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## **How to Fight your Traffic Ticket in Court**

When you go to court to contest a traffic violation, all of the odds are against you. Whether it may be passing a red light, or speeding on a local street, if you aren't prepared to fight your case, then expect only for the worst. I have written up this guide for you to let you know every trick and trap along the way in order to successfully appeal your ticket. Almost all guides that are out there will only focus on how to beat a speeding ticket. What's special about my guide is that it just doesn't cover only how to beat a speeding ticket, but also how to beat virtually any kind of other ticket as well, including driving too slowly, failure to stop at stop signs, making dangerous turns or lane changes, tailgating, failure to yield to other vehicles, 4-way stop intersection violations, failure to yield to pedestrians, failure to stop at stop signs, and even ways on how to get yourself out of having an open container while driving!

## **Step I – Being Ticketed**

This section covers the first step to fight your ticket. So you've been stopped by an officer. Here are the things to keep in mind:

- Do you know what the officer does in his car, after writing up your ticket? He's writing up notes with details of what happened, why he is ticketing you, and your reactions to him. The reason for this is that if you decide to fight for your ticket in court, the officer can refer to these notes to tell his side of the story. That is why it is important to:

- **Avoid claiming any confessions of guilt to the officer.** That is, if the officer decides to ticket you, claiming that you were driving at 40mph on a 30mph road, don't respond to the officer saying *oh I am very sorry. I knew the speed limit was 30mph, it's my totally my fault I was going at 45mph.* This is because he will most likely write in his notes what you had said, and then testify it in court should you decide to fight, saying that on that day when you were ticketed, you even had claimed and told him that you had admitted that were at fault for driving above the speed limit even though you knew that you were breaking the law. This would definitely be a huge setback for you in court. So the first step to remember is that if the officer decides to ticket you, you will need to avoid any confessions of your guilt to the officer.

## **Step II – Before Fighting your Ticket**

- So you have gotten your ticket and decide to do something about it. Here are the steps in which you should take to fight your ticket:

1. Look at your ticket and note for any deadline dates printed on the ticket regarding your opportunity to appeal. You should either give your court a phone call (you will need to be patient. Most courts have automated phone systems that will get you around and around for a long time before getting you to a live person for help), or stop by at the court directly to speak with one of the clerks. Be sure to have your ticket with you. You need to ask the clerk:

- **Is it appropriate for you to go to traffic school?**
- **When would be the latest date in which you can contest your ticket?**
- **What are the steps in which you must take in order to appeal your ticket?**
- **Will the court be able to extend the deadline to contest the ticket?**

If you are able to go to traffic school, it is almost always a good idea to do it to save the hassle of contesting your ticket.

If going to traffic school is not a possible option, then there are several options you can take. The main options are either pleading guilty, guilt with an explanation, or not guilty. Since this guide is to help you contest and fight your traffic ticket, I will focus on the choice of pleading not guilty. I would advise you **not** to plead guilty with an explanation, which is basically pleading guilty, but you are going to write up an explanation for your behavior and hope to move the judge's heart so that he may decide to reduce or defer the fine. However, the drawback is that this still will go on your driving records, and your insurance rate will go up, which the factor that you should be worried most about.

It is your right to plead that you are not guilty, even if you turn out to be guilty or you think that you are guilty.

## **Step III – Preparing to Appeal**

According to the Sixth Amendment:

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*

The speedy trial rule basically states that after pleading not guilty, your trial must be done within a short amount of time. If not, your case must be dismissed. *A short amount of time* is defined differently in each state. Usually between one to two months at max. You can find the exact time limit of a speedy trial by looking up the traffic law reference of your state from the library, or you can search for that online by typing in you “[your state] speedy trial” in a search engine such as [www.google.com](http://www.google.com)

That is why it is imperative for you to understand this right. If after you plead not guilty and the clerk ask you if you are willing to give up your rights to a speedy trial, tell him *NO*. The reason is because if the officer does not show up for the trial, there would not be any time to reschedule your trial because there simply will not be enough time until the speedy trial time limit runs out. That means your case will be dismissed and you will win your trial.

## **Step IV – Postponing Strategies**

Now is the part to set the date for your trial. Most people know that a good strategy is to delay, or postpone the date of your trial. The reason for this is because officers are more likely to forget and not show up in court if the date of the trial is set far away. In this case you would almost always win the case and be granted a dismissal. Another good reason is that the longer you delay your trial, the longer it will take for your insurance will go up *if* you are found to be guilty. Try to delay your case as many times as you can, but keep in mind to not delay it so long that it is past the speedy trial time limit, since doing so means you would surrender your speedy trial rights. Tips on how to postpone the date of your trial:

- **Ask the clerk if the court can extend the deadline to contest your ticket.** Take any route to do so to delay your trial.

