SUMMONSES ISSUED BY NYPD, 2004 - 2010

The New York Police Department writes more than 600,000 summonses a year for various quality of life and public safety offenses. Nearly all of these pink tickets are issued for offenses that New York State law terms "violations."

In its annual reports, the New York City Criminal Court makes some data on the violations publicly available. The Court's annual reports for 2004 through 2010 are currently posted at the Court's web site. Most annual reports include a graph showing the "Most Frequently Charged Summons Offenses" for that year. Some show other information such as the fines collected for all summonses.

This document reproduces graphs of the mostly frequently charged summonses from the annual reports up to 2010 and a limited amount of other information. The final page reproduces an announcement for an 2009 event (called "It's Not Just A Ticket") about New York City summons system that was organized by the New York Lawyers Association. The panelists listed were individuals knowledgeable about the summons system.

The web page of the New York City Criminal Court is here: http://www.nycourts.gov/courts/nyc/criminal/index.shtml.

The information page for the courts is here: http://www.nycourts.gov/courts/nyc/criminal/generalinfo.shtml

Summonses in New York City

Like New York City's large number of marijuana possession arrests, these "quality of life" summonses are fruit of the City's aggressive stop-and-frisk crusade. Although unknown to most middle-class and white New Yorkers, summonses are a familiar part of life for the people in New York City's predominately black and Latino neighborhoods.

Few people understand much about the large number of summonses given out or how the summons system works. Many people issued a summons think they are comparable to automobile tickets. But the summonses have more serious consequences than most routine traffic offenses. And they are handled by an entirely different court system – a subsection of the New York Criminal Court.

Patrol officers write tickets and make arrests where they are assigned to patrol, and that is mostly in the City's primarily black and Latino neighborhoods. (*For a map showing those precincts and a list of them see:* http://marijuana-arrests.com/maps-NYC-pot-arrests-race.html).

News stories in the *New York Daily News*, *New York Times*, *Village Voice*, ABC-TV, and other media have reported the enormous pressure put on patrol officers by their commanders to write tickets and meet very real formal and informal monthly ticket quotas.

(For a list of news stories about the NYPD's quotas, including for summonses, see: http://marijuana-arrests.com/quotas-arrest-quotas.html)

The summonses require that people show up at the criminal court on a specific date to pay a fine. In 2009 and 2010, the third most frequently issued summons was for riding a bike on the sidewalk. Because the summonses are given out most heavily in low-income neighborhoods, white middle-class parents may not even be aware that teenagers can get a summons for riding a bike on a sidewalk.

In New York City's public housing developments, however, the tickets are so common that teenagers from poor and working-class families will beg police officers to give them a summons for having an open alcohol container rather than a ticket for a bike on the sidewalk. Why? Because the fine for an alcohol container summons is \$25 but the bike summons is \$100. The teenagers who live in the City's housing projects have a chance of raising \$25 to a pay a fine, but they usually cannot get \$100 from their families to pay a criminal court fine for a summons.

Because of family, work and school responsibilities, and for other reasons – including not having the money to pay the fine – a sizeable but unknown percentage of people issued a summons do not appear at the summons court on the required day. When someone does not appear in court as ordered by the summons, leaves after waiting in line for many hours, or cannot pay the fine by a set time, the court issues a bench warrant for the person's arrest.

When someone in heavily policed neighborhoods is stopped by the patrol officers for any reason – a stop and frisk, a routine traffic stop – the officers usually do a computer background search for outstanding warrants. When the officers find a bench warrant for non-payment or non-appearance for a summons, the person is handcuffed, physically searched, brought to the police station, is photographed and fingerprinted, and typically is put in the central booking jail with all other arrestees for 24 or more hours. When the police find contraband, such as a bit of marijuana, while searching clothing and possessions as part of the summons warrant arrest, the person will also be charged with a crime.

Police officers will sometimes explain on the record to reporters that, as part of simply checking someone's ID, they will run a computer search for arrest warrants – especially when patrolling in housing projects, in "safe hall buildings" where private landlords have allowed the police to patrol as in housing projects, and in surrounding neighborhoods. When police tell reporters they check for "outstanding arrest warrants," it sounds as if they are looking for dangerous criminals. But mostly police are checking to find arrest warrants for people who did not appear in court or pay a summons for possessing an unsealed alcohol container, sitting on a bench on the edge of a park after sunset, or riding a bike on the sidewalk – offenses so minor that police issue few such summonses in most predominately white and affluent neighborhoods.

