

**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

ALLEGED DELINQUENT CHILD

MAGISTRATE

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.
 - a. I have the right to retain or consult with counsel (an attorney) even if I intend to admit to the charge or plead no contest.
 - b. I have the right and have been accorded the right to a reasonable continuance in the proceedings to secure counsel.
 - c. I have the right to have counsel assigned to me with no cost to me if I am unable to employ counsel. I understand that I may be required to pay a one-time \$25.00 fee to secure appointed counsel.
 - d. If I waive (or give up) my right to counsel I understand that I will be held to the same rules of evidence, procedure and substantive law as the prosecuting attorney and that the Judge shall remain impartial and cannot assist me or be lenient with me in any way. I understand that there may be defenses to the charges against me that I am not aware of because I am not thoroughly trained in the law. I may be unaware of rights that would be to my advantage to assert. I may lose the rights if I do not assert them.
2. I have the right to have a trial before the Judge or Magistrate. At this trial the State must prove every element of the offense(s) I am charged with beyond a reasonable doubt.
3. 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.
4. I have the right to give evidence (have my own witness testify and provide my own physical proof) and to cross examine (ask questions of) the witness presented against me. A subpoena, which is a court order requiring a person to appear, can be issued to help me bring my witness to court.
5. If I disagree with the Magistrate's decision following a trial (adjudication) or the determination of consequences (disposition) I may file an objection with the Judge.
6. 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.

Penalties

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

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 exceeding 90 days;
3. Placing me on probation;
4. Suspension of my driver's license 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. A fine in the following range, plus court costs;
 - a. For an offense that would be a misdemeanor of the first degree if committed by an adult, no more than \$250.00.
 - b. For an offense that would be a misdemeanor of the second degree if committed by an adult, no more than \$200.00.
 - c. For an offense that would be a misdemeanor of the third degree if committed by an adult, no more than \$150.00.
 - d. For an offense that would be a misdemeanor of the fourth degree if committed by an adult, no more than \$100.00.
 - e. For an offense that would be a minor misdemeanor or an unclassified misdemeanor if committed by an adult, no more than \$50.00.
8. 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.
9. Any other services the Court believes will help me.
10. 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.
11. 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