**- Call up the court or stop by there about a week before your trial and kindly request the clerk to give you an extension to your trial. He should be able to do so.**

**- Try it again a second time to coming by a week before your trial and tell the clerk that you need another extension!**

**- When it is finally time to show up in court, you can try to delay your case yet again by telling the judge that you need some time to seek out a lawyer. The judge should then give you some more time and postpone your trial in order to give you time to seek advice from a lawyer.**

That is about as much as you can delay your trial by. The judge or clerk will most likely not give you any more extension unless you have a serious emergency, with demonstrable confirmation from your doctor or a comparable professional.

It is an extremely good idea to try to schedule your trial on the date when the officer who ticketed you is on vacation. You can try your luck by calling in to the police station and request to know when that certain officer will be going on vacation, although you probably will need a good excuse if they ask you why you'd need to know such information. If you're lucky, someone will let you know and you might find out that your officer is going on vacation soon. That is exactly the time when you should book your trial! If the first phone call doesn't work, try again and again. You



can even try by calling the officer directly yourself, just don't reveal what your true motives are to him.

## **Step V – Preparing for Court**

This is a gather the evidence step. Remember when I said:

*Do you know what the officer does in his car, after writing up your ticket? He's writing up notes with details of what happened, why he is ticketing you, and your reactions to him.*

Here are some good news for you. It is your right to request to see what the officer had written down on his notes. However, these notes will not be available to you unless you specifically request them. That's why it is very important for you to request this because it will greatly help you to fight your case by knowing where the weakness of your officer's arguments will lie in, and where he will be strong at. Remember, after a long period of time, the officer will not going to recollect good details about what happened after he had ticketed you months ago. He will most likely remember as much as what he had written down on his notes. By obtaining the officer's notes, you will pretty much know exactly what the officer will be testifying in court. How to request a copy of the officer's notes:

**- Send a printed (NOT handwritten) letter to the police department saying that you request all copies of any applicable recorded statements and illustrations or any other form of information made regarding your incident by the ticketing officer.** Be sure to include the name of the officer who ticketed you, the date when it was issued, your ticket citation #, and your return address. Make a copy of this letter. If within 21 days and you still have not received any copies of the officer's notes, then take the copy and bring it to court, and ask the judge if he can dismiss the case due to the prosecutor's failure to supply discovery even upon your written request (show the copy of the letter to the judge). Say that even if you are given the copy of the officer's notes now, you still would not have the time to suitably prepare for the trial. Many times, the judge will dismiss the case at this time. If not, he will make the officer give you the copies of his notes right at that time and let you have a bit of time to look it over.

If you were able to obtain the notes from the officer, take a close look and see if he had drawn out any diagrams. If he doesn't, then it is likely that he will not remember much about the incident. Take a look to see if the officer's notes contain any calculations or numbers. If there are no numbers to back up the officer's claim, then again, the officer will not remember much about the incident and that should be your plan of attack.

## Step VI – The Fight in Court

This is the big one. What you should say to defend yourself, and what you should not say. I will cover all the types of traffic violation here and tell you exactly what to say, and what not to say.

What **NOT** to say:

Many people make a mistake by giving these excuses in the hope of a reasonable explanation. **Avoid making these excuses at all cost:**

- **Never say that you were not aware of such a particular law** (even if you truly were not aware of it). For example, saying that you truthfully did not know what the yield sign is meant for, that's why you didn't yield to other drivers isn't going to do you anything besides making you look worse for labeling yourself as someone who just doesn't know the law. You are **required** to know all the traffic laws when you are on the road, even if they are trivial ones. Unawareness of the law is not an excuse.

- **Never say that the officer picked only your car, even though there were others who broke the law as well.** For example, if the officer ticketed you for speeding 40 mph in a 30mph zone, do not give the excuse that all the other drivers were going at 40mph, and the officer did not ticket any of them, but instead he came and ticketed

only you and it isn't fair or right. This excuse will never work unless you have condemning evidence of a true motive for the officer to single you out.

**- Never say that the officer lied - Ever.** The "I didn't do it - the officer is not telling the truth" argument will get you nowhere.

**- Never say that your violation is okay because it did not cause any injury or accidents to anyone or anything.** You may not have caused an accident that time when the officer ticketed you, but that doesn't mean that your dangerous actions are safe to other drivers, which may very well cause accidents in the coming future.

## Speeding

This section covers speeding tickets. Understand the 3 speed limit rules. Different states have different laws than other states. Look up your state traffic law to find out which type of speeding limit your state has.

**- The Absolute Speed Limit Law** – This basically states that if your vehicle exceeds the speed posted on the speed limit sign, then you have broken the law. If you did not exceed the speed limit, then you are safe.

- **The Presumed Speed Limit Law** – This basically states that the speed limit is an indication of what is to be a speed that your vehicle should not exceed. However, you may be able to go beyond the speed limit depending on the condition at the time (clear weather, light traffic, etc.).

- **The Basic Speed Limit Law** – This basically states that your vehicle may be able to go beyond the speed limit depending on the condition at the time (clear weather, light traffic, etc.). However, even if you did not exceed the speed limit, an officer still has the choice to ticket you if he finds that your speed was unsafe under the condition and circumstances at the time (bad weather, congested traffic, etc.).

