

**IN THE NEW PHILADELPHIA MUNICIPAL COURT
NEW PHILADELPHIA, OHIO
Judge Nanette DeGarmo VonAllman**

YOUR RIGHTS AS A DEFENDANT

As a Defendant in a criminal or traffic case, it is very important that you know and understand all of your rights.

1. You are presumed to be innocent of all charge(s). You have the right to know the nature of any charge and the possible maximum penalties.
2. You have the right to have a trial. The State must prove you guilty beyond a reasonable doubt before you can be convicted/sentenced on any charge. You have the right to confront the witnesses against you, to present witnesses and evidence on your own behalf, and to have subpoenas issued to compel witnesses to appear on your behalf at trial.
3. If you are charged with any offense that carries a possible jail sentence, you have the right to demand a Jury Trial. You must file your jury demand in writing at least ten (10) days before your trial date. If you are charged with a “serious offense” (maximum jail term of one year) you are automatically entitled to a Jury Trial.
4. You have the right to an attorney and the right to a reasonable continuance to obtain an attorney. If you are charged with an offense that carries a possible jail sentence and you cannot afford to hire your own attorney, you have the right to have an attorney appointed to represent you at the expense of the State of Ohio.
5. You have the right to remain silent. Any statement you make could be used against you later. All court hearings are recorded.
6. If you are charged with, and subsequently convicted of, any traffic violation, a record of your conviction will be sent to the Ohio Bureau of Motor Vehicles and remain permanently on your driving record. Points remain on your driving record for 24 months.
7. If you are incarcerated awaiting trial or hearing, you have the right to have a reasonable bail set in your case.

THE PLEAS

1. A plea of GUILTY is a complete admission of your guilt in the matter.
2. A plea of NO CONTEST is not an admission of guilt, but is an admission that the facts in the complaint or ticket are true. A plea of NO CONTEST cannot be used against you in any subsequent court proceedings.
3. A plea of NOT GUILTY is a denial of the allegations in the complaint or ticket. If you plead NOT GUILTY your case will be set for trial at a later date.

NOTICE

If you are ordered to pay fines and/or court costs and FAIL TO PAY, the Court can:

- ✓ Sentence you to serve jail (fines only) with credit at \$50.00 per day to be applied if the Court determines at a hearing that you: 1) are able to pay, and 2) fail or refuse to pay.
- ✓ Order you to complete community service, if you are unable to pay, * with credit at the rate of not less than federal minimum wage, 26 USCA 206(a)(1), applied to fines and costs.
- ✓ Send your balance to the Ohio Attorney General's Office or a private collection company for collection. Under Ohio law the Attorney General or collection company may add an additional fee of up to 30% of the balance owed. The Ohio Attorney General's Office also has the authority to seize your Ohio income tax refund annually until paid.
- ✓ Order the Ohio Bureau of Motor Vehicles to block your ability to obtain license plates, renew your license plates/tags, transfer the title to any motor vehicle, and/or cancel (forfeit) your driver's license (fines only) until paid.

Fines and court costs are to be paid on the date of your final court appearance. If you request additional time to pay a \$25.00 fee will be added to your court costs pursuant to O.R.C. §2929.28(F)(3) and local court rule.

Payments may be made:

- ✓ In person at the violations window. The window is open Monday through Friday from 8:00 a.m. to 4:00 p.m., except legal holidays. Check "hours of operation" on court's website for holiday closure dates.
- ✓ By regular U.S. Mail. Provide a self-addressed, stamped envelope if you need a receipt.
- ✓ Online at www.npmunicipalcourt.org/online payments

You may pay in cash, by personal or cashier's check, money order, credit card or debit card. Please make checks/money orders payable to: **New Philadelphia Municipal Court**. **BE SURE TO INCLUDE YOUR CASE NUMBER ON THE CHECK/MONEY ORDER.**

***If you believe you are indigent and currently unable to pay, you must file a motion and request an "Ability to Pay" hearing pursuant to O.R.C. §2947.14. Motion forms are available in the clerk's office or can be printed online under the "Court forms" tab. We do not accept electronic filing of motions at this time. You will be notified of the hearing date and you must appear with proof of your current income, expenses, assets, debts and any other information you want the court to consider.**