

## **RULE 16.00 WARRANT BLOCKS AND DRIVER'S LICENSE FORFEITURES**

In cases for which a warrant was issued, the Clerk is to notify the defendant by mail at the last known address that: 1) a warrant to arrest is currently active, 2) a registration block or driver's license forfeiture will be issued to the Bureau of Motor Vehicles after fourteen (14) days, and 3) the total amount owed to the Court and the total amount owed after placement of the registration block which is to include any additional court fees and an additional fifteen dollar (\$15.00) processing fee which is mandated by the State of Ohio and paid to the Bureau of Motor Vehicles.

## **RULE 17.00 RIGHTS OF ACCUSED**

1. You have the right to have an attorney represent you, and the right to have your case continued for a reasonable time to secure an attorney. If you are charged with an offense potentially punishable by a sentence of confinement and you are unable to obtain an attorney and wish to have one appointed for you, your case will be transferred to the Licking County Municipal Court where you may apply for a court-appointed attorney.

2. You have the right to bail if you are charged with a bailable offense.

3. You have the right to remain silent. This means that you cannot be compelled to make any statement or provide testimony which might incriminate you. In other words, you need not make any statement at any point in the proceeding, but any statement you make can and may be used against you.

4. In certain cases, you have the right to a jury trial. If your case qualifies and you wish to have a jury trial, you must make the request with this Court. Your case will then be transferred to the Licking County Municipal Court. If you wish for this Court to hear your case, you will be asked to sign a waiver of your right to a jury trial.

5. You have the right to have your guilt proven beyond a reasonable doubt. This means that at trial enough evidence must be presented to prove each and every element of the offense or offenses alleged against you beyond a reasonable doubt.

6. You have the right to confront and cross-examine any witness or witnesses who are called to testify against you. Also, you have the right to subpoena and call witnesses who you may wish to have testify here in court on your behalf.

7. You have the right to have your case heard within thirty days after you were either arrested or served with a summons, whichever occurred first. However, this thirty day time period tolls, or is stopped, during any period of delay as result of a continuance requested or a motion submitted by you, or you fail to appear here in Court when requested to do so.

8. You are further advised that if you are not a citizen of the United States of America that a plea of Guilty in this Court, a finding of Guilty after a No Contest Plea or conviction in trial in this Court may have an adverse impact on your ability to remain legally in this county, to gain citizenship in this country and/or could result in deportation proceedings against you.

9. If you do not understand the English language, you can have an interpreter for any of all of the court process. The fees for interpreters (except sign for the deaf) will be added to Court cost.

## **RULE 17.01 PLEA OPTIONS**

When your case is called, you will be asked to enter a plea to the charge or charges filed against you. You may enter one of the following pleas to each crime charged against you:

- **Guilty.** A plea of guilty is a complete admission of your guilt. This means that you are admitting not only the truth of the facts alleged against you, but that the facts alleged against you constitute the crime or crimes charged. If you choose to enter a guilty plea at this time, the Court will provide you an opportunity to make a statement if you wish.
- **Not Guilty.** A plea of Not Guilty is a complete denial of your guilt. This means that you are not only denying the facts alleged against you, but you are also denying that the facts alleged against you constitute the crime or crimes charged. If you choose to enter a not guilty plea at this time, the Court will schedule the case for trial at a later date.
- **No Contest.** A plea of no contest is an admission only of truth of the facts alleged against you. It is not an admission that the facts alleged constitute the crime or crimes charged and it is not a complete admission of your guilt. However, upon a plea of No Contest, the Court may use your admission as to the truth of the facts alleged and proceed to find you guilty of the crime or crimes charged. A plea of no contest cannot be used against you in any subsequent civil or criminal proceedings.

#### APPEAL

- You have the right to appeal from the judgment of this court. An appeal must be filed with this Court within ten (10) days of the judgment. If you choose to appeal your case, it will be heard by the Licking County Municipal Court.

#### EFFECT ON YOUR DRIVER'S LICENSE

- If you are convicted of a traffic violation, a record of your conviction will be sent to the Bureau of Motor Vehicles and become part of your driving record. In addition, you are required to have proof of insurance. Failure to provide proof of insurance to this Court when requested may result in suspension of your driver's license by the Bureau of Motor Vehicles. This Court will not grant limited driving privileges if the applicant fails to provide proof of insurance.
- If you are convicted of a drug offense, your license could be suspended for not less than six (6) months and not longer than five (5) years.

#### **RULE 18.00 MAXIMUM PENALTIES**

The potential penalties for individuals that this Court may impose are as follows:

<u>Offense Classification</u>	<u>Maximum Jail Term</u>	<u>Maximum Fine</u>
1 <sup>st</sup> Degree Misdemeanor	6 months	\$1,000.00
2 <sup>nd</sup> Degree Misdemeanor	90 days	\$750.00
3 <sup>rd</sup> Degree Misdemeanor	60 days	\$500.00
4 <sup>th</sup> Degree Misdemeanor	30 days	\$250.00
MM Degree Misdemeanor	None	\$150.00

In addition, the Court may suspend all or part of a jail sentence or fine and impose community control sanctions (probation) for a period not to exceed three years. The Court may place certain conditions on the community control sanctions and order you to obey and abide by those conditions. Should you violate any condition the Court imposes as part of community control sanctions, the Court may terminate the community control sanctions and order you to serve whatever jail term it originally imposed and pay whatever fine amount was suspended.