Your first step is to find out and determine what kind of speed limit law your state has. You can find those in any traffic law reference for your state from the library, or you can search for that online by typing in you “[your state] speed limit law” in a search engine such as [www.google.com](http://www.google.com)

Here is how to fight for your ticket:

- If your state has the Absolute Speed Limit Law: If you are ticketed for driving past the speed limit when your state has the absolute speed limit law, then the proper defenses that you can make are as follows.

**- You needed to exceed the speed limit to evade serious harm to yourself or others.**

This means that it is **NOT** okay to say that you were speeding up because you needed to come home to go to the bathroom because there were no places to go the road. However, it is a good defense if you were speeding to get to a doctor's office a mile away because you suddenly experienced a severe chest pain and needed to save yourself from serious harm. It would also be a good defense if you were speeding to save yourself from collision with another vehicle, avoiding an accident. If you did not try to speed to save yourself from an accident or any means of saving yourself or another from harm, then continue on to the next possible defense.

For example, if there were other cars around you, all of which were speeding, you can make a defense that you were going at above the speed limit because you were afraid that going any slower would be potentially hazard and likely to produce an accident if you did not increase your speed to go along with the flow of traffic around you at that time.

Remember exceeding the speed limit is fine that as long as you did it to avoid harm to yourself or another.

**- Your officer may have confused you with another car.** If this is the case, then you can make a statement that there was a similar looking car (may be with the same make and/or model with yours). This is a good defense to make especially if there was a curve in the road. It is very likely that the officer came to stop the wrong car after losing sight of yours around the curve.

- If you don't think that the officer had stopped the wrong car, then the last method of defense you can do is you need to criticize the officer's method on how he concluded that you were speeding. This is a lengthy one. I will cover this section a little bit later.

- If your state has the Presumed Speed Limit or the Basic Speed Limit Law: If you are ticketed for driving past the speed limit when your state has the Presumed Speed Limit or the Basic Speed Limit, then you can use ANY of the defenses as if your state has the Absolute Speed Limit Law as well as:

- **Claim that the speed you were going at was safe for the condition at the time.** Begin by saying that you were not aware that you were speeding, and even if you were speeding, it wasn't by much, and that given the circumstances and conditions at the time, it was safe to travel at such a speed, taking into account that (name as many of these as you can, whichever are true. Leave out the ones that are untrue):

- **The weather was very clear with no fog, rain, storms, or snow.** You have much better control of your car in clear weather

- **The road was dry.** You have much better control of your car in dry weather

- **There were not much traffic going on at either or both the lanes you were traveling in.** The possibility of an accident is minimized.

- **There were no hills, sharp curves, road constructions, holes, or any type of road imperfections that would necessitate you to drive at a slow speed.**

- **There were no (or not much) pedestrians traveling at the time.** This is a good defense to make, especially if you were ticketed early in the morning or in the evening when everyone has gone home from work.
- **The roads were efficiently lighted by street lamps, allowing clear visions of everything on the road.**
- **There were no intersections at the point where you were claimed to be speeding.** 90% of accidents happen at an intersection.

Your best bet here is to go back to the scene of the incident a few days later at approximately the same time that you were ticketed on, and take pictures of the scene with your camera. You need to demonstrate as much of the above conditions as possible (clear weather, light traffic, no pedestrians, etc.). Bring your photographs to court and make your case.

The last method of defense you can do is you need to criticize the officer's method on how he concluded that you were speeding. This is a defense that you can make regardless of what speed limit law your state has.

Method of determination on speeds of vehicles:

1. **Pacing** – The officer follows your car for a specific distance and analyzes your speed by reading what he gets from his own odometer.



2. **Aircraft Determination** – An officer on an aircraft uses a stopwatch and time how fast you traveled through two highway markings.
3. **Laser Gun** – The officer basically uses a laser gun to shoot a beam at your car to determine your speed.
4. **Radar** – Radar mounted on the officer's car measures how faster your car is going by computing the intensity of the radio waves reflected from your car due to its movement speed.
5. **VASCAR** – The officer uses two points of distances of interests. The VASCAR system will measure how fast your car went from one point of interests to the other point, using a stopwatch.

Your first step should be to determine which method did the officer used to determine that you were speeding from reading the copies of his notes. His notes should say how he concluded that you were speeding, using which method. Once you know which method the officer used, you can begin to defend yourself, using the following strategies.

**If the officer used the pacing method:**

- If the officer follows you from a faraway distance, he cannot accurately measure your speed.
- If the weather was poor (snowy, rain, dark), it would be hard for the officer to pace correctly and determine your speed.
- If the road was not straight, it would be hard for the officer to pace correctly and determine your speed. Take note of any curves, turns, holes, hills, constructions,

or any sort of obstacles along the way and be sure to bring them up. Photographic evidence will help a long way!

