

**Independence Mayor's Court
6800 Brecksville Road
Independence, Ohio 44131
Phone: 216-524-7719 Fax: 216-524-3878
Email: court@independenceohio.org**

GREGORY P. KURTZ
Mayor

ANGELA T. ZIDANIC
Clerk of Court

NAME _____
ADDRESS _____
CITY STATE ZIP _____

Dear Defendant:

Please find enclosed a statement of your rights in Court and an application for consent of court to enter a plea of Guilty without personal appearance. Under Ohio law, the offense for which you have been charged is a minor misdemeanor, punishable by a maximum fine of \$150.00; in addition to the fine, you will be assessed court costs. If the offense is a moving violation, you will also be assessed points against your driver's license.

Please read the enclosed statement of rights and application. Sign both the statement of rights and the application, including on the application your 'reason for request,' then send both the signed statement of rights and application back to the Independence Mayor's Court.

If your request is approved, the Mayor will assess the fines and costs and complete the bottom portion of the application form. We will then forward the completed application back to you along with a due date and payment information.

If you have any questions, please call us at 216-524-7719.

Sincerely,

Clerk of Court/Deputy Clerk
Independence Mayor's Court

INDEPENDENCE MAYOR'S COURT
6800 BRECKSVILLE RD
INDEPENDENCE, OH 44131
(216) 524-7719 (216) 524-3878 FAX
Email: court@independenceohio.org

STATE OF OHIO
SS
CUYAHOGA COUNTY

IN THE INDEPENDENCE MAYOR'S COURT
CASE NUMBER: _____
TICKET NUMBER: _____

NAME _____
ADDRESS _____
CITY, STATE, ZIP _____
PHONE _____
EMAIL: _____

**APPLICATION FOR CONSENT OF COURT TO ENTER A PLEA
OF GUILTY WITHOUT PERSONAL APPEARANCE**

The undersigned, pursuant to Rule 12 of the Ohio Traffic Rules, hereby makes separate application to the Court for consent to enter a plea of Guilty, to waive his/her rights and make payment of fines and costs, without personal appearance. The undersigned acknowledges that he/she has been provided a Statement of Rights and has been advised that the offense for which he/she has been charged is a minor misdemeanor, punishable by a maximum fine of \$150.00: in addition to the fine, he/she will be assessed court costs. If the offense is a moving violation, he/she will also be assessed points against his/her driver's license. In the event this application is granted, the undersigned does herewith enter a plea of Guilty to the charge, waiving his/her rights, including the right to a trial by court or jury and his/her right to appeal.

CAUSE: Violation of Ordinance #: _____, Description: _____

The reason for this request is:

I, _____, the Defendant, have entered a plea in absentia of "Guilty" in the Independence Mayor's Court. I have been informed of my rights in court, including the statutory and constitutional right to a speedy trial, but, I hereby waive these rights and consent to this case being continued, even if it has to be continued indefinitely.

Applicant's Signature

Email Address (print legibly)

Phone Number - **REQUIRED**

The Court for good cause shown does hereby consent to waiver of personal appearance and orders the Clerk of Courts to receive from the above applicant the fine and costs shown below along with the applicant's plea of Guilty, waiver of rights and waiver of appearance.

Fine: \$ _____ Costs: \$ _____ Total: \$ _____

Date: _____ Judge: _____

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:

ARE YOU A U.S. CITIZEN?

YES

NO (CIRCLE ONE)

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. **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
- C. **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.

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

City of Independence, Ohio

"THE HEART OF CUYAHOGA COUNTY"

6800 BRECKSVILLE ROAD

INDEPENDENCE, OHIO 44131

(216) 524-4131

IF YOU ARE NOT A U.S. CITIZEN, PLEASE READ AND SIGN:

I ACKNOWLEDGE THAT THE COURT HAS PERSONALLY ADDRESSED ME AND PROVIDED THE FOLLOWING ADVISEMENT TO ME:

"IF YOU ARE NOT A CITIZEN OF THE UNITED STATES, YOU ARE HEREBY ADVISED THAT CONVICTION OF THE OFFENSE TO WHICH YOU ARE PLEADING GUILTY (OR NO CONTEST, WHEN APPLICABLE) 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."

ADDITIONALLY, I ACKNOWLEDGE THAT I UNDERSTAND THE ADVISEMENT.

DEFENDANT

DATE

I have personally addressed the defendant, provided the advisement set forth above to the defendant, answered any questions the defendant may have had and, to the best of my ability, determined that the defendant understood the advisement.

Magistrate/Mayor

Date