

BUSTED

Proven Tips to Avoid and Fight Speeding Tickets

By Jeff Mulligan



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by Jeff Mulligan. For detailed information on fighting your speeding ticket in court, visit <http://www.BeatMySpeedingTicket.com>

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Introduction

Hi:

My name is Jeff Mulligan and I own BeatMySpeedingTicket.com and developed this ebook to help people learn more about avoiding, fighting and beating speeding tickets.

First, I have to admit that I frequently drive over the speed limit, just like the vast majority of Americans. My cars are relatively new, and very safe. I don't drive drunk and only race on a track, not the road. In other words, I don't feel that I'm an unsafe driver. I bet you feel like you're a safe driver, too.

So why do I worry about getting speeding tickets? Because these days, it isn't about safety. It's about revenue. Revenue for the government. And even more revenue for the insurance companies. Over 115,000 speeding tickets are issued each day! It's a multi-billion dollar business prodded by municipalities and insurance companies.

A speeding ticket can easily end up costing over \$1,000 between fines and insurance surcharges. And the "point" system can put your license in jeopardy if you happen to be unlucky and get caught a few times.

The more I thought about this, the more I wanted to do something about it. I just don't think this system is fair. Safe drivers are being penalized for driving a perfectly legitimate speed in a safe manner.

BeatMySpeedingTicket.com was my answer. This web site, the *Case Dismissed* ebook and the free **BUSTED** ebook you are reading now are all designed to educate drivers like you on how to fight and beat this unfair taxation.

To gather this information, I've spent a considerable amount of time and money. I've bought and read numerous books and manuals on speeding tickets. I've interviewed attorneys and state troopers. I've spent way too many late nights in front of the computer doing internet research.

After reading **BUSTED**, you will be less likely to get a speeding ticket. If you do get caught, you will know what to do and, just as important, what not to do.

Finally, if you are currently charged with speeding right now, or if you do get a ticket, you have a more immediate question. Fight or pay?

If you have decided to fight, and I sincerely hope you have, you may want to review the material at www.BeatMySpeedingTicket.com. This is the best way I have been able to find to reliably beat speeding tickets. It features a "layered" defense based not on stupid excuses or gimmicks, but on legal precedent and the facts of law.

Sincerely,



Jeff Mulligan

BeatMySpeedingTicket.com

Tips to Avoid a Speeding Ticket

Following are some tips on avoiding a speeding ticket. You might want to print this ebook out and review it a couple of times. It is good info. I follow these strategies myself, and for the most part have managed to escape being ticketed. I won't even bother to say, "Don't exceed the speed limit". That's because, in many cases, driving the speed limit is actually less safe than exceeding it.

How many times have you been on the highway cruising along at 10 – 15mph over the speed limit, just keeping up with the other traffic? Can you imagine slowing down to obey the speed limit? You'd create a safety hazard as everyone tried to pass you, and road rage when they did.

Here are some proven tips that can help you escape the speeding ticket "revenue machine".

Pick your Speed

One of the most important things you can do is consciously pick the speed at which you want to travel and stick to it. This speed should be based on your feeling of safety, the road conditions, and what the other traffic is doing.

The rule of thumb seems to be that most troopers will "allow" 7 – 10 mph over the limit on a highway. 15mph and over is dangerous because in many states that's a different level of offense with higher fines and higher insurance surcharges. If you are going more than 15 mph over, you need to be hyper-aware of potential traps.

Like every rule of thumb, there are variables like weather, the other traffic, how you were driving, etc.

In non-highway environments, you don't need me to tell you that these roads can be ripe for speed traps. We all know roads with 25 mph speed limits that everyone goes 40 on.

Tools you can use

The radar detector. There are two schools of thought. One says you're nuts if you don't use one. The other says that if you get caught with one, you will definitely get a ticket.

