

Trespass Affidavit: Penal Law §140.05 (*To be completed by property owner/custodian. Officer MUST complete factual allegations section on front of summons.)

I, _____ of (address) _____,

County of _____, State of New York, am the owner or custodian of the premises located at

(insert address) _____. The defendant

did not have any license or privilege to be in or upon said premises on (date) _____ or at any other time. I have read the facts stated herein as furnished by me and they are true upon my personal knowledge and belief.

False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Full Signature of Deponent/Affiant (Owner/Custodian)

Date Affirmed (mm/dd/yy)

Disorderly Conduct: Penal Law §240.20

At the time and place of occurrence indicated herein, I personally observed the defendant, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: (select only **ONE** of the following per summons)

[PL §240.20(1)] engage in fighting or in violent, tumultuous or threatening behavior, to wit: (In the space provided below, describe specific acts or words used and manner which made them violent, etc.)

[PL §240.20(5)] obstruct vehicular or pedestrian traffic, to wit: (In the space provided below, specify what the defendant did and the resulting obstruction)

[PL §240.20(6)] congregate with other persons in a public place and refuse to comply with a lawful order of the police to disperse, to wit: (In the space provided below, describe both specific communication to disperse and specific actions of defendant)

Public Consumption of Alcohol: NYC Administrative Code §10-125 (b)

At the time and place of occurrence indicated herein, I personally observed the defendant in possession of an open container that contained an alcoholic beverage, to wit: an open (describe both the container and the beverage, e.g., 16 oz. can of Acme beer)

I know the above described container contained alcohol containing more than one-half of one percent (.005) of alcohol by volume based upon information and belief, the source of which is as follows: (check ALL that apply)

- the label on the container states that it contains alcohol consisting of more than (.005) of alcohol by volume.
- my professional training and experience as a police officer.
- the odor emanating from the container.
- my observations of the packaging which is characteristic of an alcoholic beverage.
- the defendant's statement that the substance is in fact what it is alleged to be.

Defendant stated in my presence (in substance): _____

Such possession was not while the defendant was participating in a block party, feast or similar function for which a permit had been issued.

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law. (*If used, officer MUST sign front and back of summons.)

Complainant's Full Name Printed

Rank/Full Signature of Complainant

Date Affirmed (mm/dd/yy)

CRC-3206 (1/16)

Criminal Court Appearance Ticket

Name (*Last, First, MI*)

Date of Birth (*mm/dd/yy*)

Cell Phone Number (*where court may contact you*)

Home Phone Number (*where court may contact you*)

()

()

Show up to court on:

Court Appearance Date (*mm/dd/yy*):

at: 9:30 a.m.

Your court appearance location: Other (specify) _____

- Bronx Criminal Court
 Kings & New York Criminal Court
 Midtown Community Court
 Redhook Community Justice Center
 Queens Criminal Court
 Richmond Criminal Court

****To avoid a warrant for your arrest, you must show up to court.**
 At court, you may plead guilty or not guilty.**

Please see back for exceptions for Public Consumption of Alcohol and Public Urination offenses.

Court Locations: You must appear at the court location identified above.

- Bronx Criminal Court 215 E 161st Street, Bronx, NY 10451
- Kings & New York Criminal Court 346 Broadway, New York, NY 10013
- Redhook Community Justice Center 88-94 Visitation Place, Brooklyn, NY 11231
- Midtown Community Court 314 W 54th Street, New York, NY 10019
- Queens Criminal Court 120-55 Queens Boulevard, Kew Gardens, NY 11415
- Richmond Criminal Court 26 Central Ave, Staten Island, NY 10301

You are Charged as Follows:

Title of Offense:

Time 24 Hour (*hh:mm*)

Date of Offense (*mm/dd/yy*)

County

Place of Occurrence

Precinct

In Violation of Section

Subsection

VTL

Admin Code

Penal Law

Park Rules

Other

For Additional Information and Questions:

Visit the website or call the number below for additional information about your court appearance and translation of this document.

www.mysummons.nyc

OR

Call 646-760-3010



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Defendant stated in my presence (*in substance*):

I personally observed the commission of the offense charged herein. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law. Affirmed under penalty of law.

