



DC Paralegal Services

1-888-NOT-X-COP
Available 24 hours / day

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Speeding Tickets - Why Fight Them?

For many drivers in Ontario, the only brush with the law the driver may have, is receiving a speeding ticket. Many people who are charged with speeding under section 128 of the Ontario Highway Traffic Act(H.T.A.), will choose option one, plead guilty, and pay the fine on the front of the ticket. This can be a costly mistake.

Almost every traffic ticket is worth challenging. The fine is only the beginning. Most insurance companies view a 1 km/h over the limit speeding conviction as a minor offence and will increase your insurance rates. With more severe speeds there are demerit points assigned upon conviction. Accumulate too many demerit points and you may find yourself without a driver's licence.

A charge under section 172 of the H.T.A. for Racing or Stunt driving, also has severe penalties. This charge is now given to those who are caught speeding 50 km/h or more over the speed limit. The charge carries a mandatory 7-day suspension of the driver's licence and also carries a 7-day vehicle impoundment. The minimum fine for a conviction of the offence is \$2000, up to a maximum of \$10,000 and can even carry a driver's licence suspension for a first offence.

At the very least you should challenge the offence as charged. You will want to request a trial and indicate that you wish to challenge the officer's evidence. If you plan on fighting a ticket you should consider talking to a professional. By seeking expert advice, you may be made aware of possible defences to your charge that otherwise, you would not have known were available. For example, there are certain requirements that an officer must meet when completing an offence notice, and if certain errors are made, the charge could be "quashed", meaning there would not be a conviction on a person's driving record.

A licenced paralegal has the education and experience required to provide legal services which includes providing representation at Provincial Offences Act (P.O.A.) court, which is the court that deals with most traffic related offences. If you hire a paralegal, in most cases, you will not be required to attend court. The paralegal is able to speak and act for you, and in many cases has a working relationship with the prosecutors office. After carefully reviewing the facts of your case, both information provided by the client, and information from the police service found in the disclosure package, the paralegal will determine which approach would be the best defence strategy.

Once the paralegal and client decide how they wish to proceed the paralegal vigorously argues for the best possible outcome. In some situations, negotiations may fail, due to the severity of the offence, or the driver's previous record. If that occurs, a trial may be an option, forcing the crown's office to prove all elements of the offence. In other cases, if there is a lot of evidence that will be given that will likely result in a conviction, pleading guilty in an effort to minimize the penalty may be the best option. A licenced paralegal who handles traffic matters would be able to advise you on the best course of action.

David Chatten is licenced by the Law Society of Upper Canada to provide legal services. He owns and works out of D.C. Paralegal Services head office in Belleville, Ontario.

D.C. Paralegal Services has licenced paralegals across Ontario that specialize in providing defences for those people who find themselves facing traffic related charges. D.C. Paralegal Service's traffic experts can be contacted 24/7 by calling 1-888-NOT-X-COP (1-888-668-9267) or by visiting our website at www.IHaveATicket.com.