That happened to me. (It was one of the factors that made me take on this project.) I was pulled over and the first thing the cop said was, "I see you have a radar detector. Do you speed frequently?" I can tell you, there isn't much of a good answer to that.

So will I still use a radar detector? You bet. Because it's saved me too many times to stop using one. But here are a few strategies to consider.

First, get a good detector. There are a number of sites on the net that rate and review them. Valentine One and Passport 8500 are frequently reviewed with high marks. One of the keys to a good detector is the capability to filter out false alarms.

Second, consider a remote radar detector. These units separate the antenna from the controls and speaker so that you can hide them. The antenna is hidden behind the grill and the control unit is typically under the dash or someplace else out of the way so that a cop can't see it when you drive by or when he pulls you over.

I bought a good remote radar detector for my sports car and I'm glad I have it every day. It is a Passport SR-1 and it detects all types of radar as well as laser, although I've never heard the laser go off.

The other strategy is to mount the detector for fast removal, and put it in front of you so you can get to it without being obvious. If you get pulled over despite your detector, quickly remove it, plug the cigarette lighter back in, and wipe off the suction cup marks.

If you are driving in a lot of traffic, you might want to simply remove your radar detector anyway as it won't help. In that situation, it's more likely you will get bagged by an unmarked car who is pacing you.

By the way, my *Case Dismissed* ebook has a particularly devastating defense against the unmarked car. If that's what got you, check it out at <http://www.BeatMySpeedingTicket.com>.

Use a blocker

This technique is one of the best, and quite simple. Just wait until a faster car goes by, then follow him from a distance. Enjoy the fact that he is up ahead there, flushing out the police and warning you with his brake lights.

This works especially well with sports cars and trucks as blockers. Sports cars are cop magnets (I should know) and trucks can do a lot of blocking. Plus, trucks have other advantages we'll talk about later.

Watch the oncoming traffic

Sometimes you get lucky and a kind-hearted motorist coming the other way will warn you about speed traps ahead. There are a couple of standard warnings: the headlight blinking and “the wave”.

Only a small percentage of people will warn others, so this isn't a reliable method. But you should always be looking for it. It has saved me many times. Do you warn oncoming motorists when you see a trap?

Watch the traffic ahead

What you are looking for here is the sudden application of brake lights for no apparent reason. To be effective, you've got to look considerably farther ahead than you are used to doing. Take frequent glances ahead, especially on highways when the cars ahead of you are rounding a corner, passing a bridge or hiding place in the median or cresting a hill. That's where the traps are, and almost everyone instinctively hits their brakes when they see a cop, even if they aren't speeding. This is a simple matter of increasing your awareness and can be hugely effective.

Beware the median strip

The area between the two lanes of a highway is where you will often see police waiting for speeders. One great tactic here is to think like a cop. Where would you hide? The U-turn roads that are typically marked for “authorized vehicles only” are frequent lairs for cops in waiting. So always beware of those areas. If you are coming up to one and you don't have a blocker or traffic that could warn you with their brake lights, it is best to slow down. Cops also love to take cover in the median as you crest a hill or round a corner.

Bridge abutments can provide good cover as well.

Use your mirrors

A significant percentage of people are caught by police cars sneaking up on them from behind. As the use of unmarked cars grows, this method becomes more popular. What can you do? Use your mirrors more. Frequent quick glances can alert you to a suspicious vehicle that may be approaching you from the rear.

Unmarked cars can be tough to spot, especially since police in many states are using non-traditional vehicles. I have personally seen Camaros, Mustangs and SUVs used as unmarked police cars. Be aware of what is behind you, and beside you.

Look at on ramps as you pass them. You may be able to spot a police car about to enter the highway you are on.

Motorcycle cops

These can be particularly tough to spot, as the motorcycle is so much smaller. Your best defense here is awareness, blocking and watching the traffic ahead.

Follow that Truck!

