

**IN THE COURT OF COMMON PLEAS OF PORTAGE COUNTY, OHIO
JUVENILE DIVISION**

IN THE MATTER OF:

CASE NO: _____

DOB: _____

JUDGE PATRICIA J. SMITH

ALLEGED DELINQUENT CHILD

MAGISTRATE

WAIVER OF RIGHTS

I, _____, alleged delinquent minor child, before admitting or pleading no contest to the charges brought against me, have had the following rights and points of law explained to me:

Rights

1. I have the right to be represented by an attorney at all stages of the proceedings and the Court will appoint an attorney for me if I cannot afford one.
 - a. I understand that if I am unable to afford an attorney and I have attorney appointed to represent me, I may be required to pay a one-time application fee of \$25.00.
2. I have a right to have the nature of the charge(s) and possible penalties explained to me.
3. I have the right to a reasonable continuance of my trial/adjudication if I request.
4. I have the right to have my case tried by a Judge or Magistrate.
 - a. At this trial/adjudication, the State must prove each and every element of the charge(s) beyond a reasonable doubt.
5. I have the right to question any witnesses who testify against me.
6. I have the right to present witnesses and evidence on my own behalf and to subpoena witnesses to appear in Court.
7. I do not have to testify on my own behalf and the State cannot force me to do so. If I choose not to testify, it cannot be used against me.
8. I understand that a plea of Admit is a complete admission of the truths of the facts in the complaint(s) and of my guilt/delinquency to charge(s) brought by the State.
9. I understand that a plea of no contest (with consent of the court) is an admission of the truth of the facts in the complaint(s), but not an admission of guilt/delinquency, but permits the Court to make a finding of guilty/delinquent or not guilty/not delinquent.
10. I understand a plea of Deny is a complete denial of the facts as stated in the complaint(s) and will require the case to be set for further proceedings.
11. I understand that if I enter a plea of Admit or no contest, I waive all of these constitutional rights and the Court shall impose a sentence/disposition without unnecessary delay.
12. I understand that if I enter a plea of Admit, I waive my right to appeal any decision the Magistrate or Judge would have made at adjudication/trial.
13. I understand that if I proceed forward to trial/adjudication and if I disagree with the Magistrate's decision following the trial/adjudication, I may file an objection with the Judge.
14. I understand that if I proceed forward with sentencing/disposition and if I disagree with the Magistrate's sentence/disposition, I may file an objection with the Judge.
15. I understand that if I disagree with a decision by the Judge, I have the right to appeal the Judge's decision to the Eleventh District Court of Appeals.
16. I understand that if I am not a United States citizen, I have been advised to seek advice from competent immigration counsel because a finding of delinquency on the charge(s) may lead to my deportation, exclusion from admission to the United States or denial of naturalization.

17. I understand that if I am adjudicated delinquent for committing a qualifying felony offense, a DNA sample and

fingerprints will be taken and submitted to the Ohio Bureau of Criminal Investigation and Identification (BCI) for submission to a national database used by other law enforcement agencies.

18. I understand that if I am 14 years of age or older and adjudicated delinquent for a felony offense that constitutes a sexually oriented offense occurring on or after January 1, 2008, I may be classified as a Tier I, II, or III juvenile sex offender registrant and required to comply with all applicable community notification and registry provisions of the Ohio Revised Code; I understand that this means I may have to register as a juvenile sex offender and that the classification may be reviewed at the completion of all of my sentencing/dispositional orders resulting in a possible reduction or termination.

19. I understand that if I am adjudicated delinquent for committing two or more felonies, then the Court may order a period of commitment to be served consecutively on each charge (served one after the other) rather than concurrently (served at the same time).

Penalties

I understand that the maximum penalties that may be imposed by the Court if I am found to be delinquent and the charge(s) of which I am found to be delinquent would be a felony, if committed by an adult could be:

1. Changing where I am living, who I am living with and/or who is supervising me;
2. Holding me in detention for a period not to exceed 90 days;
3. Commitment to the Department of Youth Services:
 - a. For an offense that would be a felony of the first degree if committed by an adult, an indefinite period of time consisting of a minimum of 12 months to 36 months and a maximum period not to exceed the age of 21 years.
 - b. For an offense that would be a felony of the second degree if committed by an adult, an indefinite period of time consisting of minimum of 12 months and a maximum period not to exceed the age of 21 years.
 - c. For an offense that would be a felony of the third degree if committed by an adult, an indefinite period of time consisting of a minimum of 6 months and a maximum period not to exceed the age of 21 years.
 - d. For an offense that would be a felony of the fourth degree if committed by an adult, an indefinite period of time consisting of a minimum of 6 months and a maximum period not to exceed the age of 21 years.
 - e. For an offense that would be a felony of the fifth degree if committed by an adult, an indefinite period of time consisting of a minimum of 6 months and a maximum period not to exceed the age of 21 years.
4. Placing me on supervised probation;
5. Suspension of my driver's license or my right to apply for/obtain a license;
6. A fine in the following range, plus court costs;
 - a. For an offense that would be a felony of the first degree if committed by an adult, no more than \$1,500.00.
 - b. For an offense that would be a felony of the second degree if committed by an adult, no more than \$1,000.00.
 - c. For an offense that would be a felony of the third degree if committed by an adult, no more than \$750.00.
 - d. For an offense that would be a felony of the fourth degree if committed by an adult, no more than \$400.00.
 - e. For an offense that would be a felony of the fifth degree if committed by an adult, no more than \$300.00.
7. Any other services the Court deems helpful or necessary.

These charge(s), rights, points of law, and penalties have been explained to me by the Court or by my attorney. I understand the charge(s), rights, points of law, and penalties. I have, if I so choose, consulted with my Parent/Guardian/Custodian/Attorney, and I fully understand my rights and have no additional questions or concerns for the Court.

I fully understand that any proposed resolution between myself and the State of Ohio is subject to approval by the Judge/Magistrate. Additionally, the Prosecutor and Probation Department may make recommendations regarding disposition, but final sentencing/dispositional outcomes are determined solely by the Judge/Magistrate.

Plea

☐ **ADMIT:** I enter this plea knowingly, intelligently, and voluntarily of my own free will. No one has threatened me or promised me anything to persuade me to waive my rights. I have made this decision without being under the influence of any medication, drugs, or alcohol that would impact my ability to think clearly and understand these rights I am giving up.

☐ **NO CONTEST (WITH CONSENT OF THE COURT):** I enter this plea knowingly, intelligently, and voluntarily of my own free will. No one has threatened me or promised me anything to persuade me to waive my rights. I have made this decision without being under the influence of any medication, drugs, or alcohol that would impact my ability to think clearly and understand these rights I am giving up.

☐ **DENY:** I have considered my rights and after careful thought and deliberation I do not waive the rights explained above. I wish to obtain counsel or have counsel appointed to represent me on my behalf if I qualify.

Alleged Delinquent Juvenile Date

Parent/Guardian/Custodian/Attorney Date

Judge/Magistrate Date

Updated: 12/14/21