

**IN THE MUNICIPAL COURT OF DELAWARE COUNTY, OHIO  
CRIMINAL/TRAFFIC DIVISION**

\_\_\_\_\_,  
Plaintiff, Case No. \_\_\_\_\_

vs.

\_\_\_\_\_,  
Defendant. Judge David P. Sunderman  
Judge Marianne T. Hemmeter

**PLEA IN ABSENTIA**

In accordance with Traffic Rule 12, the defendant enters a plea in absentia as set forth herein.

**DEFENDANT’S CERTIFICATION.** By his or her signature below, the defendant acknowledges and certifies that he or she:

1. consents to the Magistrate ruling on this entry;
2. has been informed by counsel of:
  - a. the penalties of all offenses with which he or she is charged;
  - b. the effect of pleas of guilty, no contest, and not guilty;
  - c. the possibility of deportation for persons who are not citizens of the United States;
  - d. defenses which may be available;
  - e. and that he or she has had sufficient time to ask any questions of counsel that may have arisen about this plea, and that counsel has answered those questions to defendant’s satisfaction;
3. knowingly, intelligently, and voluntarily waives:
  - a. the right to appear in court and to appear in court with counsel;
  - b. the right to a trial and the right to jury trial, if applicable;
  - c. the right to require the prosecution to prove his or her guilt beyond a reasonable doubt at trial;
  - d. the right to confront and cross-examine witnesses at trial;
  - e. the right to compulsory process;
  - f. the privilege against self-incrimination;

- g. the right to present any evidence regarding any defenses that might be available;
- 4. stipulates that the facts contained on the complaints warrant a finding of guilty by the court;
- 5. acknowledges that he or she has read all of the information in this document. The information contained in this document reflects the sum and substance of the plea negotiations between the prosecution and the defense. Defendant agrees with those negotiations and requests that the court follow the negotiations;
- 6. pleads GUILTY or NO CONTEST to all of the following offenses: *(Defendant must circle the appropriate plea.)*
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
- 7. will promptly pay all fines and costs for offenses in this case;
- 8. If a moving violation, Defendant must attach proof of insurance in effect on the date of the citation.

**DEFENSE COUNSEL’S CERTIFICATION.** By his or her signature below, defense counsel acknowledges or certifies that he or she has read all of the information in this document and that he or she:

- 1. Read and reviewed this document with his or her client;
- 2. Invited this procedure by filing the appropriate motion with the court, advised the defendant to execute this document, believes that this plea is in the best interest of the defendant, and has no objection to the use of this procedure;
- 3. Agrees with items 1 through 8 above as certified by the defendant.

**PROSECUTOR’S CERTIFICATION.** By his or her signature below, the prosecutor acknowledges that he or she has read all of the information in this document and that he or she:

- 1. has no objection to the use of the procedure;
- 2. has reviewed the substance of sentence in this case and finds that it fully comports with the negotiations of the parties and the guidelines of this court regulating pleas in absentia.

\_\_\_\_\_  
 Defense Counsel

Date: \_\_\_\_\_

\_\_\_\_\_  
 Prosecutor

Date: \_\_\_\_\_

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The undersigned, being duly sworn, states under oath that he or she is the named defendant in the above-captioned case, that he or she has read the foregoing document in its entirety, and that he or she is signing this document knowingly, voluntarily, and intelligently and that the information provided by him or her is true and accurate.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Street address and P.O. Box or Apt. #

\_\_\_\_\_  
DOB

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
SSN

(\_\_\_\_\_) \_\_\_\_\_  
Telephone Number

Sworn and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**IN THE MUNICIPAL COURT OF DELAWARE COUNTY, OHIO  
CRIMINAL/TRAFFIC DIVISION**

State of Ohio  
City/Village/Twp. of \_\_\_\_\_,  
Plaintiff,  
  
vs.  
\_\_\_\_\_,  
Defendant.

Case No. \_\_\_\_\_  
# OVI Violations within 6 years \_\_\_\_\_  
DOB \_\_\_\_\_  
SSN \_\_\_\_\_  
Arrest/Offense Date \_\_\_\_\_  
  
Judge David P. Sunderman  
Judge Marianne T. Hemmeter

Wherefore, it is **ORDERED, ADJUDGED, and DECREED** as follows:

The Court hereby accepts defendant's no contest/guilty plea and enters a finding of guilty as to the following charges:

1. \_\_\_\_\_  
 M-1     M-2     M-3     M-4     Unclassified     MM
2. \_\_\_\_\_  
 M-1     M-2     M-3     M-4     Unclassified     MM
3. \_\_\_\_\_  
 M-1     M-2     M-3     M-4     Unclassified     MM
4. \_\_\_\_\_  
 M-1     M-2     M-3     M-4     Unclassified     MM

**JAIL:**

Days Imposed: \_\_\_\_\_ Days Credited: \_\_\_\_\_ Enforcement Date: \_\_\_\_\_  
Days Suspended: \_\_\_\_\_  Conditions: \_\_\_\_\_  
 EMHA Days: \_\_\_\_\_  CWP Required Hours: \_\_\_\_\_ Alcohol Treatment: \_\_\_\_\_  
 Work Release: Days: \_\_\_\_\_ Hours: \_\_\_\_\_ Effective: \_\_\_\_\_

**LICENSE SUSPENSION:**

Court Suspension: Days/Years: \_\_\_\_\_ Effective: \_\_\_\_\_  
Class:  7 (>1 yr.);     6 (3 mo.>2 yrs.);     5 (6 mo.> 3yrs.);     4 (1>5 yrs.);  
           3 (2>10 yrs.)     2 (3 yrs.> life);     1 (life);     U (Unclassified).

Proof of Financial Responsibility (FR) is attached or noted on the citation.  
[Failure to attach proof of insurance at the time of offense shall result in notification to BMV of failure to show FR and revocation of plates and registration pursuant to R.C. 4509.101.]

Revoke Plates and Registration Pursuant to 4507.164 and/or 4509.101

Occupational Privileges Granted - Effective Date: \_\_\_\_\_

Ignition Interlock

Restricted Plates

As follows: \_\_\_\_\_

**VEHICLE IMMOBILIZATION:** \_\_\_\_\_ days

**FINES AND COSTS:**

Fine: Imposed \$ \_\_\_\_\_ Suspended \$ \_\_\_\_\_ Credited \$ \_\_\_\_\_

CWP in Lieu of Fines  Court Costs \$ \_\_\_\_\_

**COMMUNITY CONTROL:**

Terms of Community Control \_\_\_\_\_ months/years:

Intensive Probation

Basic Probation

Monitored Time

Report to the Probation Department within \_\_\_\_\_ business days of the filing of this entry.

Standard terms as prescribed by separate entry through the Probation Department.

EMHA/SCRAM standard terms as prescribed by separate entry through the Probation Department.

Specific terms: \_\_\_\_\_

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

The companion charge(s) as contained in Case Number(s) \_\_\_\_\_ is/are hereby dismissed.

The companion charge(s) as contained in Case Number(s) \_\_\_\_\_ is/are hereby dismissed  
subject to payment of local costs.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge / Magistrate

cc: Prosecution  
Defense Counsel  
Office of Community Control