As far as we have learned, nobody outside of law enforcement and the courts knows how many of these "return on warrant" arrests for violations the NYPD makes a year – and we have been

thus far unable to obtain any data about them. Because the arrests warrants stay active for many years, it is likely that police make many tens of thousands of these arrests annually. This huge system of arrest warrants for non-appearance in summons court operates completely outside of public scrutiny and awareness. But as experienced police officers will sometimes admit, including on public online police blogs, these return of warrant arrests for summonses are an important intentional result of the stop and frisk campaign. The return on warrant arrests generate much needed overtime pay for patrol officers – and they produce fingerprints, photographs, addresses, and other information for the police department's criminal database.

Although a violation does not produce a police "rap" sheet, court records of violations may appear in some government and commercial criminal databases. For immigration status, credit reports, occupational licensing, and other official purposes, a guilty plea to a violation can sometimes have the same criminal record consequences as a misdemeanor arrest or guilty plea. And unlike people facing misdemeanors charges, people facing charges in the violations sections of the criminal court are not provided with an attorney. Most people eventually plead guilty to the violations with little or no understanding of their serious potential consequences. (For a discussion of, and links to, articles discussing the collateral consequences of criminal records, including only for arrests, see: http://marijuana-arrests.com/consequences-of-arrest.html)

We think it is long past time for the routine operations of this huge, nearly-invisible police and court system to be exposed, made transparent, much better understood, and reformed.

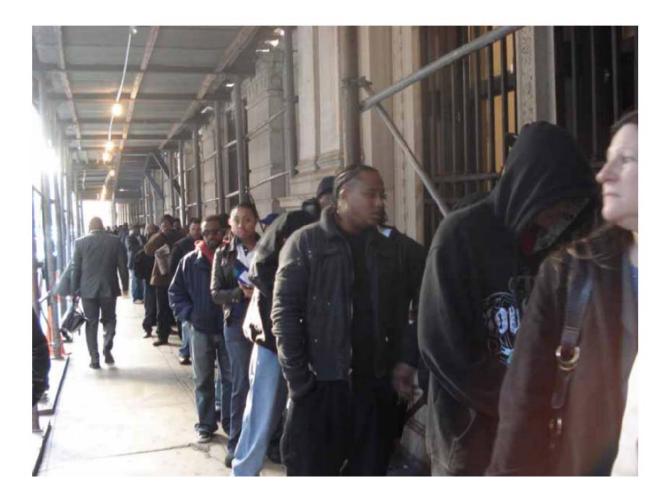
Note: Neither the New York City Police Department nor the New York State Division of Criminal Justice Services (DCJS) makes summons data available to journalists, researchers, and public organizations. Apparently DCJS does not collect data on most violations. In addition to the 600,000 yearly violation summonses in New York City, hundreds of thousands more are written by police and sheriffs throughout New York State, including for the violation of possessing less than seven-eighths of an ounce of marijuana –section 221.05 of New York State Penal Law.

For a graph and brief discussion of the marijuana violations in large counties outside of New York City, based on FBI / Uniform Crime Report data, and showing the enormous racial disparities in who receives these summons, see: http://marijuana-arrests.com/docs/Testimony-NYS-Senate-Marijuana-Arrests-June-2011.pdf

Because most violations are New York State laws, and because of the large racial disparities in summonses for simple marijuana possession and other offenses, it is likely that reform requires State action.

Harry G. Levine and Loren Siegel, Marijuana Arrest Research Project http://marijuana-arrests.com/ April 2012 The summons court for Manhattan and Brooklyn is at 346 Broadway, New York, NY 10013, and the entrance is on Leonard Street. Because the court building cannot hold all the people appearing with summonses, people line up on the street by the entrance each morning starting at about 9:00 a.m. Below is a photograph of people waiting outside the summons court on Leonard Street.

