

**People v. D.F. (Brighton Tn. Ct., 10/21).**

**MR. CORLETTA USES PRECEDENT FROM PREVIOUS CASE TO OBTAIN 0-POINT VIOLATION IN SERIOUS TRAFFIC CASE.**

Knowing the law and using prior precedent is what a lawyer should do. Mr. Corletta used one of his own prior precedents to obtain a reduction in a serious traffic matter in *People v. D.F. (Brighton Tn. Ct., 10/21)*.

In that case, Mr. Corletta's client was charged with Failure to Yield to Emergency Vehicle. The client was charged under New York State's "Move Over" Law, rather than under the regular Failure to Yield to Emergency Vehicle statute. They are two different sections of the law.

Mr. Corletta pointed out this discrepancy and requested dismissal, arguing that his client was charged under the wrong section of the law, because the Accusatory Instrument did not allege a "move over" violation. He cited a prior case he handled that was recently published in the New York Law Reports.

The Court noted there appeared to be a difference in the ticket filed with the Court versus the one the client received. The ticket filed with the Court appeared to charge the correct section of the law. Mr. Corletta argued defendants are entitled to proper notice of the charge filed against them and all his client could address was the ticket served on them.

There was a lengthy argument back and forth between the Court, Mr. Corletta, and the District Attorney.

Then, Mr. Corletta, being well prepared, showed his client's Certificate of Completion of a Defensive Driver Course and approached the bench. He proposed a compromise; a mere parking violation and nominal fine, with the more serious charge being withdrawn and dismissed.

Mr. Corletta sensed the matter could go either way, although he knew he was right. The Court and District Attorney quickly agreed. The client pled guilty to a parking violation, paid a \$25.00 fine. The client's license and insurance was not affected.

The client actually received a ***reduction*** on their insurance premium due to completing the Defensive Driver Course at Mr. Corletta's direction.

Mr. Corletta thinking quickly on his feet, pivoted, and still obtained a favorable disposition for his client. That would not have occurred without bringing the Motion to Dismiss in the first place.

It is always better to place issues before the Court. That is the best way to obtain a favorable disposition. It puts the client in a position to leverage a favorable disposition, as opposed to what many defense attorneys do, which is to complain, whine, or say their client is a “good person”.

This approach gains little respect from Prosecutors and Courts. This was shown by the Court's comments to Mr. Corletta in that he always makes “interesting arguments”. By making an interesting argument and advocating for your client, you place the client in a better position to succeed by showing some effort.