Following trucks, especially using them as blockers, is a great strategy; particularly on the open road. Why? Trucks almost always have CB radios and they pay a lot of attention to avoiding tickets since it is their livelihood. Plus, they have a better view up there! Just don't follow them too closely, they hate that and it isn't safe. If you have a CB, you can use that as well. There are cheap radios available from electronics stores that are no bigger than a walkie talkie and can provide you with warnings if you monitor Channel 19.

Summary

Granted, none of these tactics are rocket science. Most are just plain common sense. The point is to think about them all together as a strategy. This will make you more aware of the potential traps out there, and greatly decrease your chances of being caught speeding.

A nice side benefit of these techniques is that most actually make you a safer driver. Looking further ahead on the road is something most driving instructors preach, and something most drivers do not do. Racing instructors call it, "Keeping your eyes high".

And now, a word from our sponsor: Sometimes, despite your best efforts, you will still get caught. In the next chapter, we'll cover what you should do if you get pulled over.

If You Get a Ticket – What to do, What not to do

If you are like 115,000 drivers per day, you have felt that sinking feeling in the pit of your stomach as you realize that siren or those lights are for you and that you are being pulled over.

What should you do? What do you say to the officer? Does it really matter? Should you have an excuse? This is what we'll cover in this chapter.

First, Try the Wave

Most people, when they realize that a cop may have taken notice of their speeding, will look straight ahead and ignore the cop. This is the wrong strategy. The better idea is to catch the cop's eye and give him a slight wave, as if to say, "I just noticed and I'll slow down now". This is exactly what an off-duty cop would do. You should immediately slow down to the speed limit. And saying a couple of prayers during the brief period as the cop is deciding whether to pull you over or not couldn't hurt.

What should you do?

If you are getting pulled over, your objective is to get a warning and not a ticket. The officer has a lot of leeway on which one he gives you. So you want to take any action you can to encourage him to give you a warning and not a ticket.

First, if you are caught, immediately put on your blinker and look for a safe place to pull over. Each year officers are killed on roadsides during traffic stops, and this is something they are continually trained and drilled on. You can help put the officer at ease by pulling far over in a spot where there is room for him to get out of harm's way.

Once you have pulled over, put your car in park, stop the engine, turn off the radio, take off your sunglasses (It's his prerogative to try to intimidate you) and put both hands on the steering wheel.

Do not look for your license or registration. For all the officer knows, you are reaching for a gun. And they hate that. You don't want him edgy. You want him to know that you are no threat to harm him or attempt a getaway.

If it is night, put on your interior lights so he can see you have nothing to hide. Don't let anyone else in your car say anything.

What should you say?

Well let's start off with what not to say. There are those who claim you should apologize profusely to the officer for speeding in the hopes he will let you go. In fact, what you have just done is convict yourself and eliminated the chance of an effective court challenge. Don't say you are sorry. Don't ever admit to speeding.

In many cases, the first thing a cop will say to you is, "Do you know why I pulled you over?" The best answer to this is, "No officer, I thought I was driving safely."

This does two things. It sounds good in court should it come up. And it shows the officer you were concerned with safety and thinking about it. (of course, I'm presuming you weren't doing 115 mph, in which case there's not much help for you – you are getting the ticket.)

If the officer is in a lecture delivery mood today, be his attentive audience. Don't argue. Don't debate. Don't threaten or ask for his badge number. Don't give him some lame excuse. You want to be as innocuous and un-memorable as possible. That will help you in court when you challenge. Take your ticket, thank the officer politely, and pull out safely.

What excuses work?

Not many. The Bathroom Emergency can work sometimes, especially with a child. But only if it's true and/or your kid is a gifted actor. It's not much to rely on. The problem with excuses is, they are very tough to use without also admitting that you were going fast. And that will hurt you in court.

The better strategy, at least if you have *Case Dismissed*, is to be quiet and unmemorable, then challenge in court. Your odds of beating a ticket in court are actually far better than talking your way out of a ticket at roadside. And in doing the talking, you are more likely to hurt your case and give the cop more to remember when he has to testify.