Complainant's Full Name Printed

Rank/Full Signature of Complainant

Date Affirmed (*mm/dd/yy*)

Tax Registry #

Agency

Command Code

What You Need to Do

- 1. Show up to Court.** Go to court at the location and on the date and time specified on the front of this summons. ****To avoid a warrant for your arrest, you must go to court.**
- 2. Plead Guilty or Not Guilty.** Choose to plead guilty or not guilty while you are at court.

Exceptions

For Public Consumption of Alcohol OR Public Urination

Only those charged with those two offenses have the option to plead guilty by mail, which must be done **within 10 days** of the Date of Offense on the front of this form.

If you plead guilty by mail you do not have to come to court.

How to Plead Guilty by Mail

- Complete and sign the "Guilty Plea by Mail Form" below **within 10 days** of the Date of Offense on the front of this form.
- Prepare a check or money order payable to "NYC Criminal Court" for **\$25 for Public Consumption of Alcohol** or **\$50 for Public Urination**.
Write the summons number found underneath the bar code on the front of the check or money order. **DO NOT SEND CASH.
- Mail the check or money order along with this completed form to:
NYC CRIMINAL COURT, P.O. BOX 555, NEW YORK, N.Y. 10013-0555

****The court record of this case will show your guilty plea to an offense that is not a crime under New York law. This guilty plea will be a public record available at the courthouse. Consult with an attorney if you have questions about this.****

Guilty Plea by Mail Form

I hereby plead guilty to the following charge: (Check the correct charge):

Public Consumption of Alcohol [Administrative Code §10-125(b)], a violation not a crime as charged on this summons.

*I understand that this violation is punishable by a fine of not more than \$25 or imprisonment of up to five days or both.

*I agree that the sentence imposed will be a \$25 fine.

Public Urination [Administrative Code §16-118(6)], a violation not a crime as charged on this summons.

*I understand that this violation is punishable by a fine of \$50-\$250 or imprisonment for up to ten days or both.

*I agree that the sentence imposed will be a \$50 fine.

By entering a plea of guilty to this charge I agree to the following:

*I waive arraignment in open court, the right to the assistance of a lawyer, and the right to receive a copy of the accusatory instrument.

*I understand that a plea of guilty to the charge is equivalent to a conviction after a court trial.

*I understand that the court can refuse my guilty plea. If this occurs my payment will be returned and the court will notify me in writing when and where to come to court regarding this summons.

I plead guilty to and admit committing the offense as set forth in this summons.

Signature: _____ Date: _____

Check or Money Order Payable to NYC Criminal Court Must Be Enclosed.

SAMPLE FACTUAL ALLEGATIONS

FILL OUT THE “FACTUAL ALLEGATIONS” SECTION ON THE FRONT OF THE SUMMONS WITH FACTS (NOT CONCLUSIONS) THAT YOU PERSONALLY OBSERVED. REFER TO ACTIVITY LOG INSERT *SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS* (PD 260-211), FOR ADDITIONAL INSTRUCTIONS AND SAMPLES.

Trespass: Penal Law (PL) §140.05

BE SURE TO INCLUDE ALLEGATIONS SIMILAR TO THE SAMPLE LANGUAGE PROVIDED BELOW IN SECTIONS A, B, C, D (AND E IF NECESSARY).

