



## JOHNSTOWN MAYOR'S COURT

599 S. MAIN ST. JOHNSTOWN, OH 43031

PHONE: (740) 967-5961 FAX: (740) 967-6415

**BASIC RIGHTS:** If you appear in The City of Johnstown Mayor's Court, you should know your basic rights as a defendant in Court. They are:

- To know the nature of the charge filed against you.
- To know the identity of the person making the charge against you.
- To see and read the citation and/or complaint filed against you.
- To have legal counsel represent you. If you cannot afford legal counsel, you may have your case transferred to the Licking County Municipal Court to determine if you are eligible for a Public Defender.
- To have a trial by jury where provided by law in the appropriate Municipal Court.

**PROOF OF FINANCIAL RESPONSIBILITY:** A defendant who is charged with a traffic offense shall either present to the police officer at the time of the alleged offense, or to the court at the time of his/her appearance, proof of financial responsibility for the operation of the vehicle at the time of the offense **IN EFFECT ON THE TIME AND DATE OF THE TRAFFIC OFFENSE.** If you do not have proof of financial responsibility, or if you did not show it to the police officer or to the court, the Bureau of Motor Vehicles (BMV) will be notified of the failure to provide proof. The BMV will then send a notice to the address appearing on your driver's license indicating that a failure to provide proof of financial responsibility within 30 days will result in a 90-day suspension of your license, imposed by the BMV.

### **PENALTIES:**

<b><u>Classification of Misdemeanor</u></b>	<b><u>Maximum term of Jail Time</u></b>	<b><u>Maximum Fine Amount</u></b>
First Degree (M1)	180 Days	\$1,000.00
Second Degree (M2)	90 Days	\$750.00
Third (Degree M3)	60 Days	\$500.00
Fourth Degree (M4)	30 Days	\$250.00
Unclassified Misdemeanor (UM)	No Jail Time	\$1,000.00 + 500 hrs of comm. service
Minor Misdemeanor (MM)	No Jail Time	\$150.00

**\*\*Court costs are in addition to any fines imposed\*\***

**APPEAL RIGHTS:** Within 10 days from the date the Magistrate renders judgment, you may appeal that decision by filing a written notice of appeal with the Mayor's Court Clerk.

*\*A Federal Appeals Court has determined that it may be inappropriate to allow Mayors to preside over Mayor's courts in Ohio. As a result, if you would like to have your case transferred to the appropriate Municipal Court, please request a transfer at this time. The City of Johnstown does not utilize our Mayor but instead; a licensed Magistrate presides over our court.*

**PLEAS:** When your name is called in Court, The Magistrate will inform you of the nature of the charge. You will then be required to enter one of the following pleas provided by the laws of Ohio, and will be able to present any information to the Magistrate:

- **GUILTY**- The plea of guilty is a complete admission of your guilt.
- **NO CONTEST**- The plea of no contest is not an admission of guilt, but is an admission to the truth of the facts alleged in the information or complaint. A no contest plea cannot be used against you in any other civil or criminal proceeding. Upon receiving the plea of no contest, the Magistrate will assess the information on the complaint and if a charge is appropriate, you will be found guilty and sentencing will occur.
- **NOT GUILTY**- The plea of not guilty is a denial of legal guilt. Upon the entering of a not guilty plea, your case will be set for a later pre-trial/trial date.

**“IF YOU ARE NOT A CITIZEN OF THE UNITED STATES, YOU ARE HEREBY ADVISED THAT CONVICTION OF THE OFFENSE TO WHICH YOU ARE PLEADING GUILTY (OR NO CONTEST WHEN APPLICABLE) MAY HAVE THE CONSEQUENCE OF DEPORTATION, EXCLUSION OF ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.”**

I HAVE READ THIS STATEMENT OF RIGHTS FORM IN ITS ENTIRETY AND I UNDERSTAND WHAT MY RIGHTS ARE. I KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY GIVE UP MY RIGHTS TO EMPLOY AN ATTORNEY, OR TO HAVE ONE APPOINTED FOR ME. I ALSO GIVE UP MY RIGHTS SET FORTH ABOVE, INCLUDING MY RIGHT TO HAVE MY RIGHTS EXPLAINED TO ME IN OPEN COURT.

