

# City of Independence, Ohio

"THE HEART OF CUYAHOGA COUNTY"

6800 BRECKSVILLE ROAD

INDEPENDENCE, OHIO 44131

(216) 524-4131

## **STATEMENT OF RIGHTS AND WAIVER OF COUNSEL:**

YOU HAVE BEEN CHARGED WITH A VIOLATION OF AN ORDINANCE OF THE CITY OF INDEPENDENCE, OHIO. AS THE ACCUSED, YOU HAVE CERTAIN RIGHTS:

1. THE RIGHT TO BE INFORMED OF THE NATURE OF THE CHARGE AGAINST YOU.
2. TO SEE, READ AND HAVE A COPY OF THE AFFIDAVIT OR THE COMPLAINT AGAINST YOU.
3. IF YOU DO NOT UNDERSTAND THE NATURE OF THE CHARGES, TO HAVE THEM EXPLAINED TO YOU.
4. THE RIGHT TO KNOW THE MAXIMUM PENALTY YOU CAN RECEIVE IF YOU ARE CONVICTED. IF THIS IS A TRAFFIC CASE, YOU MAY ALSO LOSE THE RIGHT TO DRIVE FOR SOME TIME AND HAVE POINTS ADDED TO YOUR DRIVING RECORD.
5. THE RIGHT TO KNOW THE IDENTITY OF THE COMPLAINANT.
6. THE RIGHT TO REMAIN SILENT; ANYTHING YOU SAY CAN BE USED AGAINST YOU.
7. THE RIGHT TO BE REPRESENTED BY AN ATTORNEY, AND
8. THE RIGHT TO HAVE AN ATTORNEY APPOINTED AT NO COST IF YOU CANNOT AFFORD ONE. IF YOU REQUEST A COURT APPOINTED ATTORNEY, YOUR CASE WILL BE TRANSFERRED TO GARFIELD HEIGHTS MUNICIPAL COURT TO ACCOMMODATE THIS REQUEST.
9. THE RIGHT TO A REASONABLE CONTINUANCE TO OBTAIN AN ATTORNEY.
10. THE RIGHT TO A TRIAL BY JURY IF THE CHARGE(S) YOU ARE FACING CARRIES A POSSIBLE JAIL SENTENCE. IN THIS EVENT, YOUR CASE WILL BE TRANSFERRED TO THE GARFIELD HEIGHTS MUNICIPAL COURT TO ACCOMMODATE THIS REQUEST.
11. THE RIGHT TO BE BROUGHT TO TRIAL WITHIN THIRTY DAYS OF THE DATE YOU WERE CHARGED.
12. IF YOU ARE NOT A CITIZEN OF THE UNITED STATES, YOU ARE HEREBY ADVISED THAT CONVICTION OF THE OFFENSE(S) TO WHICH YOU ARE PLEADING MAY HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FOR ADMISSION TO THE UNITED STATES, OR DENIAL OF CITIZENSHIP ACCORDING TO THE LAWS OF THE UNITED STATES.
13. THE RIGHT TO REMAIN FREE ON A REASONABLE BAIL WHILE YOUR CASE IS AWAITING TRIAL.
14. THE RIGHT TO APPEAL THE RULING FROM THIS COURT. THE APPEAL MUST BE FILED WITHIN 10 DAYS AND THE CASE WILL BE TRANSFERRED TO GARFIELD HEIGHTS MUNICIPAL COURT.

YOU MUST ENTER A PLEA TO THE CHARGE(S) AGAINST YOU. IF YOU REFUSE TO PLEAD, THE COURT SHALL ENTER A PLEA OF NOT GUILTY ON YOUR BEHALF AND THE CASE WILL BE TRANSFERRED TO GARFIELD HEIGHTS MUNICIPAL COURT. THE LAW ALLOWS YOU TO ENTER ANY OF THE FOLLOWING PLEAS:

- A. **GUILTY**: A PLEA OF GUILTY IS A COMPLETE ADMISSION OF GUILT. THE COURT PERMITS AN EXPLANATION OF THE CIRCUMSTANCES ON A PLEA OF GUILTY.
- B. **NOT GUILTY**: A PLEA OF NOT GUILTY IS A COMPLETE DENIAL OF THE FACTS ALLEGED IN THE COMPLAINT. IF YOU ENTER A PLEA OF NOT GUILTY YOUR CASE WILL BE TRANSFERRED TO GARFIELD HEIGHTS MUNICIPAL COURT.
- C. **NO CONTEST**: A PLEA OF NO CONTEST IS NOT AN ADMISSION OF GUILT BUT AN ADMISSION OF THE TRUTH OF THE FACTS ALLEGED IN THE COMPLAINT. SUCH A PLEA/ADMISSION WILL NOT BE USED AGAINST YOU IN ANY FUTURE CIVIL OR CRIMINAL PROCEEDING. THE COURT PERMITS AN EXPLANATION OF CIRCUMSTANCES ON A PLEA OF NO CONTEST

YOU ARE HERE BECAUSE YOU ARE CHARGED WITH A VIOLATION OF AN ORDINANCE OF THE CITY OF INDEPENDENCE, OHIO. IF YOU HAVE QUESTIONS, DO NOT SIGN THIS FORM. TAKE THE FORM INTO COURT WITH YOU AND ASK ANY QUESTIONS YOU HAVE OF THE MAYOR OR PROSECUTOR PRIOR TO OR WHEN YOUR CASE IS CALLED.

I HAVE READ THIS STATEMENT; I HAVE BEEN GIVEN THE CHANCE TO ASK QUESTIONS AND THEY WERE ANSWERED. I HAVE DECIDED ON MY OWN TO WAIVE MY RIGHTS AND PROCEED TODAY. I DO NOT WANT A CONTINUANCE TO TALK TO A LAWYER, AND I STATE THAT MY PLEA IS AS FOLLOWS: **(PLEASE CIRCLE YOUR PLEA)**

**(A) GUILTY**

**(B) No CONTEST**

**(C) Not GUILTY**

DEFENDANT SIGNATURE

DATE

PRINT DEFENDANT'S FULL NAME

WITNESS

DATE