

ERIE COUNTY MUNICIPAL COURT

C.J. KAMM, JUDGE

Jennifer L. Ferback, Clerk

YOUR RIGHTS IN COURT and COURT PROCEDURES

You are here today for your initial court appearance, which occurs after a charge or complaint has been filed against you. If you are charged with a misdemeanor, your arraignment will also be conducted at the same time. When your name is called, please come forward and stand at the podium in front of the bench. At that time, the charge or complaint that has been filed against you will be explained, and the person signing such charge or complaint will be identified. You should already have in your possession a copy of the complaint or charge. Please advise the court if you have not received a copy of the complaint or charge and a copy will be provided to you. At your request, the complaint filed against you or the statute or ordinance you are charged with violating will be read and explained. You will also be informed of the maximum penalty allowed by law for the charges brought against you.

Right to an Attorney

You have the right to be represented by an attorney. If you wish to employ counsel, the court will continue your case so that you will have an opportunity to obtain one. When your name is called, please inform the court that you would like a continuance to obtain counsel, and you will receive a new date to return.

If the possible penalty for the offense you are charged with includes imprisonment, and you are unable to afford counsel, and you request court appointed counsel, you must contact the Erie County Public Defender's Office located at 247 Columbus Ave, Sandusky, Ohio 44870, telephone number 419-627-6620. You have the right to have counsel representing you at every stage of the proceedings unless, after being fully advised of your right to counsel, you knowingly intelligently, and voluntarily waive your right. If counsel is waived, you are still subject to imposition of a jail sentence if the charge against you includes possible jail time.

Bail - If bail has not been set in your case, you have the right to have the court set it today.

Plea - If a continuance is not granted, the next stage of these proceedings will be for you to enter a plea to the charges filed against you. There are three pleas you may enter: Guilty, Not Guilty, or No Contest. The plea of no contest cannot be used against you in a subsequent civil proceeding. The plea of guilty is a complete admission of guilt. If you plead guilty or no contest, the only function of the court will be to determine that you understand your rights, and then impose whatever penalty is just under the circumstances. The Court will consider report from the arresting officer and, if you request it, the report will be read to you. You will then be given an opportunity to make a statement to the Court.

Trial by Jury - For any charge which has a possible jail sentence, you are entitled to a trial by jury. If, however, the maximum jail sentence the court could impose is six (6) months or less, for you to exercise your right to a jury trial, you must file a written demand for jury trial with the court not less than ten (10) days prior to the date set for trial, or on or before the third day following your receipt of the notice of the trial date, whichever date is later in time.

Statements in Court - You need not make a statement in court, and no inference of guilt will be drawn from your remaining silent. However, any statement you do make may be used in evidence against you.

Traffic Charges - If the charges brought before this court involve a traffic violation and you are found guilty, a full report of these proceedings will be sent to the Bureau of Motor Vehicles and will remain a permanent part of your driving record. If you failure to pay the fine and costs within the time allowed by the court, your driver's license will be cancelled.

If you have any questions regarding any part of the proceedings or these instructions, please ask when your case is called. By signing below, you acknowledge receipt of these instructions and that you have had an opportunity to address any questions to the court.

Defendant