## **RULE 19.00 CONDUCT IN COURTROOM**

1. No weapons permitted in courtroom except Police Officers and authorized security persons who are not a party before the Court.
2. All persons and property entering the courtroom are subject to search.
3. Proper attire required. No shorts, halter tops, tank tops, clothing with offensive wording or images are permitted. Hats will be removed upon entering the courtroom. Attorneys will wear business attire. Police witnesses will be in proper uniform.
4. No smoking, eating or beverages will be permitted in courtroom.
5. Proper demeanor/conduct shall be observed at all times. Foul/abusive language is prohibited.
6. No talking while in court except as necessary for court business. This includes Police Officers.
7. Turn off/do not use cell phones, pagers, etc., while in courtroom.
8. Children and infants must remain quiet and under control at all times. Should a child or infant become a distraction to the proceeding, they will be asked to be taken outside the courtroom.
9. Court starts promptly at 3:00 p.m. Anyone who is late could have his/her case rescheduled to a later date.

## **RULE 20.00 EVIDENCE/EXHIBITS AT TRIAL**

Any document, photograph or other extrinsic evidence/exhibit that a party intends to use during trial shall provide a copy of that evidence/exhibit to the opposing party prior to its use. This Rule will not apply where the nature of the evidence would make it impractical to follow.

Any testing, certification or other extrinsic evidence that the defendant or his attorney intends to challenge as part of their case must inform the prosecutor prior to trial and if they want that evidence produced must do so pursuant to a request for discovery under the Criminal Rule 16 of the Ohio Revised Code.

## **RULE 21.00 RECORDS RETENTION AND DISTRIBUTION SCHEDULE**

The retention and disposition of records in Mayor's Court shall be in accordance with the Pataskala's Public Records Policy (RC-2) and Rules of Superintendence (Sup. R. 44).

# EXHIBIT A

## CRIMINAL/TRAFFIC DIVISION COURT COST SCHEDULE

<b>Basic Local Court Costs</b> .....	<b>\$21.00</b>
Computerized O.R.C. 5705.12 .....	\$10.00
State Victims of Crime .....	\$9.00
General Revenue Fund .....	\$15.00
State Moving Violation .....	\$10.00
<b>Total Court Costs</b> .....	<b>...\$65.00</b>

### Additional Costs

Certified Mail .....	\$10.00
Credit Card Convenience Charge.....	\$10.00
Collection of Unpaid Fines & Costs .....	25%
Copies	
Certification .....	\$ 2.00
Photocopies (per page) .....	\$00.10
DUI Education Fund .....	\$25.00
Expungement Filing Fee (Non-Refundable) .....	\$50.00
Interpreting Fee .....	Actual cost of service
Return Check Charge .....	\$25.00
Subpoena/Summons (plus mileage if served) .....	\$10.00
Time Payment Program .....	\$20.00
Warrant Issued – Arrest (plus mileage if served).....	\$ 5.00
Failure to Appear – Bench Warrant .....	\$25.00
Late Fee - Payment of Fine .....	\$20.00
Transfer to Licking County Muni Court .....	\$15.00
Modification of Limited Driving Privileges.....	\$15.00
Warrant Block Processing Fee .....	\$15.00
License Forfeiture Fee.....	\$15.00

## EXHIBIT B

### TRAFFIC VIOLATION COURT FINE SCHEDULE

#### FIRST SPEEDING

#### SECOND SPEEDING

	FINE	TOTAL		FINE	TOTAL
1-5 MPH	\$47	\$112.00		\$67	\$132.00
6-10 MPH	\$52	\$117.00		\$72	\$137.00
11-15 MPH	\$62	\$127.00		\$82	\$134.00
16-20 MPH	\$72	\$137.00		\$92	\$157.00
21-25 MPH	\$87	\$152.00		\$107	\$172.00
26-29 MPH	\$102	\$167.00		\$122	\$187.00
\$30 +	\$117	\$182.00		\$137	\$202.00

#### 30 MPH AND OVER - MANDATORY COURT APPEARANCE REQUIRED

#### ALL NON-SPEED VIOLATIONS

#### FINE

#### TOTAL

First Moving Offense within previous 12 months	\$55.00	\$120.00
Second Moving Offense within the previous 12 months	\$65.00	\$130.00

#### THIRD OR MORE MOVING VIOLATIONS WITHIN THE PREVIOUS 12 MONTHS REQUIRES A MANDATORY COURT APPEARANCE.

	<u>Fine</u>	<u>Total</u>		
Driver Seatbelt	\$30	\$71.00	Parking Ticket	\$35.00
Passenger Seatbelt	\$20	\$61.00		
Child Restraint	\$25	\$66.00		

## EXHIBIT C

### BOND SCHEDULE RECOGNIZANCE OR SURETY

1 <sup>ST</sup> Degree Misdemeanor	\$500
2 <sup>nd</sup> Degree Misdemeanor	\$350
3 <sup>rd</sup> Degree Misdemeanor	\$250
4 <sup>th</sup> Degree Misdemeanor	\$150
Minor Misdemeanor	\$100