When you get the chance to cross-examine the officer, ask the officer these questions:

- **Ask the officer the distance that he followed you before coming to conclusion of your speed.** – if he had followed you over a short distance, bring up in your concluding statement that the officer cannot accurately determine your speed over such a short distance
- **Ask the officer if the distance between his car and your car were always continuous and constant** – He should say no, since before stopping you, the officer must try to increase his speed. Bring up in your concluding statement that when the officer sped up, he could have read his odometer at that time and concluded that was the speed of your car, which is erroneous.
- **Ask the officer if he was examining his odometer constantly** – If he says no, then that gives you further evidence that when the officer sped up, he could have mistakenly read his odometer and concluded that was the speed of your car, which is erroneous. If he answers yes, then ask:
- **Ask him that when pacing a car, does he constantly keep his eyes focused on the target vehicle (you).** – If he answers no, then bring up in your concluding statement that since he did not keep his eyes on your vehicle, it may very well be possible that he lost track of the speeding vehicle and picked up on you mistakenly. If he answers yes, then ask him:

- **Ask him if there were there any other traffic at the time**
- **Ask him if he could describe to you the other vehicles traveling at the time**
- **Ask him if he was paying attention to those other vehicles to make sure the drivers were driving safely** – If he answers yes to the above three questions (he most likely will, then ask:
  - **Ask him if he is saying that he was watching over your vehicle, all the other vehicles on the road, as well as observing his speedometer all at the same time** – He will probably answer that he mostly focused on your vehicle. In this case, say in your closing statement that the officer focused the vehicles on the road as well as yours too much to have a chance to constantly glance at his speedometer to determine the speed in which you were going at over the period of time.
- **Ask him to tell you how far away was his vehicle to yours when he was pacing you** – The farther the better. You can bring up in the concluding statement that the far distance in which the officer was away from your vehicle makes it very hard to correctly determine the exact speed you are going at.
- **Ask the officer when was the last time he calibrated the speedometer of his car** – Most likely he hasn't in a long time. Bring up in your concluding statement that the officer's speedometer may very well have been inaccurate.
- **Ask if the officer has brought with him any paper records from the last time he calibrated his odometer** – Most likely he did not. This brings up more points for you to make that his odometer was inaccurate.

- **Ask if the officer knew that the accuracy of the speedometer is dependent upon the pressure of his tires** – Should be so.
- **Ask him when was the last time he inspected for pressure in his tires** - Most likely he hasn't in a long time. Bring up in your concluding statement that the officer's speedometer may very well have been inaccurate.

### **If the officer used the aircraft determination method:**

- This method's big weakness is that even a short delay in pressing the stopwatch button will result in an incorrect speed reading.

When you get the chance to cross-examine the officer, ask the officer these questions:

- **Ask him to explain to you how he determined your speed from the aircraft** – Basically he uses a stopwatch to see how fast you traveled between 2 highway markers. Follow up with asking him:
- **Ask him what is the distance between the two highway markings** – He will probably not know this information. And if so, bring up in your concluding statement that his estimate of your speed is inaccurate since he never measured the distance between the highway markings
- **Ask him how many vehicles he was monitoring that at that time, if he had kept a log of the vehicles, and if he had caught anyone else speeding** – He

- should at least say that he was monitoring other vehicles at that time. Bring up in your concluding statement how easy it would be, since the officer is busy monitoring many vehicles and keeping log, it is quite possible for him to lose track of the speeding car and mistakenly picked up on yours
- **Ask him if he used a radio to tell the officer in the ground of your license plate number, as well as your car's make and model** – He should answer no to at least 1 of these questions, as it is extremely difficult to tell from so far up above. This again is extremely good to bring up in your concluding statement how easy it would be for the officer on the ground to have lost track of the speeding car and mistakenly picked up on yours
  - **Ask the officer if he can describe to you the other vehicles that were traveling at the same time** – Most likely he will forget by this time. Here you can bring up in your concluding statement that the officer's poor memory coupled with his lack of knowledge of your car's make and model or plate number is representative of how he could have radioed down the wrong speeding vehicle to the officer on the ground.
  - **Ask the officer if he is aware that a mistiming of the stopwatch by even 1 second will vary the resulting recording of the speed of the subject vehicle by 15%?** – He should be aware of this. You can bring up in your concluding statement that the officer was monitoring many different vehicles at the same time and it would be very easy for him to have mistimed the stopwatch. Even a second of mistiming can result in a 15% increase in speed recording result.

