

Initial Court Appearance Arraignment

You have been required to appear before the Sidney Municipal Court to answer to a charge which has been filed against you. This document will serve to explain certain statutory and constitutional rights that you have. These rights will be read to you in open Court as a group; however, they apply to you individually. If you do not understand any of these rights please bring that to the Judge's attention when your case is called in the Courtroom.

YOUR RIGHTS:

- ✓ You have the right to know the nature of the charge that has been filed and the person who filed it.
- ✓ You have a right to an attorney in these proceedings and the right to a reasonable continuance to get an attorney. If you want to talk to an attorney tell the Judge and he will continue your case for a period of time. You may qualify for a Public Defender. You will need to contact the Public Defender's office to determine whether or not they may represent you.
- ✓ You have the right to have bail set by the Court in accordance with Rule 46 of the Ohio Rules of Criminal Procedure and Rule 4 of the Ohio Traffic Rules.
- ✓ You have the right to a trial by jury if the maximum possible penalty is a fine of over \$150.00 or if there is a possibility of jail time. You must file a demand for jury trial, in writing, in the Clerk's Office under Rule 23 of the Ohio Rules of Criminal Procedure.
- ✓ You need make no statements, and any statements made by you can be used against you.
- ✓ If you are cited with a traffic offense the Court sends the records of the traffic violation to the Ohio Bureau of Motor Vehicles (BMV) and they become part of your driving record. Points may be assessed against your driving record and this may affect your right to drive in the State of Ohio or some other state.
 - A. For those of you who have a commercial driver's license, convictions of certain offenses may have an adverse effect of your ability to maintain your commercial driver's license – even if you were not in a commercial vehicle at the time of the incident. Before you enter a plea you may wish to seek legal advice as to the consequences of a conviction on your commercial driver's license.
- ✓ If you are not a United States citizen, a finding or plea of guilty may cause your deportation from the United States and your right to reside in the United States may be terminated.

- ✓ You have the right to have the complaint filed against you read to you.
- ✓ You have the right to enter one of the following pleas:
 - A. **Guilty** – which is a complete admission of guilt as to the charge and a waiver of all rights. The Court may refuse to accept the plea of guilty and enter a plea of not guilty on your behalf.
 - B. **Not Guilty** – which denies the truth of the charge. This places the continuing burden on the State of Ohio to prove the charge beyond a reasonable doubt.
 - C. **No Contest** – which is not an admission of guilt, but is an admission of the truth of the facts alleged in the complaint. A No Contest plea cannot be used against you in any later civil or criminal proceedings.

At any hearing or trial before the Court or Jury you have the following rights.

- ✓ You have the right to confront and cross-examine your accusers and any witnesses in open court.
- ✓ You do not have to testify. You have a constitutional right NOT to testify.
- ✓ You have the right to use the subpoena power of the court to obtain witnesses on your behalf.
- ✓ You have the right to force the state to prove your guilt beyond a reasonable doubt.
- ✓ You have the right to trial counsel of your choice for your defense; if you are indigent an attorney will be provided at no cost.
- ✓ You have the right to appeal an adverse decision to a higher court in accordance with law and if you are indigent to have an attorney and transcript provided for you at no cost to yourself.
- ✓ No one can make any promises on behalf of the court as to the manner and disposition of your case.
- ✓ You will be advised of the penalty for the offense you've been charged with. That does not necessarily mean that this is the penalty that is going to be imposed, however, you are entitled to know the maximum possible penalties.