

## **Top 10 things You Should Now about Reckless Driving in Fairfax County Traffic Court**

### **Reckless Driving is a Criminal Charge.**

A reckless driving conviction stays on your adult criminal record forever. You cannot expunge a reckless driving conviction in Virginia. Reckless driving convictions stay on your DMV record for 11 years. For more information about the cost and consequences of reckless driving [click here](#).

### **You Cannot Work Out a Deal With the Police Officer or the Prosecution Without an Attorney.**

In Fairfax County, defendants are not given the opportunity to talk to a prosecutor without an attorney. Prosecutors are not even assigned to reckless driving cases unless there is a traffic attorney assigned to your case. Officers do not have the authority or power to negotiate a deal in Fairfax County traffic Court.

### **You Will Not be Given a Public Defender or Court Appointed Attorney for a Reckless Driving Case Unless the Prosecution is Trying to Put You in Jail.**

If a judge offers to appoint an attorney or asks you if you want time to get an attorney, this is a good indicator that your reckless driving charge may result in you going to jail. Never represent yourself if a judge asks you what you are going to do about getting an attorney for your reckless driving case.

### **There are No Driving School Programs or Reckless Driving First Offender Programs in Fairfax County.**

Some jurisdictions have special programs for minor first time reckless driving offenses if the driver has an excellent record. Fairfax County has NO special programs for reckless driving. The judge will not dismiss your case because you are a good driver, they will not send you to driving school and the judge will not do probation before judgment (PBJ).

### **Traffic Court Judges Do Not Decide Points.**

If you get convicted of reckless driving you will lose 6 points off your Va DMV record and the traffic court judges have no power to alter that. If you have an out of state DMV record your state will determine the points assigned to the reckless driving conviction.

### **If the Judge Suspends Your Driver's License for Reckless Driving you can Request the Judge Issue you a Restricted License.**

The easiest way to get a restricted license is to present an application to the judge at the time your license is suspended. Doing it afterwards can be more complicated. Prior to your reckless driving trial fill out a restricted license application form (<http://www.courts.state.va.us/forms/district/dc263.pdf>). However, if you are in a position where you need to apply for a restricted license you should have an attorney. Doing a serious reckless driving case without an attorney is foolish.

### **Fairfax County Reckless Driving Cases are Unpredictable.**

There are more than a dozen judges that regularly preside in Fairfax County Traffic Court. There are also numerous substitute judges that may preside in Fairfax County. These judges' opinions regarding what is an appropriate punishment for reckless driving vary a lot. One judge may put a person in jail and suspend their license while another judge may just issue a fine.

Cases vary wildly by small factors. 1 or 2 mphs can make a huge difference in a reckless driving by speed case. A driver convicted of going 81 in a 55 mph zone may get only a stiff fine while a driver going 83 in a 55 mph zone may get a stiff fine and lose their license for 3 months. Differences in point balances, driving records, attitudes of the police officers, weather conditions, or many other factors may cause extreme variations in the punishments.

**Most Reckless Driving Attorneys Offer Free Consultations- Use them.**

An experienced reckless driving attorney does hundreds of these cases each year and can give you a very accurate prediction of your likely outcome as part of a free consultation, so there is no reason not to talk to a reckless driving attorney about your case if you want to know what you are facing.

**Some Defenses Usually Don't Work**

These defenses get used every day in Fairfax County and they fail most of the time:

"I was going with the flow of traffic"

"The speed limit dropped to 55 mph suddenly"

"I wasn't driving recklessly, just speeding?"

"My car can't go that fast?"

"I really had to use the bathroom"

"I was running late to (my flight, a job interview, school, ect.)"

"I am a good driver"

"The officer wrote down the wrong (name, birthday, ethnicity ect.) on my summons"

There are a lot of really good defenses, they are just not the ones listed above. Talk to an attorney before you jump to conclusions about the strengths or weaknesses of your case. Its free to consult a reckless driving attorney, so why not do it before you appear in court? For a more information about reckless driving defenses [click here](#).

**You Can Learn Everything You Need to Know About Fairfax County Traffic Court Etiquette by Watching This Video, [click here](#).**

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