

## Cracking Down on Plea Bargains

By Lori Chung

"We'll do about 18,000 traffic tickets a year here, one of the busiest courts in the state of New York," said Peter Crummey, Colonie Senior Town Justice.

But Crummey says plea bargaining, like knocking down a speeding ticket to parking violation, helps keep the docket running

"It is a handy tool to move through the volume and it's a case by case basis," Crummey said.

Usually up to prosecutors, but now Governor Andrew Cuomo says the state has been shortchanged. When a driver is issued a speeding ticket, part of the intended revenue is meant for local municipalities, the other for the state. But if it's reduced to a non-moving violation, often the state gets nothing. Part of his 2013-2014 budget calls for limiting prosecutors' ability to offer those kinds of deals.

"It could result in a surge of clients not taking pleas and going to trial," said Tully Rinckey Managing Partner Greg Rinckey.

That prediction coming from attorney Greg Rinckey who handles a lot of traffic cases.

"Most clients don't even know where the money is going. All they know is I have to pay a fine," Rinckey said.

And some judges see the same unintended consequences.

"We might see an increase in the trial schedule because if people won't necessarily want to plead to the charge itself if there is no alternate disposition, then they may just as well take the matter to trial," Albany Justice Gary Stiglmeier said.

In Colonie traffic violations generated \$1.3 million for the state in 2012. Overall, though, Cuomo says the state will pick up \$16 million in this budget and \$25 million each year to follow and he also plans to add an \$85 surcharge to parking violations.

Crummey said, "What's the purpose of a penalty in the justice system? Is it to discourage repeat behavior or is it to add all these other fees?"

"Fees," Crumey says, "can make it hard for people to pay."