

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

IN THE MATTER OF

CASE NO.

JUDGE LINDA TUCCI TEODOSIO

ALLEGED DELINQUENT CHILD

STATEMENT OF RIGHTS

I, _____, alleged delinquent minor child, am advised as follows:

Rights

1. I have a right to be represented by a lawyer at all stages of the proceedings. If I cannot afford to pay for a lawyer one will be provided to me at no cost.
2. If the State seeks to transfer my case to the Adult Court, I have the right to an amenability hearing to determine if I am likely to be rehabilitated within the juvenile system or if community safety requires that my case be transferred to the Adult Court.
3. At an amenability hearing, I have the right to testify (tell my side of the story), but I cannot be forced to testify against myself. If I choose not to testify, that cannot be used against me. I also have the right to remain silent (I do not have to explain what happened).
4. I also have the right to present evidence (have my own witnesses testify and provide my own physical proof) and to cross examine (ask questions of) the witnesses presented against me. A subpoena, which is a court order requiring a person to appear, can be issued to help me bring my witnesses to court.
5. In making its determination, the Court must consider the following factors as well as any other relevant factors:
 - a. Factors for transferring my case to the Adult System include:
 - i. If the victim suffered physical or psychological or serious economic harm as a result of the alleged act;
 - ii. If the physical or psychological harm suffered by the victim was made worse because of a particular vulnerability or the age of the victim;
 - iii. If my relationship with the victim made possible the act charged;
 - iv. If I allegedly committed the act charged for hire or as part of a gang or other organized criminal activity;
 - v. If I had a firearm on my person or under my control at the time of the act charged, the act charged is not a violation of R.C. §2923.12 (Carrying Concealed Weapons), and during the commission of the act charged I allegedly used or displayed the firearm, brandished the firearm or indicated that I possessed a firearm;
 - vi. If I was awaiting adjudication or disposition as a delinquent child, was on probation, or on parole;
 - vii. If results of any previous sanctions and programs indicate that I am not likely to be rehabilitated within the juvenile system;

- viii. If I am emotionally, physically or psychologically mature enough for the transfer; and
 - ix. If there is not sufficient time to rehabilitate me within the juvenile system.
- b. Factors for keeping my case in the Juvenile System include:
- i. If the victim caused or made possible the act charged;
 - ii. If I was provoked in allegedly committing the act charged;
 - iii. If I was not the principal actor in the act or if, at the time of the act charged, I was under the negative influence or coercion of another person;
 - iv. If I did not cause physical harm to any person or property or had reasonable cause to believe that harm of that nature would occur, in allegedly committing the act charged;
 - v. If I have not been previously adjudicated a delinquent child;
 - vi. If I am not emotionally, physically, or psychologically mature enough for the transfer;
 - vii. If I have a mental illness or am developmentally delayed; and
 - viii. If there is sufficient time to rehabilitate me within the juvenile system and the level of security available in the juvenile system provides a reasonable assurance of public safety.
6. Before considering the transfer of my case to the Adult Court the Juvenile Court must conduct an investigation, including a mental examination of me. I may waive this examination if done so competently and intelligently. If I refuse to participate in the examination that refusal will be considered a waiver.
7. Any previous adjudication(s) I have will be among the factors used to determine whether the Juvenile Court will relinquish jurisdiction of your case to the Adult Court.
8. If my case is transferred to the Adult Court I have a right to reasonable bail.
9. If my case is transferred for prosecution as an adult I will no longer be considered a child for the transferred case. If I am found guilty of the offense alleged in the transferred case I will no longer be considered a child in any complaint against me.

After having been advised by the Court of my rights, the nature of the allegations against me (what the State claims I have done) and the possible penalties (possible consequences the Court may impose) and talking with my Parent/Guardian/Custodian/Attorney, I fully understand my rights and have no additional questions for the court.

Waiver:

- After consulting with my attorney, I have considered my rights carefully and waive (give up) the rights explained above. No one has threatened me in any way or promised me any particular outcome to persuade me to waive my right to trial. I have made this decision knowingly, voluntarily, and intelligently, without being under the influence of medication, drugs, or alcohol. My ability to think clearly is not being adversely impacted by any medication that I am or am not taking.

Non-Waiver:

- After consulting with my attorney, I have considered my rights carefully and do not waive (give up) the rights explained above. I cannot afford counsel and I request that the court appoint counsel on my behalf if I qualify.

Alleged Delinquent Juvenile Date

Parent/Guardian/Custodian/Attorney Date

Judge/Magistrate Date