New York City Criminal Court, Summons Court, Nov 18, 2009, 10:30 am



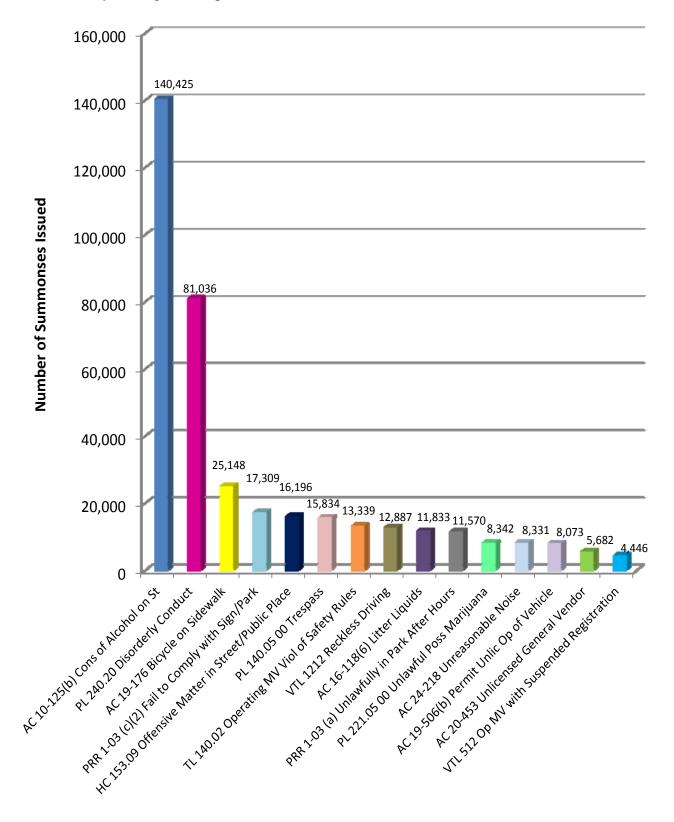
(photo: public domain)

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	Kare !	City	State Iza	Code
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	-	The Person Described Above is	Charged as Follow	s:
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		Redhook Community Justice Center - 88-94		oklyn, NV 11231
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1	Agency	Tax Registry #	Corner	and Code
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1	Date of Appe	arance (mm/shb)y)	At 9:30 mm.	AL DELT
1	202	to the state of th	1 1 10 10	
-	-		and the same	100000
		DEFENDANT'S C	OPY	

New York City summons, issued by uniformed patrol police, September 2010 in Brooklyn.

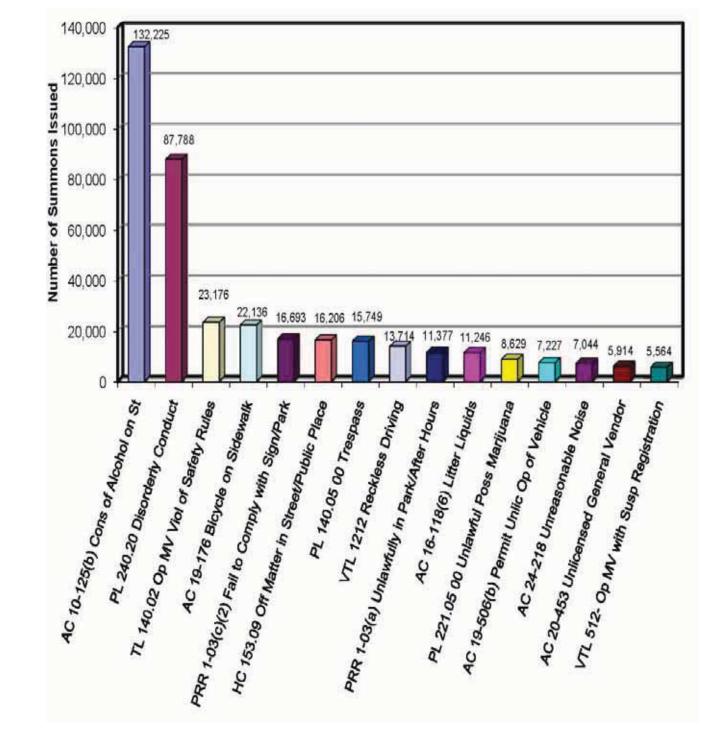
	15 MOST FREQUENTLY CHARGED SUMMONS OFFENSES IN NEW YORK CITY	2010	2009
1	AC 10-125 (b) - Consumption of Alcohol on Street	140,425	132,225
2	PL 240.20 - Disorderly Conduct	81,036	87,788
3	AC 19-176 - Bicycle on Sidewalk	25,148	22,136
4	PRR 1-03 (c)(2) - Failure to Comply with Sign/Park	17,309	16,693
5	HC 153.09 - Offensive Matter in Street/Public Place	16,196	16,206
6	PL 140.05 00 - Trespass	15,834	15,749
7	TL 140.02 - Operating Motor Vehicle Violation of Safety Rules	13,339	23,176
8	VTL 1212 - Reckless Driving	12,887	13,714
9	AC 16-118(6) - Litter Liquids, [Noxious]	11,833	11,246
10	PRR 1-03 (a) - Unlawfully in Park/After Hours	11,570	11,377
11	PL 221.05 00 - Unlawful Possession Marijuana	8,342	8,629
12	AC 24-218 - Unreasonable Noise	8,331	7,044
13	AC 19-506 (b) - Unlicensed Operation of Motor Vehicle	8,073	7,227
14	AC 20-453 - Unlicensed General Vendor	5,682	5,914
15	VTL 512 - Operating Motor Vehicle with Suspended Registration	4,446	5,564

