

Holmes County Juvenile Court
Judge Thomas C. Lee & Magistrate Julie Dreher

Traffic Court
Explanation of Rights & Pleas

The purpose of this handout is to explain the rights of juveniles appearing in Traffic Court, the pleas available to them, and the effect of those pleas. Traffic Court in Holmes County is held one day per month, and the information on this handout will be reviewed with each juvenile when their hearing begins. The cases will then be called in the order in which they were filed over the last month.

When you come into the Courtroom, the ticket will be read to each juvenile to insure he or she understands the charge. The juvenile will then be asked to enter a plea to the ticket. The pleas available under Ohio law for juveniles in traffic cases are "**Guilty**", "**Not Guilty**", or "**No Contest**".

1. **Guilty** – a complete admission of guilt.
2. **Not Guilty** – a denial of guilt.
3. **No Contest** – not an admission of guilt, but an admission that the facts as stated on the ticket are true.

If you enter a plea of **Guilty or No Contest**, you will be found to be a Juvenile Traffic Offender. If you enter a plea of **Guilty or No Contest**, you will be giving up the following rights:

1. The right to be represented by an Attorney. You may select and pay for an Attorney or ask for a Court-appointed Attorney.
2. The right to remain silent. It is important to remember that any statements you make can be used against you at trial.
3. The right to a trial before the Court or Magistrate. (Juveniles do not have the right to a jury trial in Ohio)
4. The right to testify but could not be forced to testify against yourself.
5. The right to confront your accusers and cross-examine them.

6. The right to present witnesses of your own.
7. The right to force the Prosecuting Attorney to prove the charge against you by proof beyond a reasonable doubt.

If you enter a plea of **Guilty** or **No Contest**, you and the adult(s) accompanying you will be given the opportunity to relate your version of the traffic incident before sentencing. Sentencing in Juvenile Traffic Court can include any or all of the following options:

1. Payment of a fine and Court costs;
2. Completion of virtual driving test program (Ready-Assess) and payment of program cost (\$50.00);
3. Payment of restitution if an accident occurred and you caused financial loss to another person;
4. Suspension of your permit or license;
5. Revocation of the registration of any motor vehicle in your name;
6. Delay of the date on which you are otherwise eligible to obtain a permit or license if you don't yet have one;
7. Completion of community service hours; and
8. Probation to Holmes County Juvenile Court.

Each juvenile is treated on an individual basis considering the facts and circumstances of the traffic incident. Whether a juvenile has had prior traffic offenses is a very important factor in sentencing. Therefore, it's possible that two juveniles with the same charge may receive different sentences based upon their prior records.

If you enter a plea of **Guilty** or **No Contest**, a record of your conviction is sent to the Ohio Bureau of Motor Vehicles (BMV) in Columbus. Each conviction carries a certain number of points. For example, a stop sign violation is two points, and a drunken driving violation is six points. If you receive twelve points against your license in any two-year period, BMV will suspend your license for at least six months.

If a juvenile is convicted of two moving violations before the age of eighteen, BMV will impose a mandatory 90-day license suspension. If a juvenile is convicted of three moving violations before the age of eighteen, BMV will impose a mandatory 1-year suspension. A "moving violation"

means any violation, other than a seat belt charge, that concerns the operation of motor vehicles in the State of Ohio.

Beginning in April 2003, if you receive a 90-day or 1-year suspension as a result of a 2nd or 3rd moving violation, you may be granted limited driving privileges by the Court. You must show that the suspension will seriously affect your ability to continue in employment, educational training, vocational training, treatment, or to practice driving with your parent, guardian, or custodian. If limited driving privileges are granted, the Court will issue you a driving letter which will state the purposes, times, and places of the privileges, and may include any other conditions or restrictions the Court considers reasonable and necessary.

The Financial Responsibility Law also impacts juveniles in Ohio. This means that you must carry liability insurance on the vehicle being driven at the time the ticket was issued. Ohio law also requires that you carry proof of that insurance with you in your vehicle to present to the officer. If you were driving a vehicle that was not covered, your license will be suspended.

A plea of "**Not Guilty**" may also be entered in juvenile traffic cases. If you enter a plea of Not Guilty, your case will be set for either a pretrial hearing or trial. At the pretrial, the Prosecuting Attorney will discuss the case with you and try to resolve the case short of trial. If it cannot be settled at the pretrial hearing, the case will then be set for trial.

If one of the following three situations applies to you, you will not need to come into the Courtroom:

1. You are charged with only a seatbelt violation, and you want to simply pay the mandatory fine of \$30.00 for a driver or \$20.00 for a passenger (plus Court costs).
2. You want to enter a plea of Not Guilty and have your case set for either a pretrial hearing or trial.
3. You are unsure how to plead and you want to talk with an attorney before making that decision.

If you want to meet with an attorney, you will be given several weeks

to do so before being asked to enter a plea.

In addition to the rights that were addressed above, if your case is heard before the Magistrate and the Magistrate issues a decision, you have the right to file written objections to the Magistrate's decision within fourteen (14) days of the filing of the decision. If any party timely files objections, any other party may file objections not later than ten (10) days after the first objections are filed. The Magistrate also may make certain pretrial orders without judicial approval.

Please keep in mind that the Court cannot give you any legal advice or instruct you in deciding how to plead. If you need legal advice in your case, you should talk with an attorney. And the decision on whether to plead Guilty or Not Guilty is a decision that you must make on your own.

In closing we want to say, especially to the parents of the juveniles, that we hope you share the Court's concern about traffic safety in Holmes County. We often hear that driving is a privilege, not a right, and that is true. However, too often juveniles forget that fact. One of the Court's goals in traffic cases is that all juveniles learn that driving is a very serious business. You don't have to be driving drunk to kill yourself or someone else -- simply turning in front of another car can have the same effect.

It is important that juveniles understand this lesson, and the Court will be handing out some sentences this afternoon to drive that point home. Most of the kids will be leaving with less money than they came with and some of them will be leaving their licenses here. The Court understands a license suspension of a teenage driver can cause a serious inconvenience for families, and if possible, the Court will consider driving privileges for school and/or work. But we do need the support of parents because our primary concern is the safety of your child and others on our Holmes County roads.

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