

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

IN THE MATTER OF

CASE NO.

D.O.B.

JUDGE LINDA TUCCI TEODOSIO

WAIVER 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 for me at no cost.
2. Because I am charged or indicted as a serious youthful offender, I cannot waive my right to be represented by an attorney.
3. I have the right to have a trial before the Judge with a Jury of my peers. At this trial the State must prove every element of the offense(s) I am charged with beyond a reasonable doubt. Before I can be found to have committed the offense of which I have been accused, all jurors must agree that the State proved its case beyond a reasonable doubt.
4. I have the right to remain silent (I do not have to explain what happened). At trial 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.
5. I have the right to give 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.
6. Because I am charged or indicted as serious youthful offender, I have the right to have the grand jury review the State's case and determine if there is sufficient evidence to proceed, the right to bail, the right to an open and speedy trial, and the right to an immediate appeal of the adult portion of the serious youthful offender disposition.
7. If I disagree with a decision made by the Judge, I have the right to appeal the Judge's decision to the Ohio Ninth District Court of Appeals. This includes the right to immediate appeal of the adult portion of the serious youthful offender disposition.

Penalties

The maximum penalties (consequences) that may be imposed by the Court if I am found to be a delinquent (if the allegations are found to be true) and a serious youthful offender are as follows for an offense that would be a felony if committed by an adult:

1. Changing where I am living, who I am living with and/or who is supervising me;
2. Placing me in the detention facility for up to ninety days;
3. Placing me on probation;
4. Suspension of my driver's license, driving permit, or my right to apply for a license;
5. Community Service for a set number of unpaid work hours;
6. Restitution paid to the victim to cover property damage or economic loss;

7. Have a fine imposed upon me in accordance with the following schedule, plus court costs:
 - a. For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed \$300;
 - b. For an act that would be a felony of the fourth degree if committed by an adult, a fine not to exceed \$400;
 - c. For an act that would be a felony of the third degree if committed by an adult, a fine not to exceed \$750;
 - d. For an act that would be a felony of the second degree if committed by an adult, a fine not to exceed \$1,000;
 - e. For an act that would be a felony of the first degree if committed by an adult, a fine not to exceed \$1,500;
8. Commitment to the Department of Youth Services:
 - a. for an indefinite term consisting of a minimum period of one year and a maximum period not to exceed the age of 21, for an act that would be a felony of the first or second degree if committed by an adult;
 - b. for an indefinite term consisting of a minimum period of 6 months and a maximum period not to exceed the age of 21, for an act that would be a felony of the third, fourth, or fifth degree if committed by an adult;
9. If I am adjudicated delinquent for committing an offense that would be a felony or act of violence if committed by an adult, a DNA sample and fingerprints will be taken and submitted to the Ohio Bureau of Criminal Investigation and Identification for submission to a national database and use by other law enforcement agencies.
10. Any other services the Court believes will help me.
11. The State has requested that the Court impose a serious youthful offender consequence. If I am found to have committed the offense and the court imposes a serious youthful offender consequence, the court will impose a consequence available for the offense as if I am an adult, except the court may not impose the death penalty or life imprisonment without parole. The court will also impose one or more juvenile consequences. The court will stay (hold back) the adult portion of the consequence pending successful completion of the juvenile consequence. If the court, at a later hearing, finds that I have committed a new felony, an offense of violence or an act while in the custody of the Ohio Department of Youth Services that could be charged as a felony or offense of violence, the court can stop the juvenile consequence and invoke the adult portion of the consequence.
12. If an adult consequence is later imposed, I may be subject to a period of post-release control.
13. If I am adjudicated delinquent for committing two or more felonies, then the Court may order the periods of commitment to be served consecutively (served one after the other) rather than concurrently (served at the same time).
14. If I am adjudicated delinquent for committing an offense that would be a felony or act of violence if committed by an adult a DNA sample will be taken and submitted to the Ohio Bureau of Criminal Investigation and Identification for submission to a national database and use by other law enforcement agencies.
15. My adjudication is a conviction for the purposes of determining the level of certain types of future juvenile offenses and, upon adjudication, the disposition for a future juvenile offense.

16. If I am not a citizen of the United States, I have been advised to seek advice from competent immigration counsel because a finding of delinquency for the offense to which I am charged may have consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

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:

_____ 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:

_____ 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