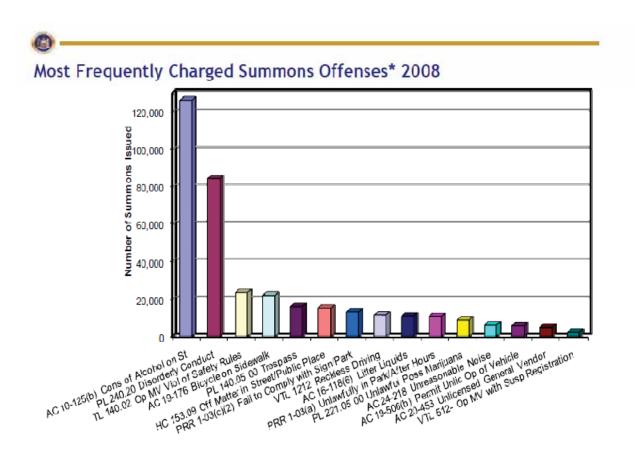




^{*} Includes Bronx information

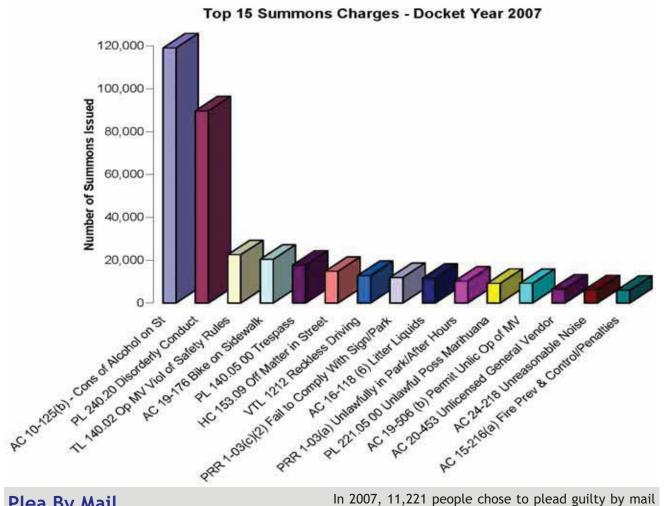






page 42 New York City Criminal Court 2008 Annual Report





Plea By Mail

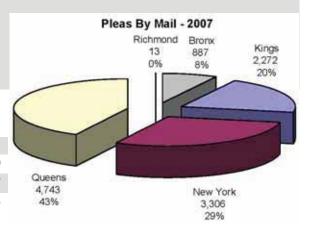
trative Code- "Consumption of Alcohol on Streets ited staffing resources. Prohibited" (also known as "Consumption of Alcohol in Public") were eligible to plead guilty and pay a \$25 fine by mail. 2005 also marked the first year that this program, originally piloted in Queens county, was expanded to the entire city.

Pleas By Mail*

	City	Bronx	Kings	New York	Queens	Richmond
2007	11,221	887	2,272	3,306	4,743	13
2006	8,554	659	1,803	2,497	3,575	20
2005	9,724	895	1,840	3,055	3,907	27
2004	5,128	319	409	496	3,898	6