## **If the officer used the VASCAR speed determination method:**

**VASCAR** – VASCAR basically works as following. The officer set eyes on your car and uses two virtual markers of distance and time how fast you are able to go from one marker to the other marker, using a stopwatch, to determine your speed. If the officer had used VASCAR to determine your speed, you can then plan your attack mainly on:

- 1. The inaccuracy of the system when the officer's view is more imprecise at your far-away car located at a far-away distance**
- 2. The flawed time of reaction for the officer to press the button when your car bypasses the marker**

VASCAR is not a system that always tells the truth. The main error in VASCAR is that the officer is not in clear view of your car when it is at a far-away distance; therefore he cannot precisely tell exactly when your car passes through the second marker. At times he will have to “guess” at when you passed through the second marker, instead of knowing the exact time. If the distance of your car was not far away, that must also means that the two markers are situated closer together. This leads to the fact that at shorter distances, there is a big prone to mistake. There are states that do not trust the VASCAR system unless it states an overly excessive speed. The following questions are the ones you should use when cross-examining your officer, in order to expose the weakness of the VASCAR system:

**- What is the distance between the two points of reference in which you used to measure the speed of my vehicle?**

**- What was your recorded time that elapsed between my vehicle's passing of the two reference points?** – Here, if he answers is less than 10 seconds, your plan of attack will be #1 - the flawed time of reaction for the officer to press the button when your car bypasses the marker. If he answers 10 seconds or greater, your plan of attack will be #2 - the inaccuracy of the system when the officer's view is more imprecise at your far-away car located at a far-away distance.

Plan of attack 1:

**- Is it possible that the amount of time that was taken for you to press the switches on your VASCAR system to affect the accuracy of the vehicle's speed measurement?**

– If he says no, follow up with:

**- If my vehicle passed the first point of reference and you responded by pressing the switch after my car had passed through the point, would it be true that the recorded amount of time by the VASCAR system would be lower than expected?** – Should be a yes here

**- And would this mean that your recorded speed of the vehicle is inaccurately high?**

Plan of attack #2:

**- How far away were you located to the reference points?** – She will find out that she is located nearer to one point than the other

**- Is it true that when my vehicle passed through the point of reference closest to you, it was easier for you to observe and press the switch?** – Should be a yes here, but if he still refuses, follow up with:

**- Isn't it more difficult to press the switch when the subject vehicle is 100 ft away than when it is 20 ft away?** – You may now repeat the previous question again.

**- Is it then true that if you had miscalculated when my vehicle passed through the farthest point of reference, it would conclude that your measurement of the speed of my vehicle to be inaccurate?**

**- Have you lately participated in any controlled experimentation to examine your ability to moderate when a vehicle bypasses a point of reference hundreds of feet away?** – Almost always no. In the rare case of a yes, ask for documentations of results

**If the officer used the Radar speed determination method:**



**RADAR** – Radar basically works, in short, as a utility which shoots out a beam to your vehicle, which determines your speed. A good website to study how radar works is:

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Read up on it carefully. One of your plans of attack is to test the officer's knowledge of how the radar system works. Surprisingly, many officers, even though knowing how to apply it, do not concretely understand how it works. Your plan of attack will be the following:

- 1. To show the officer's lack of radar system knowledge**
- 2. The error which results from the radar beam at higher distances**

You can also argue your point that weather conditions will affect radar readings. If it was a rainy, windy day, the reading will not be as accurate because these weather effects also give off radar waves that will interfere with the reading. Here are some questions which you can apply when cross-examining your officer:

**- Can you describe to me how your radar's speed-reading system works** – If he fails to explain clearly, bring this up in your concluding statement that the officer has little knowledge of how radar units operate

**- Do you agree that sensitive speed-assessing electronic equipments, such as your radar unit, needs to be calibrated frequently to properly ensure their accuracy?**

**- Did you calibrate your radar unit instantly before and after you claimed to have measured my vehicle's speed?** – If no, bring up in your concluding statement that the reading could very well have been imprecise due to lack of calibration. If the officer did, ask:

**- What method of calibration did you use to calibrate your radar unit?** – Most likely he will tell you that he switched the calibrate button in the system, if so, follow up with:

**- Are you saying that you did not use a tuning fork to calibrate your unit?**

**- Is it true that the manufacturer of these radar units recommend that for precise measurements, a tuning fork must be applied to measure the correct speed, rather than using the system's internal calibration, which at many times can be defective?**

In the case if the officer claims that he did indeed used a tuning fork to calibrate the system, follow up with:

**- When was the last time this tuning fork was used by an independent testing organization for calibration?**

**- Do you have a certificate of accuracy for the tuning fork you used to calibrate the unit?**

**- Has your radar unit ever become defective in any way?** – Probably not, in which case you follow up with:

**- Are you saying this radar unit has never been repaired or checked up on by a shop to ensure it operates properly?** – Probably not, in which case you can bring this point up in your concluding statement that his radar unit may have been faulty.

**- Have you ever acquired a misleading speed reading from aiming the radar unit at another vehicle or windblown-tree?**

**- Can't weather conditions such as wind, dust, and rain cause the radar system to be inaccurate?**

**- Do you have an understanding of what harmonic frequency is?** – Check up on harmonic frequency at \*\*\*

**- Are you conscious of the fact that harmonic frequency of close-by radio transmissions will lead to a faulty reading?**

- Are you conscious of the fact that interference electrical signals from close-by power lines and transformers or any high-voltage-powered electrical devices such as neon lights will lead to a faulty reading?