- A. At the time and place of occurrence indicated herein, I personally observed the defendant knowingly enter or remain unlawfully in or upon (address of location), where I saw the defendant (describe what you saw defendant doing, i.e., standing, sleeping, sitting) in or upon said premises.
- B. **Location:** Said premises is: (allege ONE)
- *real property (if alleged, **STOP** and go to section C)
 - *a building which is a (allege ONE) structure, vehicle, or water craft which is used: (allege ONE)
 - *as a dwelling (e.g. apartment building or house).
 - *by persons carrying on business therein.
 - *for overnight lodging of persons.
- C. **No License or Privilege:** The defendant did not have license or privilege to be in or upon said premises in that: (allege ALL that apply)
- *said premises were not open to the public.
 - *the portion of said premises that the defendant was observed in or upon was not open to the public.
 - *the premises is a school building and the defendant did not have written permission to be present, did not have legitimate business or a purpose relating to the operation the school, and did not have a relationship involving custody or responsibility for any pupil or student enrolled in that school.
- D. **Defendant’s Knowledge:** The defendant knew that he/she did not have license or privilege to be in or upon said premises because: (allege ALL that apply)
- *the defendant entered or remained beyond a locked (allege ONE) door/window.
 - *the defendant entered or remain beyond clearly posted sign(s) indicating, in sum and substance, that unauthorized parties were not allowed beyond said sign(s).
 - *the defendant stated that he/she does not work at said premises.
 - *the premises is a dwelling, and the defendant: (allege ALL that apply),
 - *stated that he/she was not a tenant of the building.
 - *stated that he/she was not an invited guest of anyone residing in said premises.
 - * could not provide any proof that he/she was permitted to be in or upon said dwelling.
- E. **WHERE DEFENDANT WAS PREVIOUSLY GIVEN A VERBAL OR WRITTEN TRESPASS WARNING, SUBSTITUTE THE FOLLOWING LANGUAGE IN PLACE OF SECTION C AND D ABOVE. HAVE THE PERSON WHO GAVE THE WARNING FILL OUT THE TRESPASS AFFIDAVIT ON THE REVERSE OF THE ORIGINAL COPY.**
- *Defendant had previously received a lawful (allege ONE) verbal/written order not to enter or remain in or upon said premises on (date), and that order was personally communicated to him/her by (list name), who is (allege ONE) the owner of said premises or authorized by the owner of said premises (attach copy of written order if applicable).

SAMPLE FACTUAL ALLEGATIONS

FILL OUT THE “FACTUAL ALLEGATIONS” SECTION ON THE FRONT OF THE SUMMONS WITH FACTS (NOT CONCLUSIONS) THAT YOU PERSONALLY OBSERVED. BE SURE TO INCLUDE ALLEGATIONS SIMILAR TO THE SAMPLE LANGUAGE PROVIDED BELOW FOR THE FOLLOWING COMMON SUMMONSABLE OFFENSES. REFER TO ACTIVITY LOG INSERT *SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS* (PD 260-211), FOR ADDITIONAL INSTRUCTIONS AND SAMPLES.

Unlawful Possession of Marihuana: Penal Law (PL) §221.05

At the time and place of occurrence, I personally observed the defendant (describe location, e.g., on a public street) in possession of (describe container, e.g., a small clear plastic bag) containing (describe amount, e.g., one gram, three rolled cigarettes) of marijuana. Voucher #(insert voucher number).

(*Attach MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD 381-145), which includes a statement detailing the Police Officer’s training and experience in the identification of marijuana AND a field test report.)

Possession of Synthetic Cannabinoids (Marijuana) Prohibited: New York Codes, Rules and Regulations (10 NYCRR §9.2)

(Enter “10 NYCRR 9.2” in the “Violation” field, and “NYCRR” as the source of law in the “Other” field.)

At the time and place of occurrence, I personally observed the defendant in possession of (describe amount, e.g., two grams) of synthetic cannabinoids (marijuana).

I believe the substance to be synthetic marijuana based upon (include ALL that apply: my professional training as a police officer in the identification of synthetic marijuana, in that it is a dried, leafy substance with a distinctive odor; my prior experience as a police officer in synthetic marijuana enforcement; my observations of the packaging which is characteristic of synthetic marijuana; the label on the packaging bearing the brand name (describe brand name, e.g., K2, Spice), which is a known type of synthetic marijuana; defendant’s statements (include sum and substance of statements) that the substance is in fact synthetic marijuana.

Public Urination: Administrative Code (AC) §16-118(6)

At the time and place of occurrence, I personally observed the defendant urinating (describe location in detail, emphasizing public nature of place of occurrence, e.g., onto the side of a public building while standing on a public sidewalk).

(*Make note if there were other options available to defendant and/or if defendant made no attempt to perform the act in private, e.g., I observed an open restaurant which contained a public restroom within 50 feet of the occurrence location.)