^{*} Includes Bronx information

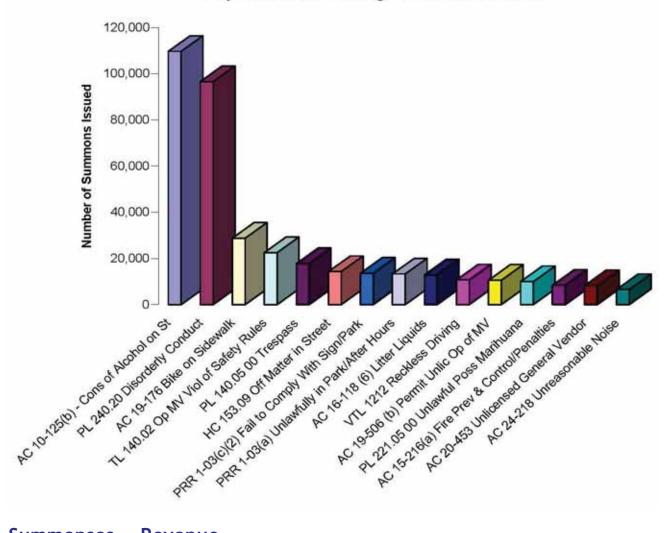
In 2007, 11,221 people chose to plead guilty by mail and send a check or money order to the court. These 2005 was the first full calendar year that individuals individuals did not appear in court. This program is receiving a Criminal Court summons citing a viola- another example of the new initiatives that Criminal tion of Section 10-125 (2)(b) of the N.Y.C. Adminis- Court has instituted to more efficiently manage lim-



³⁸ New York City Criminal Court 2007 Annual Report



Top 15 Summons Charges - Docket Year 2006



Summonses – Revenue

Summons Revenue* - 2006

	Citywide	Bronx	Kings**	New York**	Queens	Richmond
Fine City	\$5,388,534	\$977,191	\$549,517	\$2,360,646	\$1,372,270	\$128,910
Fine State	\$1,442,208	\$107,802	\$176,892	\$741,631	\$340,390	\$75,493
Surcharge CVAF	\$282,120	\$16,735	\$40,425	\$107,700	\$105,840	\$11,420
Surcharge Misd	\$12,320	\$645	\$635	\$8,285	\$1,930	\$825
Surcharge Violation	\$1,032,555	\$60,845	\$150,860	\$391,065	\$389,740	\$40,045
Surcharge VTL	\$52,647	\$5,150	\$3,035	\$18,275	\$21,550	\$4,637
Total	\$8,210,384	\$1,168,368	\$921,364	\$3,627,602	\$2,231,720	\$261,330

^{*} Includes Bronx information

^{**}Money received from summonses issued in Brooklyn that are disposed and paid at 346 Broadway are included in the New York county figures. Over \$500,000 in fines and surcharges from Brooklyn summonses are included in the New York total.



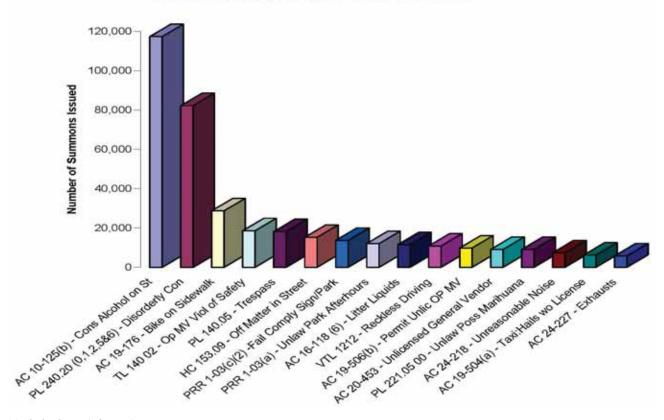
Summonses — Filings, Docketing and Arraignments

		Sum	nmary of Sun	nmons Filings	s* - 2005			
	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
Filings	648,638	150,326	170,926	13,170	168,446	114,250	13,467	18,053
Defects (-)	40,450	12,702	10,659	-	10,136	6,059	-	894
Docketed Filings	608,188	137,624	160,267	13,170	158,310	108,191	13,467	17,159
Dism Insuff (-)	118,277	28,731	38,130	3,619	41,274	6,523	-	-
Plea By Mail (-)	9,724	895	1,840	-	3,055	3,907	-	27
Arraigned	480,187	107,998	120,297	9,551	113,981	97,761	13,467	17,132
			Sum	mons Filings	*			
2004	548,134	127,151	136,822	_	159,923	106,076	_	18,162
2003	578,095	154,396	148,962	_	149,150	106,084	_	19,503
2002	505,331	123,323	144,547	_	128,090	92,881	_	16,490
2001	534,586	139,113	150,669	_	128,070	96,803	_	19,931
2000	581,841	138,487	164,349	_	144,408	109,153	_	25,444
1995	282,676	50,320	80,137	_	88,292	46,856	_	17,071

Note: Defective Summonses for Midtown and Red Hook are included in the New York and Brooklyn defects. Dism. Insuff represents the number of summonses dismissed as part of the pre-arraignment review (SAP-D calendar). Midtown, Red Hook and Richmond review summonses for legal sufficiency at the scheduled arraignment session.

