

COURT NOTICES

Amendment of Rule Uniform Rules for Court Exercising Criminal Jurisdiction

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby add, effective immediately, new section 200.25 of the Uniform Rules for Courts Exercising Criminal Jurisdiction, authorizing a procedure for accepting guilty pleas by mail in the New York City Criminal Court, to read as follows:

§200.25 Procedure for Accepting Guilty Pleas by Mail in the New York City Criminal Court

(a) *Establishment.* The Administrative Judge of the New York City Criminal Court may establish a procedure for accepting guilty pleas by mail whereby a defendant charged in an information with a designated petty offense defined outside of the Penal Law may enter a plea of guilty to such petty offense, and be sentenced by the Court to pay a fine and any applicable surcharge on the resulting conviction, without making a personal appearance in the action. For purposes of this section, the term "petty offense" shall have the same meaning as in subdivision (39) of section 1.20 of the Criminal Procedure Law

(b) *Applicability.* The procedure established pursuant to subdivision (a) shall apply only where a defendant has been served with an appearance ticket in lieu of an arrest, returnable in the Summons Part of the New York City Criminal Court, for a petty offense defined outside of the Penal Law that has been specifically designated by the Administrative Judge of the New York City Criminal Court as appropriate for disposition under this section.

(c) *Appearance Ticket; Form and Content.*

(1) The appearance ticket shall be in a form prescribed by the Administrative Judge of the New York City Criminal Court, in consultation with appropriate criminal justice agencies, and shall be served upon the defendant by the issuing officer. The appearance ticket shall contain the nature of the charge, the range of applicable penalties if convicted of the charge, a procedure for pleading guilty by mail, and such other information as may be prescribed by the Administrative Judge.

(2) With respect to the procedure for the entry of a plea of guilty by mail, the appearance ticket shall contain the exact amount of the fine and surcharge to be imposed by the Court, and the manner in which and date by which such fine and surcharge must be paid. The appearance ticket also shall include a provision advising the defendant that, by entering a plea of guilty by mail to the charge, he or she:

(i) waives arraignment in open court, the right to receive a copy of the accusatory instrument and the right to the aid of counsel;

(ii) pleads guilty to the offense as charged;

(iii) understands that a plea of guilty to the charge is equivalent to a conviction after trial;

(iv) agrees that the charge be disposed of by payment of the fine and any applicable surcharge in accordance with the amounts designated in the appearance ticket; and

(v) understands that the Court may refuse to accept the plea of guilty, because of the defendant's prior criminal record or other special circumstance, in which case, if ultimately convicted, he or she may be sentenced to the full range of penalties set forth in the appearance ticket.

(d) *Procedure.* A defendant served with an appearance ticket pursuant to this section charging the defendant with a designated petty offense defined outside of the Penal Law may enter a plea of guilty by mail by indicating, in accordance with the instructions in the appearance ticket, that he or she pleads guilty to the charge, and by signing and mailing the completed ticket, by first class, registered or certified mail, to the Court at the address provided on the ticket, together with payment of the amount of the fine and surcharge set forth on the ticket for the offense charged. Provided an information has been filed charging such offense, the Court then may dispose of the case as though the defendant had been convicted upon a plea of guilty in open court, or, because of the defendant's prior criminal record or other special circumstance, may refuse to accept the plea of guilty. If the plea is so refused, the Court shall inform the defendant in writing that he or she is required to appear before the Court at a stated time and place to answer the charge, which shall thereafter be disposed of pursuant to the applicable provisions of law, and shall return to the defendant any fine or surcharge payment that may have accompanied the defendant's proffered plea of guilty. Where an information charging a designated petty offense is dismissed by the Court, any plea of guilty to such offense entered pursuant to this section shall be refused, and the Court shall inform the defendant of the fact of the dismissal and shall return to the defendant any fine or surcharge payment that may have accompanied the defendant's proffered plea of guilty. A plea of guilty to a designated petty offense that is refused pursuant to this section shall be deemed a nullity.