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Criminal Driving Matters Involving A Motor Vehicle

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The most widely known criminal driving matter is DWI or driving while intoxicated. If convicted of this charge for the first time, your driver's license is automatically revoked for six months, you must take a drunk driver program and face fine, probation and possibly jail. Another similar charge is driving while impaired by alcohol (or drugs) which is not a crime but does carry a 90-day suspension and a fine upon conviction. The distinction between DWI and driving while impaired is based upon the difference in blood alcohol content. Between .005 and .009 of blood alcohol level qualifies for a driving while impaired charge while .010 or higher qualifies for DWI treatment. Of course, if personal injury or property damage arises out of an alcohol-related accident, additional charges may be brought. More severe consequences will be imposed for repeat offenders, drivers of commercial vehicles and those under 21 years of age. These types of matters are adjudicated in a regular criminal court, such as 100 Centre Street, in Manhattan.

Another common driving criminal matter is aggravated unlicensed, a misdemeanor. A person may be charged with this crime when he or she drives a motor vehicle when he or she knows or should know that his or her license is suspended. If the person has three or more suspensions on three or more dates, then a more serious type of aggravated unlicensed (also a misdemeanor) will be charged. If the person has ten or more suspensions on ten or more dates, then the aggravated unlicensed charged will be a felony. Conviction of any of these charges involves a \$250 or more fine and results in a criminal record, and could also result in jail time. These types of matters are generally handled in the regular criminal court.

A similar criminal matter is driving with a suspended registration. If you own the vehicle in question, it is difficult to defend such a charge. The District Attorney, however, does have to prove that you knew or should have known that your registration was suspended when you were driving your automobile.

Another criminal driving matter is leaving the scene of an accident. It is a misdemeanor to leave the scene of an accident involving personal injury. Even if there is only property damage, serious consequences may be imposed upon a motorist who leaves the scene of an accident, including imprisonment.

In New York City, other driving criminal matters are often resolved in the Summons Assignment Part (SAP), such as the one located at 346 Broadway, Manhattan. One common example is reckless driving. This charge is a misdemeanor and carries 5 points upon conviction. Usually, the



motorist charged with such a crime will be given a pink colored ticket which must be answered in the SAP court. If the back of the original summons is not properly completed, the defendant or motorist should ask for a dismissal. Otherwise, the defendant must go to trial or work out some type of plea bargain. Obviously, a plea involving no criminal record or points is most desirable.

Matthew Weiss, Esq. is the senior member of Weiss & Associates, P.C., located at 419 Park Avenue South, Second Floor, New York, N.Y. 212-683-7373. His firm defends 1000s of motorists from traffic tickets issued throughout New York State and represents injured persons as a result of automobile accidents, slip and falls, etc. You can also go to the firm's website at www.nytrafficticket.com