

Prosecutor

The Rensselaer County District Attorney's office prosecutes all criminal and all Misdemeanor vehicle and traffic cases. The Assistant District Attorney is only in court when trials or conferences are scheduled by the Court. If you are an attorney and your client has a traffic infraction, you may contact the Town Prosecutor Matt Foley at 518 274-7535. For the procedure to follow in handling a traffic ticket by mail. All criminal cases require a personal appearance by the defendant.

Small Claims

Brunswick Town Court has jurisdiction over small claims which are cases for money damages not exceeding \$3,000. To file a small claim, you must be 18 years or older; otherwise, the action must be brought by a parent or legal guardian. The defendant must reside, work or have a place of business in the Town of Brunswick. The filing fee is \$10.00 or \$15.00 according to the amount you are suing for. A corporation may not file a Small Claim in a Town Court, but they may file one in a City Court (Troy City Court or County Court)

Small claims are mailed by both "Certified Mail – Return Receipt Requested" and by First Class Mail. Therefore, a proper mailing address is required. Post office box addresses are not acceptable. You must also pay for the cost of mailing.

You may download the form you need to file a Small Claims by clicking [here](#). However, you must bring this form to the Court in person. Do not fill out the section dealing with the date and time of the hearing. A Court Clerk will schedule the hearing when you bring the form to the Court.

Small Claims FAQs:

Q: Do I need lawyer in Small Claims Court?

A: Absolutely not, although you may bring one. The procedure is informal and designed to permit individuals to bring and defend claims without being skilled in the law.

Q: I've just received notice of a Small Claim being brought against me. What if I do not appear?

A: The Court may issue a default judgment against you.

Q: I've brought a small claim to recover damages from an auto accident. How do I prove the damages?

A: Bring a receipted bill for the repairs, or, if you have not had the car repaired, bring at least two itemized estimates of the cost of the repairs.

Q: What if my witness cannot come on the trial date?

A: You may have a problem. If the other side is ready and does not consent to an adjournment, the Court can order the trial to go ahead, even without your witness. If you know in advance that a necessary witness may not appear voluntarily, see the Court Clerk about a subpoena.

Q: Will the judge rule on my case on the same day it's tried?

A: It depends upon the nature of the case. The judge may reserve a decision and mail it to the parties.

Q: What about settling the case?

A: You may also be contacted by the Mediation Services of Rensselaer County to see if you are willing to have a trained mediator help settle your case. The Court can provide you with a brochure containing more information on this service if you are interested (You can Download the Brochure by Clicking Here). While you are not obligated to participate in any mediation service, it is often possible to resolve your case on terms agreeable to both parties, without court intervention, through the mediation service. If you settle before the case is scheduled to be heard, please advise the Court Clerk. The Judge may also try to help the parties bring about an amicable settlement in lieu of a trial of the case.

Q: What if I have other questions?

A: For more information, you may pick up a booklet on Small Claims at the Court office or you may view the booklet on-line by clicking on the link below.

A Guide To Small Claims Court

[Click Here to View the Guide](#)

Criminal Cases

Brunswick Town Court has Trial Jurisdiction over Misdemeanors or Violations arising out of incidents which are alleged to have occurred in the Town of Brunswick. The Town Court also has Preliminary Jurisdiction over Felony cases. At the first court appearance, which is called the Arraignment, the Judge advises the defendant of the charges pending in the Court and what his/her rights are. If the defendant cannot afford an attorney, he or she can apply to be represented by the Public Defender.

Traffic Tickets

Brunswick Town Court handles all traffic tickets which are issued for violations of the Vehicle and Traffic Law which are alleged to have taken place within the Town. It is the obligation of the motorist to respond to the ticket in a timely fashion.

To handle a traffic ticket in our court, you need to review your ticket to determine if it is a "Misdemeanor" or "Traffic Infraction."

If the "Misdemeanor" box is checked, you must appear in Court on the day and time listed on the ticket to be arraigned by the Judge. For example, Driving While Intoxicated and Aggravated Unlicensed Operation are both "Misdemeanors." At the first Court appearance, which is called the arraignment, the Judge advises the defendant of the charges pending in the Court and what his/her rights are. If the defendant cannot afford an attorney, he/she can apply to be represented by the Public Defender

If the "Traffic Infraction" box is checked, you can handle the ticket either by appearing in person in Court on the date and time listed on the ticket or by mail.