Summary

There are two strategies we recommend when you are pulled over. The first is to act in a non-threatening manner in the hopes that, if you are a marginal case, you will get a warning and not a ticket.

The second is to do nothing that will help the cop remember you. The less you say, the better. Quietly take your ticket and plan your defense.

Speaking of which, I'd be remiss if I didn't mention that your best chance of beating your speeding ticket lies in the courtroom-proven tactics found in *Case Dismissed*. The case against you will be based on evidence. Even if you have

made some mistakes and perhaps admitted that you were speeding, *Case Dismissed* can still help you prevail.

If you are already holding a ticket, get *Case Dismissed* and read through it. I guarantee it will open your eyes with the logic of its approach, the research behind it, and the deadly effectiveness of its strategies. See <http://www.BeatMySpeedingTicket.com> for more information.

Should You Fight Your Ticket?

Let's say that despite your best efforts at being aware and saying and doing the right things that we talked about earlier, you find yourself with a speeding ticket.

You have two choices: Pay the fine, or fight. Which do you do?

Well, if you are like most people, you will just pay the fine. I'm here to encourage you to exercise your legal rights to fight that ticket in court.

Let's look at a simple cost/benefit analysis.

First, what are the costs of accepting the ticket?

Fill in with your best estimates from your own situation:

Fine.....\$
Insurance surcharge, Year 1..... ..\$
Insurance surcharge, Year 2..... ..\$
Insurance surcharge, Year 3..... ..\$

Intangibles:

Cost of points on your license?

Potential danger of losing your license?

Second, what are the costs of fighting the ticket?

Case Dismissed\$39.97

(OK – that's just what we recommend because it's our product, you don't have to buy any information. We just think it's a good idea to have *some* legal strategy.)

Intangibles:

Your time preparing and in court.....\$

Bottom line: It costs a lot more to pay.

And even if you are wealthy, too many points and you lose your license.

Odds of Winning

Interesting fact: The National Motorist Association estimates that over 50% of people who fight their tickets win. And the majority of those who do not have their charges dropped get them reduced or bargained down. Think about that for a moment. If you simply contest your ticket and show up in court, your chances are 50/50 of walking away with no ticket.

Personally, if I am going to take the time off from work to go to court, I'm going to put the odds on my side as much as possible. Which means getting the best information I can find. In fact, that information is exactly what you'll get in *Case Dismissed*.

Interesting sideline: If you are fighting your speeding ticket and you are hiring an attorney, you should still get *Case Dismissed*. Because while the best traffic ticket lawyers will use these tactics, most don't even know about them. Plus, *Case Dismissed* comes with the relevant case law and precedents. Your lawyer will likely charge you by the hour to look up the stuff you can hand him if you have *Case Dismissed*.

What? You say... How come attorneys don't know this stuff? After 4 years of law school??

Well I've got news for you. Defending traffic tickets isn't exactly the most prestigious of case work. They can't make any real money on it and even if they could, traffic is often considered the dregs of law work. You might get an excellent attorney, but how much time are they going to spend researching your case? Have they studied all the precedents? Do they know the legal basis for all the foundation of evidence necessary for each method of speeding measurement?

Fact is, a knowledgeable attorney who enjoys traffic ticket defense and is good at it is a rare individual. In most cases, you are better off fighting the ticket yourself. Why?

You have a very good chance of beating a speeding ticket without a lawyer and the associated expense if you are prepared. And you will be if you get *Case Dismissed*. You will have, at your fingertips, the most effective defense techniques for each method the police use: radar, laser, plane, photo radar, paced by a marked or unmarked police car.

You will have the appropriate case law, printed out and ready to hand to the prosecution and judge. You will have the proper questions laid out before you. By the way, it is perfectly OK to read from notes during your trial. So there's nothing wrong with printing out the questions in *Case Dismissed* and bringing them along.

