRANKLIN	Judge Roger Symonds	court: 891-2189	Thursday @ 6:00 p.m.
HARRIETSTOWN			
	Judge Michael C. Bevilacqua	court: 891-4500	Wednesdays @ 10:00 a.m. – 12:00 p.m.
	Judge Ken McLaughlin		
TOWN OF MALONE			
	Judge Charles Gardner	court: 483-4018	Tuesdays @ 9:30 a.m.
	Judge Charles Robert	court: 481-6634	Tuesdays @ 1:00 p.m.
COURT OPEN MON. THROUGH THURS.			
MOIRA	Judge James Durant	court: 529-0208	2 nd & 4 th Thursday @ 4:00 p.m.
	Judge Mark McCormick		2 nd & 4 th Monday @ 4:00 p.m.
SANTA CLARA			
	Judge Michelle Brown-Garcia	court: 891-4656	2 nd & 4 th Wednesdays @ 6:00 p.m.
VILLAGE OF TUPPER LAKE			
	Judge Christopher Delair	court: 359-9161	Monday @ 5:00 p.m. – 7:00 p.m.
TOWN OF TUPPER LAKE			
	Judge Leonard Young	court: 359-9278	Wednesday @ 4:00 p.m. – 6:00 p.m.
WAVERLY	Judge Hal Jeff Frazer	court: 856-9482	Every Other Tuesday @ 7:00 p.m.
WESTVILLE	Judge Edward Andrew	court: 358-2499	Wednesday @ 5:00 p.m.