**PLEA:** I understand the charge(s) against me and the possible maximum penalties. Having knowingly, intelligently, and voluntarily waived my rights.

I plead: (Place an **X** in the appropriate box)

- ☐ **GUILTY**
- ☐ **NO CONTEST**
- ☐ **NOT GUILTY** and I hereby voluntarily waive my speedy trial rights for purposes of trial

**NAME:** \_\_\_\_\_  
(PLEASE PRINT)

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **PHONE:** (\_\_\_\_) \_\_\_\_\_ **DOB:** \_\_\_\_/\_\_\_\_/\_\_\_\_

## **PERSONS ARRESTED FOR OVI**

If you are charged for operating a motor vehicle while under the influence of alcohol, a drug of abuse, or both alcohol and a drug of abuse physical control under Johnstown Codified Ordinance Section 333.01, and you have either refused to submit to a chemical test, or if you have submitted to the requested test and have been found to have a prohibited concentration of alcohol or a drug of abuse in your blood, breath, or urine, your driver's or commercial driver's license, or permit for non-residential operating privileges have been immediately suspended by the police officer, on behalf of the Registrar of Motor Vehicles. You may appeal this suspension at your initial appearance and/or request that the Court permit Limited Driving Privileges during the period of suspension.

Independent of any penalties or sanctions imposed upon you pursuant to any other section of the Johnstown Codified Ordinance, your driver's or commercial driver's license or permit, or non-residential operating privilege is now suspended. The suspension takes effect immediately upon your arrest. The suspension will last at least until your initial appearance on the charge that will be held within five days after the date of the arrest or the issuance of a citation to you. You may appeal the suspension at the initial appearance.

### **LENGTH OF SUSPENSION**

(DEPENDING ON PRIOR INSTANCES WITHIN 6 YEARS)

#### **FOR REFUSAL**

No prior refusals	1 year
One prior refusal	2 years
Two prior refusals	3 years
Three or more prior refusals	5 years

#### **FOR PROHIBITED CONCENTRATION OF ALCOHOL**

No prior convictions	90 days
One prior conviction	1 year
Two prior convictions	2 years
Three prior convictions	3 years

## **PERSONS ARRESTED FOR DRIVING UNDER SUSPENSION**

If you are charged for driving under an FRA suspension, or driving under an OVI suspension, your vehicle and/or identification plates may have been seized and kept by the law enforcement agency, or will be immobilized. The period of seizure or immobilization will be at least until your initial appearance in court. At the initial appearance, the court may order the vehicle returned to you or released to the vehicle owner. If you are convicted, the court may issue an order of immobilization of the vehicle and the impoundment of its license plates. Upon a second conviction of wrongful entrustment or a third conviction of driving under an FRA suspension, an OVI suspension, or a municipal ordinance similar to one of these offenses, the Court, upon your conviction, may order forfeiture of the vehicle. If you are not the vehicle owner, you should immediately inform the owner that the vehicle and the license plates have been seized and that the owner may be able to obtain the return or release of the vehicle and plates. If you have a **COMMERCIAL DRIVER'S LICENSE**, and you were **OPERATING A COMMERCIAL VEHICLE**:

- A. You may request an Administrative Hearing for your DISQUALIFICATION by:
  1. Preparing a WRITTEN request;
  2. Submitting the request by REGISTERED OR CERTIFIED MAIL within 30 days of your refusal or test date
  3. Mailing it to:  
**Ohio Bureau of Motor Vehicles**  
**Attention: Drivers CDL**  
**P.O. Box 16784**  
**Columbus, OH 43266-0084**
- B. You may make an appeal of this suspension in court at the time of your initial appearance. Even though you may appeal this suspension, your driving privileges will still be suspended.