

**IN THE DELAWARE MUNICIPAL COURT, DELAWARE COUNTY, OHIO**

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State of Ohio/City-Village of \_\_\_\_\_

vs.

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
Defendant

**Waiver of Rights / Plea Agreement / Plea**

**Statement of Rights - Explanation of Pleas**

I have a right to an attorney (even to plead guilty), to a reasonable continuance to obtain an attorney, and if subject to a jail sentence and unable to afford an attorney, to have the court assign an attorney to represent me.

On a guilty or no contest plea, the court may sentence me to jail (except for minor misdemeanors), to pay fines, and/or to perform community service. A conviction can subject non-US citizens to deportation, exclusion from admission to the US, and/or denial of naturalization. R.C. § 2943.031. In a traffic case, my driver license may be suspended and points imposed against my driving record. In state-code drug cases, a driving rights suspension is discretionary.

I have a right to have a reasonable bail set to secure my release from jail before I enter a plea. I am never required to make a statement regarding the facts of my case, any such statement that I make can be used against me.

On a guilty or no contest plea to an offense of violence against my child, spouse, former spouse, person living as my spouse, or parent, 18 USC § 922(g)(9) may make it unlawful for me to ship, transport, purchase, or possess a firearm or ammunition. R.C. § 2943.033. SupR. 10.04.

Before any sentence is imposed, I have a right to have my rights explained to me in open court and to have the explanation recorded.

I may enter one of the following pleas:

**GUILTY** - a complete admission of guilt. The court may find me guilty and sentence me today.

**NO CONTEST** - not an admission of guilt, but an admission that the facts alleged in the complaint are true. This plea cannot be used against me in any other civil or criminal proceeding. The court may find me guilty and sentence me today.

**NOT GUILTY** - a denial of the charge. I have a right to have a trial on another day, to demand a jury trial, and to confront the witnesses against me at the trial. I may ask the Clerk to issue subpoenas to compel witnesses to testify. The prosecution must prove guilt beyond a reasonable doubt. I cannot be required to testify against myself.

**DOUBLE JEOPARDY** - if I have already been tried for or entered a plea to an offense arising out of the same incident.

**Consent to Plea Before Magistrate**

I waive the right to have my plea heard and case tried before a judge. I may file objections to any decision and sentence by the magistrate. Compliance with the sentence is a waiver of objection and judicial confirmation of the sentence.

**Jury Waiver**

If the maximum penalty involves a fine over \$1,000 or a jail sentence, I have a right to a trial by jury of eight persons. I waive this right and submit the matter to the court.

**Attorney**

The undersigned attorney counseled me on my rights.  
 I knowingly, intelligently, and voluntarily waive my right to have a retained or court-assigned attorney represent me.

**Special Docket / Diversion Plea Agreement**

The undersigned prosecutor certifies that the defendant is eligible & appropriate for the program shown, and upon a guilty plea, successful and timely proof of completion of counseling/treatment as directed, and compliance with community control conditions, consents to withdrawal of said plea(s) and moves for dismissal of the charge(s) pursuant to CR 48(B).

- Mental Health Docket       Drug-Alcohol Diversion
- Theft Diversion               Tax Diversion
- OVI Docket                     Mission Court

**Plea(s)**

I understand the charge(s) against me and the possible maximum penalties. I have read and understand this statement of my rights. I knowingly, intelligently, and voluntarily waive my rights, including a recorded explanation of my rights in open court. I enter the plea(s) below shown and I understand that I may be sentenced immediately.

**Offense**

**Plea - circle one per offense**

_____	Guilty	No Contest
_____	Guilty	No Contest
_____	Guilty	No Contest

\_\_\_\_\_  
Defendant Date

\_\_\_\_\_  
Attorney for Defendant Supreme Court Regis. No

\_\_\_\_\_  
Prosecutor Date

**Other**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_