- When you projected my vehicle's speed, did you first observed my vehicle using your eyes or using the radar? – Most likely he will say with his eyes, so follow up with:

- Are you saying that you were already assuming that my vehicle exceeded the speed limit, even though you haven't yet measured it with the radar? – Bring this up in your concluding statement that the officer was biased after observing your vehicle with her eyes before he ever used the radar to measure the speed.

- Have you lately participated in any controlled experimentation to examine your ability to correctly moderate a vehicle's speed with a radar unit? – Almost always no. In the rare case of a yes, ask for documentations of results

### **If the officer used the Laser speed determination method:**

**LASER** – Laser systems are handheld units which emit a laser beam to your vehicle, and then bounce back to the receiver, and afterwards calculate the speed of the subject vehicle. A good website to study how laser works is:

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Read up on it carefully. One of your plans of attack is to test the officer's knowledge of how the laser system works. Surprisingly, many officers, even though knowing how to apply it, do not concretely understand how it works. Your plan of attack will be the following:

- 1. To show the officer's lack of laser system knowledge**
- 2. The laser unit was not used properly to determine your vehicle's speed**

Here are some questions which you can apply when cross-examining your officer:

**- Can you describe to me how speed-determining laser works?** - If he fails to explain clearly, bring this up in your concluding statement that the officer has little knowledge of how laser units operate, let alone utilize speed-determining laser equipments.

**- Have you read the operating manual for this laser unit?**

**- Do you agree that the laser unit operates by computing the distance between the laser unit to the subject vehicle, applying the speed of light and the amount of time it takes for the reflected beam to arrive back to its original location?** – He should answer yes

- **What distance is covered within 1 second of time?** – He probably will not know, and you can bring up in your concluding statement again that the officer has a lack of laser system knowledge

- **Are you aware that the laser unit discharges three isolated light beams, where each beam is intended to hit a different spot on the subject vehicle?** – He should answer yes

- **Are you aware that to get a precise speed reading, you must aim the laser unit at the same spots on the subject vehicle throughout the entire time?** – He should answer yes

- **Do you agree that if the laser unit is slightly moved over the time it takes to measure the speed of the vehicle, the speed measurement determined will be affected by the distance in which the unit was moved?** – He'll probably agree, and you can bring this up in your concluding statement that the speed reading he recorded may very well have been inaccurate due to the possible movement of the laser unit, which the officer agrees to

- **Are you aware that if one of the beams was reflected off of another vehicle nearby, going at a different speed, the speed result determined by your laser gun will be inaccurate?** – The officer should agree here

**- Do you agree that when a nearby vehicle traveling in my direction passed by my vehicle, one or more of the beams emitted by your laser gun could have hit on the other vehicle?** - The officer should agree. You can bring up in the concluding statement that the speed reading may have been inaccurate. However, if he doesn't agree to this, follow up with:

**- But are you aware that the possibility that the nature of this error can occur is apparent and discussed in the operating manual in which you stated to have read?**

## **OTHER POSSIBLE TRAFFIC VIOLATIONS**

Other guides to beat tickets only cover how to beat speeding tickets. In my guide, you get the whole thing. I will teach you how to argue your way in court with almost any kind of traffic violation. Read on to find out!

### **Failure to stop at a Stop Sign**

This is an offense which states that you must come to a complete stop before a stop sign before continuing. Failure to do so may result in a ticket. In order to prove your case in court, be ready to draw out a diagram of what happened – Where your vehicle was situated, the lanes, the other vehicles, the sign, and the officer's vehicle. There are four good defenses that you can make:

1. **If you had stopped further down the limit line.** – There is a possibility that you had stopped further down the limit line, and the officer wasn't able to see it. It really helps your defense if there is an object in the way of the officer's view. For example, there may be a bush which obstructs the view of the officer to see that you actually stopped before the limit line. What you must do in this situation is go back to the spot of the incident with a camera, and take snapshots of the view in the officer's position, showing that an object was in the way and the officer did not have a clear view to see that you had stopped further down the limit line.
2. **The stop sign was shrouded.** – If the stop sign was difficult to see for any reason, such as being covered up by branches, painted on by kids, bent in a hard-to-see direction, or anything that disallow a clear view of the stop sign will be a good defense to make. Again, take a photograph of the sign with your camera at the position you would be sitting as a driver and bring it to court.
3. **The stop sign was just newly established.** – If the stop sign was just recently installed, you may not have been aware that it was there. What you can do is go to the place of the incident with a notebook and take a recording of the number of vehicles that had to go through that stop sign within 30 minutes to an hour and



record the number of vehicles that went through the sign without stopping, and the number of vehicles that came to a dangerous a stop before realizing the sign was there. Bring your results to court and make your case.

