



CITY OF BLUE ASH

MAYOR'S COURT OPERATION

Neither the officer, the prosecutor, the judge, nor any court official receives any portion of your fine. They are all paid a salary and they are not affected financially, whether you are fined or not.

The police officer's efficiency is not measured by the number of tickets or arrests he or she processes. The objective is to promote traffic safety and to protect lives and property.

No immunity is given to any citizen of Blue Ash because of one's position or station in life. The City Council, City Administration and other City Officials must comply with the laws of Ohio and the City of Blue Ash. All are subject to prosecution and payment of fines.

In conclusion, it is our sincere hope that this pamphlet will help each person appearing before the Court to understand the rights and procedures which will be observed. As a final word, if on the first call of your case you have any questions, do not hesitate to ask for assistance or request a continuance to enable you to talk to an attorney about your case.

MAYOR'S COURT CITY OF BLUE ASH, OHIO

LEE CZERWONKA, MAYOR



BRYAN PACHECO, SOLICITOR

BRENDA TRAXLER, COURT CLERK

**DAVID WALTZ
CITY MANAGER**

**PAUL HARTINGER
CHIEF OF POLICE**

Furnished by the City of Blue Ash: The Honorable Lee Czerwonka, Mayor, presiding.

This pamphlet is intended to serve as an introduction to anyone entering the Mayor's Court, whether as a defendant, witness or visitor, of the rights guaranteed under the Constitutions of the United States and the State of Ohio and rules and customs of this Court. It is written, published and distributed on the assumption that this may be your first visit or appearance in any Court and that you may therefore find beneficial the information in this pamphlet which summarizes your rights and some of the more important rules of procedure which will be followed after Court is opened.

YOUR RIGHTS AS A DEFENDANT

I. Right to Counsel

You have the right to consult with or employ an attorney to represent you or act on your behalf. You also have the right to a reasonable continuance to obtain legal assistance. If you have not had an opportunity to consult with or hire an attorney and you want legal assistance, you should ask for a continuance and tell the Court that you want the continuance to talk to an attorney. If you are charged with a violation which could result in your being sent to jail and if you believe that you are financially unable to hire an attorney, you should tell the Court that you are indigent and the Court will then determine if an attorney should be appointed to represent you at no cost.

II. Trial by Jury

If you are charged with an offense which authorizes this court, upon conviction, to fine you more than \$150.00, or to sentence you to jail, you have the right to a jury trial. This will take place in the Hamilton County Municipal Court. Also, the services of an attorney are almost always needed if you wish to present your defense to a jury. Accordingly, if you think that you may wish to request a jury trial, you should ask for a continuance and seek legal assistance immediately. If you do not know whether you are entitled to a jury trial, do not hesitate to ask the Court before you enter a plea to the charge.

III. Procedure and Pleas

When your case is called, you should proceed immediately to a position directly in front of the judge. You will first be told the nature of the charge against you. You will be required to (1) request a continuance, (2) make a written motion, or (3) enter a plea. THIS IS NOT THE TIME TO TELL YOUR SIDE OF THE CASE. If you wish to make a motion or conduct discovery, it should be brought to the attention of the Court at this time in writing.

Usually, you will want to enter one of the following pleas: (a) guilty; (b) no contest; (c) not guilty; (d) once in jeopardy. If you refuse to plead, a plea of not guilty will be entered.

This is what each plea means:

(a) Guilty: If you plead 'Guilty', you are saying that you have committed the offense with which you have been charged. If you plead 'Guilty', you waive all right to trial and appeal. You admit you have committed the crime.

If you plead 'guilty', a statement may be given on behalf of the City concerning the events which gave rise to the charge. If you want to, you will then be permitted to make a statement on your own behalf, and you may also call witnesses to tell your side of the story and bring out facts in your favor. After this informal hearing, the Court will impose an appropriate sentence or punishment.

(b) No Contest: The plea of 'No Contest' is not an admission of guilt but is an admission of the truth of the facts alleged against you. This plea or admission will not be used against you in any subsequent civil or criminal proceeding. When you enter a plea of 'No Contest', you allow the Court to decide whether you are guilty or innocent based upon an unsworn statement of circumstances given in behalf of the City by the arresting officer. If you are found guilty, the same procedure as in the case of a guilty plea will be followed before sentencing.

(c) Not Guilty: If you plead 'Not Guilty', you are saying that you did not commit the offense with which you are charged in the manner and form in which it is filed in the Court. In such a case you are entitled to a full, formal and complete trial.

(d) Once in Jeopardy: If you plead 'Once in Jeopardy', you are saying that you have been tried and either found guilty or innocent of the same or a very closely related offense or a greater included offense. This plea should be in writing and should set forth to the Court the time and place of conviction, acquittal or jeopardy. Normally, legal advice should be obtained if you think you have the right to enter the plea of 'Once in Jeopardy'.

IV. Right to Assistance by the Court

You may have additional rights available to you through the Ohio and U.S. Constitutions, state statutes, court decisions and related procedures which are not mentioned in this pamphlet. If you have any questions concerning your rights, please do not hesitate to ask the Court for advice and assistance.

V. Rights at Trial

If you plead 'Not Guilty' and a trial is held, you have certain additional rights, such as the right to cross-examine witnesses for the City, to require witnesses for you to attend trial, etc. If you are in doubt as to any of these rights, you may ask the Court for additional instructions when the trial is held.

As each witness against you completes his testimony, you will be asked, "Do you wish to cross-examine the witness?" If you do not know how to frame your question, the City Prosecutor or Judge will be glad to assist you.

When the prosecution has finished, you may then put on your witnesses, or testify in your own behalf. You have the right to remain silent and any statement made by you can be used against you. No defendant is forced to testify against himself/herself, but he/she may take the stand if he/she desires. Any evidence he/she gives may be used by either side.

When the evidence is all in, you may tell the Court why you think you should not be found guilty.

VI. Right to Appeal

If you are not satisfied with the decision of the court, you have the right, under certain rules, to appeal to a higher Court. When a valid appeal bond is filed, your case will be transferred to the Hamilton County Municipal Court, before which you are entitled to a new trial before a different judge or jury.

If you wish to ask for a review of the court's decision, you should advise the Clerk of the Court of this fact before you pay any fine levied, and immediately consult an attorney to assist you.

SUMMARY

After court has been called to session, no smoking, food, or drinks shall be permitted in the courtroom. Loud or abusive behavior will not be tolerated. Listen for your case to be called.

Damages which have been incurred due to an automobile collision cannot be adjusted in the Mayor's Court. This is a civil matter and will have to be tried in civil court. The outcome of your case in the Mayor's Court will not necessarily affect your civil suit.

Some people persist in thinking that the judge will always believe the police officer in preference to the defendant. This is not correct. The judge will listen to both sides that are presented and decide accordingly. If you wish to be believed, be calm and simply tell the truth.