

OBERLIN MUNICIPAL COURT

85 S. MAIN ST.
OBERLIN, OHIO 44074

THE COURT DOES NOT ACCEPT PERSONAL CHECKS.
You may pay by cash, money order, certified bank check, Visa
or MasterCard.

YOUR RIGHTS IN COURT



FARAH L. EMEKA, JUDGE

SANDRA L. KOHART, Clerk of Court

JURISDICTION

Cities: Amherst, Oberlin

Villages: Wellington, South Amherst, Kipton, Rochester

Townships: Amherst, Brighton, Camden, Henrietta, Huntington, New Russia,
Penfield, Pittsfield, Rochester, Wellington

MISDEMEANOR CHARGES

It is the duty of the Court to inform you of your **Rights and Court Procedure**. You are in Court today for an **arraignment** not a **trial**. The purpose of your court appearance is for the court to accept your **plea** to the charge(s).

PLEAS

You will be asked to enter one of four (4) pleas. The four (4) possible pleas are:

1. **GUILTY:** The plea of Guilty is a complete admission of guilt.
2. **NOT GUILTY:** The plea of Not Guilty is a denial of guilt.
3. **NO CONTEST:** The plea of No Contest is not an admission of guilt, but is an admission of the truth of the facts in the Complaint and of the explanation of circumstances given by the police officer. This plea cannot be used against you in any other civil or criminal proceeding.
4. **NOT GUILTY BY REASON OF INSANITY:** If you wish to enter this plea, it must be in writing by you or your attorney and filed with the Clerk.

If you refuse to plead, the Court will enter a plea of Not Guilty on your behalf.

If you plead Guilty or No Contest, you will be given an opportunity to make a statement before any finding of Guilty or Not Guilty and before any sentence is imposed.

If you plead Not Guilty, your case will be set for Trial or Pre-trial. If you want the case set for a Pre-trial the Court will ask that you sign a Time Waiver. Your case is supposed to be completed within a certain time period and unless you give up the right to have the case decided in that time period your case must be set for Trial and not a Pre-trial. The purpose of the Pre-trial is to allow your attorney an opportunity to exchange information with the prosecutor and to try to finish the case without a trial. If the case cannot be finished at a Pre-trial your case will then be set for a trial.

WHAT ARE MY RIGHTS?

Before accepting your plea, the Court must inform you that you have certain rights. These rights are:

Charge

You have the right to know and understand the charge or charges against you.

Attorney

You have the right to counsel if the charge against you has jail as a possible penalty, either one of your own choosing or one appointed by the court. If you cannot afford an attorney –under guidelines issued by the Ohio Public Defender – an attorney may be appointed at no cost [other than a State imposed \$25.00 application fee]. You also have the right to a reasonable continuance to obtain counsel.

Jury Trial

You have the right to a Jury Trial in any case where a jail is a possible penalty. A demand for Jury Trial must be in writing and filed with the Court not less than ten days before Trial. Failure to demand a jury trial in writing will result in your case being tried by a Judge. If the charge has a possible jail penalty of more than 180 days you are automatically entitled to a jury trial unless you give up your right to a jury trial in writing.

Self-Incrimination

You have the right to remain silent and make no statement at any point in the proceeding including at the trial. Any statement made may be used against you.

Confrontation of Accuser

You have the right to confront the witnesses against you and to cross-examine the witnesses.

Witnesses

You have the right to present witnesses and have the Court subpoena witnesses on your behalf.

Bond

You have the right to reasonable bail subject to conditions or rules that you must follow as a condition of your continued release.

Penalty

You have the right to know the maximum penalty for the offense. The maximum penalties are listed on the back of this form.

Bureau of Motor Vehicles

If you are convicted of a traffic violation, a record of the conviction will be sent to the Bureau of Motor Vehicles and become a part of your driving record.

Non-Citizen

If you are not a citizen of the United States and you are convicted it may have the consequences of deportation, exclusion from admission to the united States, or denial of naturalization pursuant to the laws of the United States.

PENALTIES FOR MISDEMEANOR OFFENSES

DEGREE	FINE	JAIL
Misdemeanor 1	\$0.00 - \$ 1,000.00	0 – 180 Days
Misdemeanor 2	\$0.00 - \$ 750.00	0 - 90 Days
Misdemeanor 3	\$0.00 - \$ 500.00	0 - 60 Days
Misdemeanor 4	\$0.00 - \$ 250.00	0 - 30 Days
Minor Misdemeanor	\$0.00 - \$ 150.00	None

Note: Some misdemeanors have mandatory penalties and some misdemeanors have community service instead of a jail penalty. The Judge will advise you if either of those apply to you.

PENALTIES FOR OVI OFFENSES

# Offense	Fine	Jail	License Suspension	Vehicle Sanction
1st in 10 years	\$565 - \$1,075	3 or 6 – 180 days	1 – 3 years	0-90 day immobilization
2nd in 10 years	\$715 - \$1,625	10 or 20 – 180 days	1– 7 years	90 day immobilization
3rd in 10 years	\$1,040 - \$2,750	30 or 60 – 365 days	2 years – 12 years	Forfeiture of vehicle
4th/5th in 10 yrs or 6th in 20 yrs - FELONY	\$1,540 - \$10,500	60 or 120 days – 5 years PRISON	3 years – Life	Forfeiture of vehicle

FELONY PENALTIES WILL BE EXPLAINED WHEN YOUR CASE IS CALLED

IT IS YOUR RESPONSIBILITY TO APPEAR FOR EVERY PRE-TRIAL, TRIAL OR REVIEW HEARING. Failure to appear for court is contempt of court. All continuances or change of dates must be approved by the court and must be in writing. No date can be changed without permission of the court. There are no exceptions. Neither the clerk’s office nor your attorney has the authority to change your date the approval of the court.

COURT COSTS

\$105.00 Court Costs are added to most criminal cases. \$115.00 Court Costs are added to most traffic cases. A fee of \$15.00 is added to the court costs for each continuance granted.