4. **The Limit Line was obscure.** – If you stop too far ahead of the limit line, you can make a defense that the limit line was hard to see. This is usual because these lines fade after a period of time. Again, take your camera and photograph a few pictures of the limit line from a driver's point of view and bring them to court.

## **Failure to stop at a Red Light**

This one is easy to understand. This offense is when you failed to stop at a red light.

Again, it is imperative that you draw out good diagrams of what happened. The two main good defenses that you can make in this sort of case this is as follows:

1. **You had a better view of the stoplight than the officer.** – The only time when the officer has a clear view of the sign is when his patrol car is situated by your side, with no other vehicles in front of his view. If he was not situated right by your side, take a camera and come to the point of incident, where the officer would be sitting at, and take a picture of your stoplight from his view. Show this in court that it is not clear for the officer to see your stop light from his point of view. You can also time to see the time it takes for a yellow light to turn into a red light and ask the officer in court to see if he knew how long it took for the yellow

light to turn red. If he fails to answer correctly, say in your concluding statement that the officer's ability of observation is poor.

2. **The lights were not synchronized.** – There is a possibility that the lights were not properly synchronized. The officer may see a green light and assume that your light has turned red. Or he may see a red light in his view and assumed that your light has turned red also. You can come back to the scene and see if the lights are properly synchronized. When cross-examining the officer, ask him if he had checked to see the lights were properly synchronized when he ticketed you. He most likely did not. In that case you can raise uncertainty whether or not the lights were correctly synchronized.

## **Turning - Failure to reside to the edge of the road.**

This law basically states that when you make a right turn, you must stay as close as practicable to the right hand curb; or when you make a left turn, you must stay to the edge of the left lane. The only good defense you can make is:

1. **You did not stay to the edge of the lane because it was only safe to do so.** For example, if there was a pedestrian, a parked or idle car, or road construction in the way, you can make the claim that it would not be safe for you to stay to the edge of the lane while turning. For example, while turning right, even though you made a very wide right, you stayed as close as practicable to the right as you could because you saw an unsteady elder man getting into his car parked on the side of

the road. This was the only safe behavior to ensure that you avoid all possible collision with the elder man.

## **Turning – Left Turn in Opposition to Oncoming Traffic.**

The times when you can make a left turn is when you're able to do so with sensible safety. When you make a left turn opposing oncoming traffic and the other vehicle had to brake sharply in order to allow you to turn, you may get a ticket from a nearby officer.

The good defenses you can make are:

1. **The other vehicle did not have to brake sharply to avoid any accident.** And if the other vehicle did so, the driver of that vehicle overreacted, as there was not a need to brake sharply to avoid collision. He simply did so from overreaction. Now, the officer will be there to oppose your statement. The judge will be more likely to side with the officer than with you. So what do you need to do to change the judge's opinion? Draw out a good diagram of the situation and apply some mathematics. One car length is generally understood as 16.67 ft. A vehicle of 6 car lengths from yours traveling at 20 mph will allow you 4 seconds to make the turn. Keep in mind that 1 mile per hour = 1.47 ft per second. Bring your report to court.
2. **The driver of the other vehicle signaled you to make the turn.** This is done in ways such as waving, nodding, or any other bodily gesture that signifies the driver is willing to let you make the turn. The officer, however, will be testifying otherwise. However, you can make the claim that the officer is not in the position to see the

other driver as clearly as you do, or the officer may have not focused on the driver to see that he did motioned you to pass through (cross-examine him on this part).

Again, diagram or photograph of the incident showing that at the officer's point of view, he was unable to clearly see the other driver is crucial in this argument.

## **Pulling in Front of another Vehicle Dangerously**

While changing lane, you must give the other vehicle enough space. If the other vehicle has to brake sharply, it would usually mean that you've violated this law. The good defenses that you can make are:

1. **You did indeed give the other driver enough space.** A diagram is a must if you are to present this defense. Also, some mathematics as discussed in the previous section will help as well.
2. **The other vehicle did not have to brake sharply to avoid any accident.** And if the other vehicle did so, it was due to overreaction by the driver, as there was not a need to brake sharply to avoid collision. Some mathematics as discussed in the previous section will help here as well.
3. **The other vehicle did not brake sharply, and no accidents took place.** This means that you did not dangerously pulled in front of another vehicle.
4. **The other vehicle broke the law by going above the speed limit, resulting in a sharp brake.** Here, the blame is put on the other vehicle for exceeding the speed limit rather than you dangerously pulling in front of the vehicle.

5. **The officer did not have a good view of what happened.** This is especially true if the officer was going behind the vehicle that braked sharply. This may have made the officer to brake sharply as well. However, what's also true is that if he is behind that vehicle, he is unable to witness how close you were to collide with the other vehicle. The other driver may have just overreacted and hit the brake too hard. A diagram will be important.