Further, you will have the confidence of understanding the strategy you are about to use and knowing why it will work. Although *Case Dismissed* is based on legal precedent, and edited by an attorney, it is written for normal people like you and me. People who haven't got 4 years of law school under their belt. People who don't usually get any closer to a courtroom than some TV show.

What to Plead

When you've got a ticket, you can either plead guilty and send in your money (Boooo). Or you can plead Nolo Contendre and send in your money (Boooo). Or you can plead not guilty and get a court date. That is what you should do if you want to beat your ticket.

You need to read your ticket carefully if you are going to plead not guilty. There may be instructions on what you need to do if you want the officer to show up. States vary. There is much more information about this in *Case Dismissed*.

Remember: The costs for getting a speeding ticket don't stop at the fine. In fact they are only starting. Once you figure in insurance surcharges for several years, along with the points added to your license, it becomes a very expensive proposition. In May of 2002, CNN/Money Magazine Online stated that the average cost of a speeding ticket nationwide was \$450. Ouch.

Ticket Defense Myths – Have You Heard These?

This chapter will outline some of the common myths you may have heard about speeding tickets; excuses, defenses and tactics.

Quite frankly, I had heard many of these myself even before I researched this field. But after spending hours and hours combing the web, I think I've seen just about all of them.

I used to think some of them would work. Now, I don't think so. Most of these myths are based on urban legend, or simply flawed logic. Now don't get me wrong. I bet all of them have worked at some point or another.

They just aren't reliable. And your ticket, fine and surcharge are too important to leave it to chance. The only reliable way to beat a speeding ticket is to use the law. That's what we preach in *Case Dismissed*. The entire book is based on the facts of law, the rules of evidence and its foundation, and legal precedent.

After you read through these myths and think about how they are debunked, you'll probably agree that the legal strategy makes the most sense in the vast majority of circumstances.

Myth 1: Move the trial date to the officer's day off or vacation.

Many of the books and web pages out there advocate this as a strategy. It is obviously not a reliable strategy because it rests on a factor you can't control: Whether you can do it successfully.

First of all, it isn't easy to find out when to move the date. And the prosecution will have some say into the rescheduled date.

Second, if you are successful in moving the date and the officer doesn't show up, the prosecution will request a new date. And the judge will most likely grant it because you got to move the date, so it is only fair to give them one chance, too.

Now you've put yourself in the situation of having yet another date at which you really must show up. You've used up your chance to move it. If you end up having some type of emergency on the new court date and you can't make it, you just lost.

I've heard many estimates of how often the officer actually shows up on the first scheduled date. I've read it is only 20% of the time. I've also read it is 80% of the time. Fact is, it varies and the only number that matters is the one time it is your turn.

Important: If you show up and the officer doesn't, the prosecution will ask for a new date. He will ask for it very quickly and it will be granted unless you know what to look for and stop it by using the right tactic. (We give you this information in *Case Dismissed*.)

Myth 2: Have a tape recorder and camera in your car to record the officer and photograph the scene.

The only thing this will do is tip off the officer that you are going to be a "problem". He figures you are doing this because you want to challenge him in court. So what does he do? First – he will write you up for the worst offense he can legitimately document. You will get no break on the speed you went, etc.

Second, he will be sure to take detailed notes and follow every procedure to the letter of the law. This can only hurt you in court. Part of the strategy in *Case Dismissed* is to blend in with the crowd and not call attention to yourself until you start actually defending your case. You do not want to tip off the officer or prosecution about your intentions. That will only increase their level of preparedness.

Myth 3: Examine your ticket to find mistakes.

There are fatal flaws and there are honest mistakes. You won't get off for a mistake. This may include calling your car a different color, a different description of the weather, etc. A fatal flaw, like the completely wrong make, model and color of the car is grounds for dismissal of your ticket. Or if you are mis-identified. (Since the officer saw your license, this isn't too likely.) But these fatal flaws are extremely rare. Sure, you should check. But don't count on a minor mistake getting you off.

