



1. Print out the parking ticket

This is my strong personal preference based upon years of experience and success fighting NYC parking tickets. It makes me a little woozy going back and forth between screens on my computer to refer to the online parking ticket during my investigation. I like to read the bit size bits of data entered on the parking ticket without needing a nap after 15 minutes of looking at font too small, or indecipherable handwriting.

If you are fighting your own parking ticket, make a copy (large). I make a copy of the online version because that's the parking ticket the judges look at while deciding your case.

2. Check all required elements

This should come as no surprise to anyone who has spent a little time reading our blog. However, let me elucidate...I look at the content of every single, tiny, box on a parking ticket. I ask my client to confirm their chariot's:

- Plate number
- Expiration date of registration
- Make
- Plate type
- Body type

I request an audience with their vehicle registration, if our client has any doubt about the accuracy of any of the required elements. For chariots registered in NY, these five required elements must be entered exactly as they appear on the registration or plate. For out-of-state vehicles, the Evil Empire knowingly misapplied a standard of "reasonably accurate" for Make and Body Type.

I say misapplied because the NY State Court of Appeals in ***Matter of Ryder Truck Rental, Inc.*** declared that the "Make" and "Body Type" must be exactly correct for all vehicles (including out-of state vehicles). This case was followed by the appeals court in ***Matter of Wheels, Inc.***

The plate type must mimic what is shown on the registration plates. No shortcuts. For example, it was the custom of the Evil Empire to insert "IRP" instead of "Apportioned" for certain Connecticut plates. The appeals court ruled that this "shortcut" installed on a warrior's handheld computer violated the statute, and dismissed the parking tickets.

The take-away here is that the 5 above listed required elements must be entered exactly as they appear on the registration, even for out-of-state vehicles (according to the highest courts in NY). However, the Evil Empire behaves badly and tries to apply its own standard of "reasonably accurate."

When you're right, fight and refer to these cases when arguing that these 5 required elements are misdescribed.

3. View place of occurrence

This is where oftentimes you'll find parking ticket gold. I check it out on Google Maps Street View to get a sense of the trials and tribulations experienced by our customer trying to park safely. Although Google Maps Street View is not up to date, it gives me a feel for the parking landscape.

4. View parking rule

I never, ever, skip this critical check on my checklist. And, I've be rewarded with a whole bunch of parking ticket gold.

You can't imagine how often parking ticket warriors misdescribe the days/hours a rule is in effect. Or, charge you with violating a rule on a parking sign that doesn't regulate the place of occurrence. Here's a link to the official NYC DOT Parking Regulation Map

5. Listen to our customer's story

This is totally important. I learn a great deal about the parking environment, and why our customer thought it was legal to park. My goal is to make a bad situation better by listening with empathy and culling some information from my conversation that leads me to a winning defense.

6. Any cases?

I rarely refer to parking ticket law when fight a parking ticket. Generally, it's unnecessary because:

The judges know the law

It wastes precious space in your defense certification

However, there are circumstances when the law comes in handy. For example, there was a recent case decided by the appeals court (binding on the Evil Empire for future cases...Yea!) that held that there can be no shortcuts in entering a plate type on a parking ticket. "IRP" and "APPORTIONED" were not interchangeable. A warrior is required to insert the plate type that is designated on the plate. This was a major victory for the driving public.

I plan to refer to the case, Nestle Waters N. Am., Inc. whenever a parking ticket warrior takes a shortcut that the appeals court disapproved.

I heartily recommend that you read the 5 cases in this blog post. You'll be amazed at what you learn about the ins-and-outs of fighting those nasty orange epistles.

7. Prepare exhibits

It may surprise you, but after I've completed my research and formulated our defense, I start with exhibits rather than a defense certification. Why?:

Preparing the exhibits helps me organize our defense

It reminds me that we must lay the proper foundation for our evidence so that it is legally related and connected to our client's parking ticket

I use captions below each image to emphasize our defense (are you old enough to remember, "If the glove don't fit, you must acquit?")

8. Prepare the defense certification

Always certify the truth of your testimony. That's right, [Tweet "your defense is considered your testimony."] How much weight do you think a judge will accord testimony that isn't sworn or certified? You got that right...very little.