## **Failure to Yield to another Vehicle at a Four-Way Stop Intersection.**

At a Four-Way Stop, you must yield to the vehicle which makes the stop first. You may get ticketed if otherwise. The two main defenses that you can make in this case are:

1. **The other vehicle had rolled through the stop sign, making it appear as if he had stopped, but that was not the case.** The best way to back this up is if you can bring a witness with you to court.
2. **You did make a stop before the other vehicle, although it was a little further below the limit line, which the officer was unable to clearly see.** There is a possibility that you had stopped further down the limit line before the other vehicle, and the officer wasn't able to see it. It really helps your defense if there is an object in the way of the officer's view. For example, there may be a bush which obstructs the view of the officer to see that you actually stopped before the limit line before the other vehicle stopped. What you must do in this situation is

go back to the spot of the incident with a camera, and take snapshots of the view in the officer's position, identifying any object in the way and the officer did not have a clear view to see that you had stopped further down the limit line.

## **Failure to Yield to a Yield Sign**

This basically states that you must yield to the vehicle that has the right of way. There will be yield sign wherever such a location calls for you to yield – all of which will be at intersections of course. If you did not yield to the other vehicle, you may get ticketed by a nearby officer. The main defenses in which you can make are as follows:

1. **The driver of other vehicle unnecessarily sped up as you entered the intersection.** This created an unnecessary dangerous situation that should not have happened otherwise. Believe it or not, some drivers do actually behave this way in such a situation.
2. **The other vehicle seemed to be turning or making a stop,** which justifies your action because you entering the intersection would not have created a dangerous situation for the other vehicle.
3. **After making a full stop, you properly entered the intersection before the other vehicle came up to you and made a sharp brake because of his slow reaction.** Again, this puts the blame upon the other driver – which is the main point of argument you want to make.

## **Failure to Yield to a Pedestrian**

This one is simple to understand. You are required to yield to a pedestrian who is in a crosswalk. If you did not, you may receive a ticket and the good defense in which you can make is as follows:

1. **The pedestrian seemed to have stood in the crosswalk, and not moving.** If this is the case, you can also claim that the pedestrian had signaled you to go first. You can also make the claim that the officer is not in the position to see the pedestrian as clearly as you do. A diagram of the incident is important.

## **Driving too Slowly**

Not only can you be ticketed for driving too fast, you can also be ticketed for driving too slowly. If you drive slowly on a highway, you should stay on the right lane of the road. If you drive slower than the flow of traffic, you may get ticketed by a nearby officer. The good defenses in which you can make are as follows:

1. **You were preparing your vehicle to make a turn, which required you to slow down.** Make a diagram, detailing where you were preparing to turn to, and bring it to court.

2. (If on a highway) **You temporarily changed to the left lane in order to pass slower traffic in the right lane, and you are arranging to come back to the slow moving right lane as soon as it was safe to do so.**
3. **Even though your vehicle was traveling at a speed much slower than the posted limit, it was a safe speed considering the conditions of the road at that time.** This is true if you were driving at nighttime, or if the weather was foggy, windy, rainy, or snowy, or any other hazardous conditions, or a combination of two or more of such dangerous conditions.
4. **It was not safe to go at a faster speed.** This is an argument you can make if there are special circumstances that required you to go slow. For example, if the road was rough, then you can make the argument that it would be unsafe to go at a faster speed. It's important for you to take photographs of the road if you are to make this argument. Another special circumstance that would make it to be unsafe to drive at a faster speed would be if you were carrying highly fragile items in your vehicle.

## **Tailgating**

Driving too closely in the rear of another vehicle is dangerous. You may get ticketed for doing so. The best defense you can make is:



1. **The tailgating was only momentary until you had time to adjust.** The best argument you can make is if the vehicle in front of you all of a sudden slowed down for with obvious reasoning. This resulted in your vehicle closing up on the vehicle in front, making it seemed as if you were tailgating. However, this was only momentarily as you adjusted to the new speed of the other vehicle until you can lengthen the distance gap. And before you had the time to do so, you were ticketed by the officer.

## **Driving with an Open Container**

This is a serious offense. You will probably not be able to completely get away with this offense. However, there are ways to reduce the penalty. The defenses in which you can make in this case are:

1. **If your passenger opened the container without your knowledge.** You and a few friends are traveling with unopened beer bottles in the car. Without your knowledge your friend reached and opened one of the bottles. You can claim here that you had no cause to know that your friend committed such a foolish action. It would help you out tremendously if your friend can come to court and admit his behavior.
2. **If the opened bottle was put the vehicle without your knowledge.** For example if you had borrowed the vehicle from another person with an opened bottle that

wasn't within your view, you can argue that you had no cause to know that there was an opened bottle in the vehicle.

**Tip – If all fails, get the judge to sympathize.** If you go through all the troubles and still are found as guilty, it will help to state any stories that will get the judge to sympathize with you so he will reduce the amount of fine on your ticket. For example, if you let the judge know that (if it's true) you're a single parent of 5 kids with a low income job, he will probably reduce the fine of your ticket for you.

I sincerely hope that you have enjoyed my guide on how to fight your traffic ticket in court.

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