Most Frequently Charged Summons Offenses* 2005

Top 16 Summons Charges - Docket Year 2005



^{*} Includes Bronx information

Arraignment Dispositions

While only the first court appearance, more cases are disposed of in arraignment than at any other stage in the life of a Criminal Court filing. Citywide, slightly

more than half of all case filings were disposed of at their initial court appearance. Almost all of these dispositions involved misdemeanor or other petty offenses.

Disposition rates in the five counties are fairly consistent except for Staten Island where only a little more than a third of all cases are disposed of in arraignments.

			Disp	ositions	at Arraigi	nments -	2000 thro	ugh 200	4			
	Citywide		Citywide Bronx		Kin	gs	New Y	'ork	Que	ens	Richm	ond
	#	%	#	%	#	%	#	%	#	%	#	%
2004	163,664	51.3	37,391	55.7	39,018	49.1	54,350	51.8	29,506	50.5	3,399	36.2
2003	161,759	50.2	33,187	47.4	41,165	50.1	51,365	51.3	31,684	53.1	4,358	41.9
2002	166,782	50.9	34,695	48.9	44,276	51.8	54,847	52.9	28,536	50.7	4,428	39.9
2001	179,567	52.8	34,607	48.9	50,502	52.5	59,882	56.6	30,060	53.7	4,516	39.7
2000	210,513	54.4	47,417	56.3	51,898	49.7	73,361	59.7	33,942	53.2	3,895	32.6

Citywide Summons Operation

In the past two years the personnel working in the Citywide Summons back office processed over 1.1 million summons filings (a number that does not include summonses that never received a docket number).

The 29 clerks, data entry and office assistants who comprise the Citywide Summons Operation are responsible for scanning, initializing and docketing every summons case in New York City.

Summons come from over 40 certified agencies including the New York City Police Department, Metropolitan Transportation Authority, the New York City Fire Department, the American Society for the Prevention of Cruelty to Animals, Taxi and Limousine Commission, Off Track Betting Corporation, Tax Enforcement, Roosevelt Island Authority and the Unified Court System.

Authorized agencies drop off summonses at the Central Receiving Unit. The Central Receiving Unit

separates these summonses by county and then by appearance date. It also looks for defects serious enough that would prohibit the summons from being docketed, such as a missing signature, narrative or bad return date. The summonses are then copied into the court's computer system by high speed scanners which recognize each ticket's bar coded summons number and then produce an electronic image of the ticket.

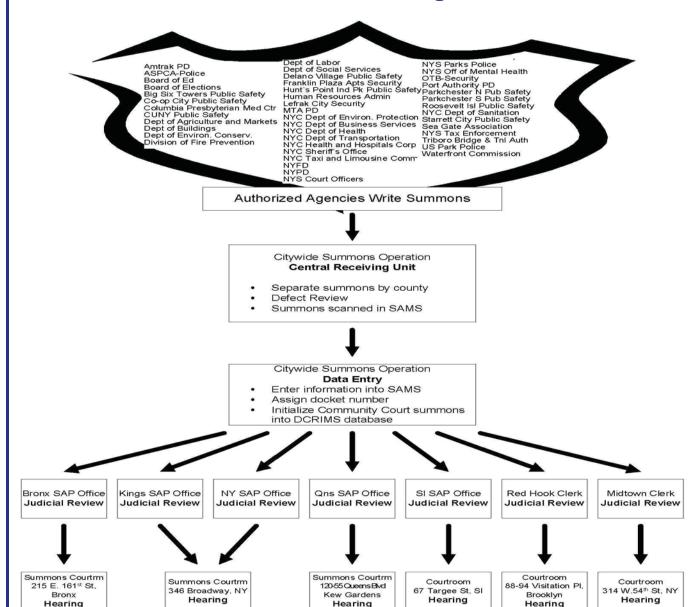
Once the summonses are scanned into the Summons Automated Management System (SAMS), data entry personnel enter all the pertinent information into the SAMS database and assign each summons a docket number.

After data entry staff log the information and create a docket, the summonses are then forwarded to the appropriate county's summons office where the Associate Court Clerk in charge coordinates with the Supervising Judge's of-

fice to ensure that a timely review for legal sufficiency takes place prior to the scheduled arraignment date. Summonses that survive judicial review are then calendared for hearing.