You are fighting a piece of paper (the parking ticket). The warrior is required to accurately enter all the required elements on the front of a parking ticket to establish a prima facie case against you. The warrior's testimony is sworn/certified testimony." You can't fight "sworn" testimony with your word, alone.

I always certify:

- Our client's testimony
- The images/photographs contained in the exhibits to be true and accurate reproductions
- The location of my parking space, and that our client did not move it when the photographs were taken. Or, our client returned to the same parking space. Or, this is exactly where I parked when the parking ticket was issued
- If it's an important fact in issue, certify it as true...It can't hurt!

9. Review

This is such a basic tip, but you can't imagine how many people call me and are so angry about submitting a defense with a mistake. Review it...And, review it again. Spelling counts.

10. Revise

Don't get lazy on me...It's never o.k. to submit just one spelling mistake, or wrong caption. If you can make it better, do it!

Larry's 10-Point Checklist & Defense Docs

NYC Department of Finance
Hearing by Mail Unit
PO BOX 29021
Brooklyn, NY 11202-9021
October 30, 2014

John Doe
Parking Violation Number: 123456789-0

Dear Honorable Judge,

I certify as follows:

I plead not guilty to this parking violation because a required element (place of occurrence) is illegible, misdescribed, and improperly formatted.

Please see the series of exhibits attached hereto in support of my defense.

Thank you.

I hereby certify that my testimony is the truth to the best of my knowledge. I fully understand that if my testimony is willfully false, I am subject to punishment.

I certify that the images contained in the two exhibits are true and accurate reproductions of the online parking ticket image and detail summary, and have not be modified in any way.

John Doe

Exhibit 1

NYCServ Violation Copy Internet



The City of New York Notice of Parking Violation

Form
Serial# 178 / No. 100
Date Registration Expires - NS
Name of VIN
Name of Operator, if present.
If not present, then Owner of Vehicle Bearing License.
Operator Present but Not Licensed? NS - Not Present

PLATE
1
2
3
4
5
6
7
8
9
10
11
12

PLATE TYPE
PAS
OMT
CDM
NY
CT
PA
NJ
MA
FL
VA
Make
MC
Other

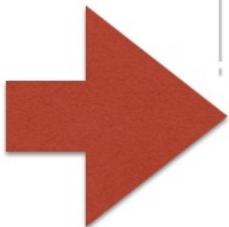
STATE
CH
FD
HN
DG
JP
LN
IN
TO
AT
Maz
Hof
GM
BMW
Other

ALT PLATE
NY
Kings
Bronx
Queens
Richmond

THE OPERATOR & OWNER OF THE ABOVE VEHICLE ARE CHARGED AS FOLLOWS:

Time 2:57 PM
Date of Offense 11/08/14
Date 1st Observed / /
Place of Occurrence
Opposite
Precinct

CHARGED VIOLATION OF SECTION 4-08 (SUBSECTION BELOW) OF NYC TRAFFIC RULES
Days in effect (ALL unless otherwise specified)



This is the handwritten parking ticket found online on the DOF website. The place of occurrence is illegible and misdescribed. The format is improper.

Exhibit 2

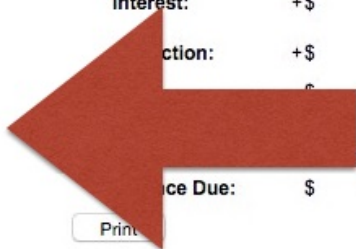
Parking / Camera Violation | Detail

Vehicle Details

Plate:	GMV4207	Type:	Passenger
State:	New York	Make:	TOYOT

Violation Details as of Thursday, Oct 30, 2014 10:30 AM

Violation #:	1377050373	Fine:	\$	115.00
Issued On:	10/16/14 12:57 PM	Penalty:	+\$	0.00
Notice of Liability Date:	Not Available	Interest:	+\$	0.00
Description:	CROSSWALK	Location:	+\$	0.00
Code:	50		\$	0.00
Location:	YELLOWSTONE BLVD Queens			
		Amount Due:	\$	115.00



Print

This is an image of the parking ticket "Details" on the DOF website. The person that entered this ticket was even unable to decipher the illegible place of occurrence



New York Parking Ticket LLC

"When you're right-FIGHT!"