Myth 4: Check the radar gun to see if it is approved and working properly

This one is a joke. In no jurisdiction does the officer have to let you see his radar equipment. So not only are you tipping him off and becoming a "problem" (see #1 above), but you will get nowhere with the strategy. Plus, of course the gun is approved. And of course it is working. Even if it isn't, the officer won't be able to tell the difference and will swear it is working correctly.

Note: *Case Dismissed* will tell you how to destroy the credibility of the radar gun no matter what make or model it is. This is crucial to your successful defense.

Myth 5: Do detailed technical discovery on the circumstances of your arrest

This strategy advocates that you become an expert on the technical operation and theory behind the radar gun. Many even suggest getting an expert witness. Armed with this, you can mount a plausible defense by asserting that the officer may not have had a clear shot of your car, that there could have been interference, and that his signal may have been off, that rain or humidity or other traffic was a factor.

None of this will matter. The officer will swear he had a clear, unobstructed shot and the judge will believe him. So you've paid thousands for an accredited expert witness, or spent hours and hours researching radar or laser, for nothing. Lasers and radars are accepted. The officers are trained and will testify that they are trained (no matter how much they were paying attention in class). You will lose this defense.

Myth 6: The "Going with the Flow" defense

Some states have a law on the books which says something to the effect that if you slowed down to the legal limit, AND it would be a clear and present danger to your safety, it is OK to speed. This has become a legendary defense.

With this strategy, you are urged to testify that you were going the same speed as everyone else. And that if you slowed down, the rest of the traffic would plow through you. Or you were being chased, or tailgated, or threatened by some road-rage maniac.

The only way this is going to work is if the officer will testify to the maniac or the tailgater. But if he saw that, he would have pulled over the other guy.

Judges hear this all the time and they don't fall for it unless you've got smoking gun evidence. Do you?

Myth 7: Get the "I Support the Police Chiefs" sticker and proudly display it.

Doesn't work. Never did. Do you really think the officer will let himself be bought off for a \$5 bumper sticker. In fact, many think these are actually an insult to the police since displaying them for this purpose is really the only reason they exist.

Myth 8: Have a great excuse ready

"You are poor. You have to go to the bathroom. You are late for a very important meeting. You are up past curfew and your mother is going to ground you."

There are literally books you can buy filled with excuses to use. The book may be a great laugh, but it isn't a ticket defense strategy. It's entertainment.

Any one of these may have worked for someone. But none is reliable and many will simply irritate the officer. As we mentioned in one of the earlier emails, the less you say, the better.

Myth 9: The officer took a reading on the wrong vehicle

This is a common defense myth in which you claim that there was an 18 wheeler behind you who was going fast and the radar gun actually took his reading. You have two eye witnesses that there was a truck. Guess what. This defense doesn't work because the officer will simply testify that he took the correct reading. He may even testify that he also saw the truck, but that it was far away enough that he was certain that the radar reading was for you. Besides, in his expert opinion, he could visually estimate your speed anyway.

Here's a sample transcript of this played out in court as you are cross examining the officer:

You: Officer Stone, did you also observe an 18 wheel truck on the same highway, going in the same direction as I was?

Stone: Yes.

You: Is it possible that your radar gun was actually timing that truck?

Stone: No.

You: It isn't possible?

Stone: No. I have trained with this unit and know exactly how to operate it. The truck was not a factor.

You: Are you 100% certain that there isn't a slight possibility that my speed was confused with the truck?

Judge: He said, "No". Next question.

You (stammering and wondering what good your witnesses are going to do):
Blah Blah Blah

Myth 10: Discredit the officer on the stand

Some people actually advocate this. They'll give you a list of questions to ask the officer such as his performance reviews, complaints against him, how many speeding tickets he wrote last month, etc.

This will succeed in getting the judge and the police angry at you. It will also immediately be ruled irrelevant.