While individual counties still hear and, if necessary, try the individual summons cases, the Citywide Summons Operations responsibilities do not end when the cases are sent to the individual counties (Brooklyn and Manhattan cases are heard at 346 Broadway). The Summons crew also sends out notices for cases rejected because of defect or dismissed after judicial review. They are also the central repository for all summons records. Certificates of disposition are given after a review of the SAMS system for cases adjudicated after 1999. For older cases books and computer printouts are used by the Summons clerical staff to locate and verify summons dispositions going back to 1970.

Summonses — From Ticket to Hearing



Summons Revenue - 2004								
	Citywide	Bronx	Kings*	New York*	Queens	Richmond		
Fine City	\$4,935,980	\$1,168,650	\$582,330	\$1,794,820	\$1,236,485	\$153,695		
Fine State	\$1,093,304	\$154,770	\$89,048	\$529,016	\$257,275	\$63,195		
Surcharge CVAF	\$346,485	\$59,125	\$45,525	\$122,860	\$103,355	\$15,620		
Surcharge Misd	\$10,355	\$1,110	\$410	\$5,250	\$2,425	\$1,160		
Surcharge Violation	\$1,302,250	\$229,505	\$181,175	\$456,580	\$378,980	\$56,010		
Surcharge VTL	\$100,840	\$22,180	\$3,070	\$24,290	\$42,020	\$9,280		
Total	\$7,789,214	\$1,635,340	\$901,558	\$2,932,816	\$2,020,540	\$298,960		

^{*} Money received from summonses issued in Brooklyn that are disposed and paid at 346 Broadway are included in the New York county figures. Over \$500,000 in fines and surcharges from Brooklyn summonses are included in the New York total.

Summonses — Filings, Docketing and Arraignments

		Sun	nmary of Su	mmons Filir	ıgs - 2004			
	Citywide	Bronx	Kings	Midtown	New York	Queens	Red Hook	Richmond
Filings	581,734	137,907	134,758	16,455	151,372	111,625	10,811	18,806
Defects (-)	33,600	10,756	8,747	_	7,904	5,549	_	644
Docketed Filings	548,135	127,151	126,011	16,455	143,468	106,076	10,811	18,162
Dism Insuff (-)	96,344	13,828	30,950	_	45,865	5,701	_	_
Arraigned	452,434	113,323	95,061	16,455	97,603	100,375	10,811	18,162
	Year End	Totals of D	ocketed Su	mmons Cas	es - 2003, 200	02, 2001, 20	000	
2003	578,095	154,396	132,924	15,982	133,168	106,084	16,038	19,503
2002	505,331	123,323	134,171	12,926	115,164	92,881	10,376	16,490
2001	534,586	139,113	138,624	11,796	116,274	96,803	12,045	19,931
2000	581,841	138,487	157,790	14,044	130,364	109,153	6,559	25,444
	Year En	d Totals of	Defendants .	Arraigned o	n Summons	Cases - 20	00	
2000	290,709	67,932	74,216		74,726	62,076	_	11,759

Note: Defective Summonses for Midtown and Red Hook are included in the New York and Brooklyn defects. Dism. Insuff represents the number of summonses dismissed as part of the pre-arraignment review (SAP-D calendar). Midtown, Red Hook and Richmond review summonses for legal sufficiency at the scheduled arraignment session.

Frequently Charged Summons Cases

Тор	Summon	s Charges Issued Cityv	vide —	2004
			2004	2000
AC	10-125	Pub. Consumption Alcohol	1	1
PL	240.20(5)	Disorderly Conduct	2	3
AC	19-176	Bicycle on Sidewalk	3	
TL	140.02	Op MV of Viol Safe Rules	4	6
PL	140.05	Trespass	5	4
нс	153.09	Offensive Matter in Street	6	8
PL	240.20	Disorderly Conduct	7	7
AC	19-506	Permitting Unlic Op Veh.	8	2
AC	16-118	Litter Liquids, Noxious	9	
PRR	1-03	Unlawfully in Park/After Hr	10	
AC	19-504	Taxi:Accept Hails w/o lic	_	5
PL	221.05	Unlaw. Poss Marihuana	_	9
НС	161.04	Fail to Have Dog License	_	10

Plea By Mail

Starting July 1, 2004 individuals

ONLY FOR VIOLATION OF ADMINISTRATIVE CODE SECTION 10-125(b), CONSUMPTION

TO PLEAD NOT GUIL TY:

YOU MI IST ADDEAD IN COLUMN IN PUBLIC. who receive a Criminal Court

SPECIFIED ON THE SUMMONS YOU RECEIVED. Summons citing a violation of Section 10-125 (2b) of the N.Y.C. Administrative Code-"Consumption of Alcohol on The above items must be mailed, within 10 days of the date that the summons was issued, to: Streets Prohibited" (also known as "Open Container Violation" or "Consumption of Alcohol in Public") are eligible to plead guilty and pay a \$25 fine by mail.

