



## Cited Driver Rails at 'Ticket-Me-Intersection'

**Road Warrior D'VAL WESTPHAL Of the Journal**

**STUNG AT CARLISLE AND MONTGOMERY:** Karlene Spivak asks if "anyone else objects to the latest APD scam?"

She says she drove through the Carlisle/Montgomery intersection, where she was cited \$54 for turning left on a no left-turn sign.

But Karlene says that while there were "lots of sandbagged barricades with a left-turn opening," the "stoplight post did not have any sign saying 'left turn on green arrow only,' or anything else."

She says when she was pulled over, she "saw at least five more officers standing around and several parked police cars. Why didn't APD just assign ONE officer to direct traffic, instead of sixplus to write tickets?"

Karlene says she "signed the penalty assessment, because I was rattled and the officer said 'either sign it or take a court date from our list.' To me that meant spending a day of my time sitting around in court, which I didn't think I wanted to do then."

She's since changed her mind, in part because "90 minutes later I went back to the intersection to take some pictures and guess what? All barricades were gone and traffic was flowing normally. Seems like APD developed a new variation on the redlight cameras: the 'Ticket-Me-Intersection' sting, good for \$54 to city coffers."

Albuquerque Police Department Lt. Todd Parkins has a different take.

He says "this construction site was related to Public Service Company of New Mexico needing to replace a gas line under the eastbound lanes. This amounted to eastbound traffic going in the westbound lanes.

"We received a LARGE amount of complaints with regard to citizens disregarding all of the traffic direction signage and endangering the workers and other drivers. They were even using vulgar sign language to construction personnel at the site. As the Traffic Unit, we were obligated to respond to these complaints before someone got hurt," Parkins says. "I can assure you, we set up no barricades.

"It is unfortunate that some drivers feel their inconvenience is reason enough to put construction workers, their families and other drivers in harm's way. School zones and construction zones, due to the high stakes, will always be energetically patrolled and enforced."

**WHAT IF YOU CHANGE YOUR MIND?** As for whether she'll appeal the citation, Karlene says she checked and "to change a signed Penalty Assessment ... I must go to state District Court and file a motion, and that costs \$130." If a judge OKs it, she can get a court date — same as if she had checked her citation's box No. 3, "I acknowledge receipt of this notice and without admitting guilt agree to appear in court."

"So, at minimum I'm stuck with the \$54 ticket, to protest it I must pay \$130 and possibly the \$54 more for the ticket, plus time to go to court," she says. "I think the driving public ... needs to know" this.

Now they do. But there are reasons drivers can't just change their minds, according to Metro Court spokeswoman Janet Blair.

The primary one is procedural — state law dictates plea changes happen in state court, Blair says. Karlene essentially pleaded guilty by checking the penalty box; to go to court she has to change it to not guilty.

The second is functional — the state's busiest court processes 126,000 cases a year; the majority are traffic citations, up to 400 a day. Having cases move in and out as drivers opt to pay the fine, now take it to court, now pay it would certainly add to the processing challenge.

That makes it important to check the box on the ticket that you can live with long after you drive away.

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