Myth 11: Plead Guilty or Nolo Contendre (No Contest) and beg for mercy

What a waste of time in court. If you plead guilty, you have to pay the fine you've got. The judge can't change the law and if you plead guilty, you just admitted to the speed. If you are planning on doing this, save your time and simply mail in your money.

Myth 12: The wide radar beam defense

Does a radar beam get wider as it gets further away from the gun? Yes. Does this mean it could possibly have gotten another car? Yes. Then why doesn't this defense work? Because the officer will say he got you. He knows how to operate the gun and he got you, not anybody else.

He will be believed and it will be your word against his. You lose. This has been tried many times. It doesn't work. If it really worked, radar guns in general wouldn't be relied upon. Plus the officer will make whatever claim he needs to in order to convict you.

Bottom line on this and any other defense where you try to get the cop to admit something in your favor: They don't work. If necessary, the cop will lie and he will be believed whenever it is your word (or the word of your witnesses) against his.

Myth 13: Pay extra on the fine. The state can't convict you until the paperwork is straightened out.

This is a relatively new myth making the urban legend rounds. The idea sounds plausible. But you never actually hear of it working from the person. It's always a reliable source, a friend of a friend, or some web page.

Two problems: As soon as you are found guilty, that is entered into the state's record. Then the insurance company is notified and you start getting surcharges. The court records or the insurance companies don't give a hoot how much you paid – that's another department. Don't give your state credit for having their different IT systems that organized. Or for even caring if you overpaid the fine.

So there you have it. 13 myths of ticket defense. How many have you heard before?

Some of these might still work occasionally. But none are a reliable defense. To beat a speeding ticket, you've got to beat the evidence, You are being charged with going a specific speed. You must show that the prosecution cannot prove that speed is true. And this is exactly what *Case Dismissed* helps you do.

Check it out at <http://www.BeatMySpeedingTicket.com>

Actual Trial Transcript

This is a transcript of an actual trial where the defendant was well prepared with the strategies found in *Case Dismissed*. The defendant was the daughter of the original author of the information on which *Case Dismissed* is based. She is a registered nurse with no legal experience whatsoever.

IN THE MUNICIPAL COURT OF WEBSTER GROVES MISSOURI, THIRD CIRCUIT, ST. LOUIS
COUNTY

CASE NUMBER: 24-99-8736J

Hearing Date: June 3, 2001

Defendant. (Blank)

Reported by: Peter Knap: Court Reporter

Trial Judge: Hon. Fredric M. Potts

COUNSEL OF RECORD: Adam P. Fornbe Esq.

For the Defendant: Pro Se

The Municipal Court calls Sergeant Francis Jones as witness, having been previously duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. Fornbe

Q Officer, Please state your name and spell your last name for the record.

A Sergeant Francis Jones, J O N E S

Q How are you employed, sir?

A By the City of Webster Groves Police department.

Q On 03/11 of 2001 did you issue a speeding Citation No. 42-2687-9696 ?

A Yes, I did.

Q To whom did you issue that Citation?

A To the Lady at the Defense table Mrs. (name-blank)

Q Why did you issue her a Citation?

A On the date of the violation, March 3, 2001, on or about 11 AM, I was driving along Big Bend Blvd. when I had occasion to observe a Blue Toyota Four Runner enter the street from the right and proceed at what appeared to be a great rate of speed. I followed the defendant for several blocks and noted the speed at 46 MPH. the speed limit on Big Bend Blvd is 25 MPH.

Q And how is it that you ascertained this speed, using which device?

A The speedometer on the Police car that I was driving.

Q To your knowledge was that speedometer functioning properly and recording accurately on the day and at the time of the arrest?

A Yes

Q If the speedometer should fail or not read accurately, are there any indications that such may be the situation?

A Yes, the speedometer would start fluctuating, stick or go to zero if it failed.