In 2004, 5,128 people chose to plead guilty by mail and send a Thereby plead guilty to Administrative Code Section offense of Consumption of Alcohol in Public, a violate plead guilty by Illian and Send a charged in:

check or money order to the charged in:

Summons Number:

[As a appears on the top of the Summons Number: court. These individuals did not By Entering a Plea of Guilty to This Charge, I Agree to the Follo appear in court. This program is another example of the new ini
- 1 Understand that the Viction is Full broadered in the Viction in Full broadered in the Viction is Full broadered in the Viction in i tiatives that Criminal Court has instituted to more wisely manage limited staffing resources.

(E) (T)	INCTRUCTIONS FOR DI FARM
0	INSTRUCTIONS FOR PLEADIN GUILTY TO SUMMONS BY MA PD 260-111 (3-03)

TO PLEAD GUILTY BY MAIL YOU MUST SEND THE FOLLOWING:

- THIS PLEA FORM, COMPLETED AND SIGNED
- THE SUMMONS YOU RECEIVED
- A CHECK OR MONEY ORDER FOR \$25.00 MADE PAYABLE TO
N.Y.C. CRIMINAL COURT (DO NOT SEND CASH), WITH THE
SUMMONS NUMBER WRITTEN ON THE PAYMENT.

N.Y.C. CRIMINAL COURT P.O. BOX 555 NEW YORK, NY 10013-0555

IF YOU PLEAD GUILTY BY MAIL, YOU DO NOT NEED TO APPEAR IN COURT. PLEA FORM (PRINT CLEARLY)

COMPLETE ONLY IF YOU WISH TO PLEAD GUILTY BY MAIL.
PLEA FORM MUST BE SIGNED BY THE PERSON PLEADING GUILTY.

Name	Da	te of Birth_	
Address			_Apt
City	State	Zip	

- I Understand that a Plea of Guilty to the Charge is Eq.
- . 1 Agree that the Sentence Imposed Will be a Fine of \$25.00.
- I Plead Guilty to and Admit Committing the Offense as Set Forth in the Sumr Upon Me.

SUMMONS AND CHECK OR MONEY ORDER FOR \$25.00 MUST BE ENCLOSED WITH THIS FORM

Plea By Mail Form



On Oct 21, 2009, the New York County Lawyer's Association held a public event about New York City Summonses. The panelists were some of the people most knowledgeable about the many summonses given out and how the system operates. This is the flyer announcing that event.

The New York County Lawyers' Association's Criminal Justice Section

presents

It's Not Just A Summons!

Each year nearly 600,000 New Yorkers receive a summons to a local criminal court and yet the procedures and issues concerning these criminal cases may be little understood by our citizens. Panelists will examine the New York City summons practice, from issuance to adjudication, and educate the public about the policies, procedures and collateral consequences of these summonses.

Panelists

Hon. Eileen Koretz, Former supervising judge and presiding judge of the midtown community court, nyc criminal court - new york county Robert Cassidy, supervisory clerk, citywide summons operation, nyc criminal court

Gerianne Abriano, Bureau Chief, Kings County District attorney's Office for RED HOOK COMMUNITY JUSTICE CENTER

McGregor Smyth, Managing attorney, civil action practice & reentry net director, the bronx defenders

Eve Rosahn, Director, Parole Revocation Defense Unit, The Legal aid Society Conway C. Martindale II, Esq., Assigned Counsel

Moderator

Hon. Michael J. Yavinsky

INTERIM JUDGE OF NEW YORK CITY CIVIL COURT, ASSIGNED TO CRIMINAL COURT,

Sponsor

NYCLA's Criminal Justice Section

Co-Sponsors

NYCLA Justice Center and Civil Rights & Liberties Committee

Admission

FREE

Date/Time

Wednesday, October 21, 2009 - 6:00 PM

Place

NYCLA Home of Law – 14 Vesey Street, 2nd floor Auditorium

RSVP: <u>dlamb@nycla.org</u> and write 'October 21 event' in the Subject line. NYCLA events are free and open to the public. For wheelchair access, a ramp is provided. Please call 212-267-6646 at least one day in advance to make arrangements.