1. Appearing in Person —

At the first court appearance, which is called the Arraignment, the Judge advises the defendant of the charges pending in the Court and what his/her rights are. The Town Prosecutor will have the chance to review the case and possibly make an offer or reduction if accepted the Judge will then set the fine. **The officer will not be present at the arraignment and no trial will be held on the first return date.** A defendant will plead either *Guilty or Not Guilty*. If a Guilty plea is entered, the defendant will have a right to make a statement and the Judge will then impose a fine and/or mandatory surcharge. If a defendant pleads Not Guilty, the case will be adjourned for a trial at a later date.

2. Mail Pleas —

If you choose to handle a traffic ticket by mail, you can plead either Guilty or Not Guilty by signing the appropriate section on the ticket and mailing it to the Court by the date indicated on the ticket. **Please make sure you give the court a current mailing address if the address on the ticket is no longer valid.**

If you plead *Not Guilty*, you will receive a notice of a trial date.

If you plead *Guilty*, you will receive a letter telling you how much your fine and/or surcharge are.

If you do not hear back from the Court within 3 weeks from the scheduled return date, please call the Court to make sure that your plea was received.

Traffic Ticket FAQs:

Q: Is there a schedule of standard fines for traffic violations?

A: No. Fines are set by the Judge within certain maximum/minimum guidelines prescribed by law and are based on the severity of the offense. Repeat violations are usually assessed higher fines.

Q: If I plead guilty or am found guilty after trial, how long will I have to pay the fine?

A: All fines should be paid on the date of trial or guilty plea. If you are unable to pay your fine at the time, you may ask for an extension. Fines may also be paid in person by Visa and Master Card.

Q: What happens if I ignore the ticket, miss a Court date or fail to pay the fine and/or surcharge in a timely fashion?

A: The Court will notify the New York State Department of Motor Vehicles which will suspend your license. Driving while your license is suspended can be charged as a misdemeanor, or even, in some cases, as a felony. If you miss a Court date, call the Court Office and ask for a new court date. You may be required to post bail. The Court may also increase the fine.

Q: How long after I move to New York State can I continue to use my out-of-state license?

A: 30 days. Use of your out-of-state license after that period is an infraction. It's also an infraction to hold licenses from more than one state.

Q: I have been charged with DWI. Will I continue to be able to drive after my first Court appearance?

A: Quite possibly not. Better bring a backup driver to Court. And a lawyer.

Q: I have been charged with AUO (Aggravated Unlicensed Operation). What does that mean?

A: It means that you have been charged with driving after your license has been suspended, usually for failure to answer a summons or to pay a fine (or for other reasons, like suspended insurance). This is a Misdemeanor and can result in serious penalties. It is advisable for you to try to clear up the suspension(s) before you come to Court and bring proof that you have done so. Keep in mind that you cannot legally drive while you are suspended, even to Court.

Q: Am I entitled to a Court-appointed lawyer in the trial of a traffic infraction?

A: No, although you may bring a lawyer at your own expense.

Q: Am I entitled to a Jury in a trial of a traffic infraction?

A: No.

Q: How many points do various traffic infractions carry?

A: The point system is controlled by the Department of Motor Vehicles. The Court does not assess the points, nor can the Court prevent points from being assessed for moving violations. For more information on the point system, go to <http://dmv.ny.gov/driver-license/looking-license-permit-id-card-information#points>

Q: In addition to the fine and/or surcharge, are there any other fees that a defendant will have to pay for certain violations?

A: Yes. The State has also implemented a driver responsibility assessment program. The assessment is an amount that you must pay to the NYSDMV each year for three years. The assessment can be as much as \$250 per year. For more information, go to <http://dmv.ny.gov/tickets/pay-driver-responsibility-assessment>.

Q: Will the insurance company increase a driver's premiums for a traffic infraction?

A: Again, the Court has no control over the insurance companies. For information about possible premium increases, you should contact your insurance broker or the insurance company.

Q: Is there anything I can do to remove points from my driving record and/or save money on my insurance?

A: The NYSDMV has approved a classroom course lasting at least six hours which may remove up to 4 points from your license and will save you up to 10% of your automobile liability and collision insurance premiums for three years.

For a list of course providers, you can go to <http://dmv.ny.gov/tickets/point-insurance-reduction-program> or check the yellow pages under "Driving Instruction."

For more information on the course itself, go to http://dmv.ny.gov/sites/default/files/legacy_files/broch/c32a.htm

Q: Are there any sure-fire excuses for getting a ticket dismissed?

A: No.

Weddings:

In New York State, Town Judges may perform civil wedding ceremonies. To schedule a wedding, Judge Kronau can be contacted at 279-1339 and Judge Schmidt can be contacted at 378-3232.