Q On the date of the arrest, before and within a reasonable time after the arrest did you observe any such failure indications on your speedometer?

A No.

Q Did Mrs. (name blank) say anything at her arrest that may be noteworthy to bring to the court's attention?

A. She said that she knew she was going fast and did not realize she was going 46 MPH

THE COURT: Without objection the statement is Admitted .

Mr. Fornbe: I have no further Questions.

THE COURT: Mrs. (name blank) You may take the stand or ask questions if you wish.

THE DEFENDANT: Yes. Sergeant Fornbe, do you have any formal training in either speedometer repair or calibration?

A: No.

THE DEFENDANT: Does your police department regularly check and certify the speedometers used on the departments police cars?

A: I am certain that they do.

THE DEFENDANT:: Do you have any direct knowledge as to that fact?

A: No, but I am certain that the department does do these checks.

THE DEFENDANT: Sergeant Fornbe, then please present to the court a certification from such a facility as to the last time the speedometer on the car you used that day was calibrated and certified?

PROSECUTOR: The witness has testified as to the accuracy of the speedometer

THE DEFENDANT: Your honor the witness has testified that he has no formal training in either speedometer repair or calibration and as such can not testify as to the accuracy of the Speedometer.

THE COURT: Sergeant Fornbe, do you have such documentation as requested by the defense?

A: I am certain that we do, the police department is in the basement of this court house, we have our records there.

PROSECUTOR: Your Honor, had the witness wanted such records she should have requested them prior to trial.

DEFENDANT: Your Honor, it is not the function of the defense to present foundation as to the prosecutions evidence.

PROSECUTOR: Your Honor, I notice the Defendant reading from material, copies of which have not been made available to the Prosecution. I request the court order the Defense to make available for review the papers from which she is reading?

DEFENDANT: Your Honor, these are my trial notes and I object to turning over to the prosecution my notes. they are not presented as evidence and contain my defense strategy.

THE COURT: Motion denied,

DEFENDANT: Does this mean I have to turn over my notes to the prosecution your honor?

THE COURT: No, it means the prosecution at present has no right to see your notes. However you may show them to him if you so wish.

PROSECUTOR: Your Honor the prosecution requests this trial be continued next week in order for the Prosecution to find the paperwork requested by the defense?

DEFENDANT: I object your honor, the trial is today and if the prosecution failed to bring documents necessary for foundation the prosecution should move on without them.

PROSECUTOR: Your Honor, may we have thirty minuets to search for them in the police station?

THE COURT: Are you asking the court to take a thirty minute recess. We have twenty people here waiting for their trial. Sergeant Jones, do you believe you can find the requested paperwork in thirty minutes?

A: I don't know your Honor, I don't even know if we have them here or if they are located somewhere else.

THE COURT: Motion denied, please continue.

DEFENDANT: The defense motions for dismissal as the prosecution has failed to prove to a legal degree of certainty that the measuring device used was accurate and functioning properly at the time of the arrest.

PROSECUTION: Your Honor, the defendant admitted to speeding to the officer at the time of the arrest.

DEFENDANT: Your Honor, the defendant is charged with traveling at 46 mph, something the prosecution has failed to prove.

THE COURT: *Case Dismissed*, Please call the next case Mrs. Cleary

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Hopefully, you found some good ideas in BUSTED that will help you avoid getting a speeding ticket. And now you know more about what to say and do to maximize the chance of getting off with a warning instead of a ticket if you are pulled over.

You are also aware that many of the excuses you may have heard about are largely ineffective. Certainly, they are nothing to base your ticket avoidance strategy on.

Finally, you are now aware of our other book, *Case Dismissed*. If you do have a speeding ticket, or want to be prepared if you happen to get one, *Case Dismissed* provides the most effective legal strategy to have your charges dropped in court.

For information on the exact techniques and legal strategies you can use to maximize your odds of beating your ticket, visit our web site at:
<http://www.BeatMySpeedingTicket.com>