

Holmes County Juvenile Court

Judge Thomas C. Lee

Juvenile Traffic Court

Explanation of Rights & Pleas

The purpose of this handout is to explain the rights of young drivers appearing in Juvenile Traffic Court, the three pleas available to them, and the effect of those pleas. Juvenile Traffic Court in Holmes County is held one day per month and the cases are heard in the order in which they were filed in the previous month. When you first enter the Courtroom, Judge Lee will ask you if you've reviewed and understand the information in this handout. If you have questions, be sure to ask.

Judge Lee will then review the ticket with each juvenile to insure he or she understands the charge. The juvenile will then be asked to enter a plea. The pleas available under Ohio law for juveniles in traffic cases are:

1. **Guilty** – a complete admission of guilt.
2. **Not Guilty** – a denial of guilt.
3. **No Contest** – not an admission of guilt, but an admission that the facts as stated on the ticket are true.

If you plead **Guilty** you give up these rights:

1. The right to a trial;
2. The right to make the State prove the charge against you by proof beyond a reasonable doubt;
3. The right to ask witnesses questions at the trial;
4. The right to use the Court's subpoena power to force people to testify for you;
5. The right to remain silent; and
6. The right to be represented by a lawyer at trial.

If you plead **Guilty or No Contest**, you will be given an opportunity to comment on the traffic violation before sentencing. Sentencing in Juvenile Traffic Court can include any or all of the following:

1. Payment of a fine and Court costs;
2. Payment of restitution if a crash occurred and caused financial loss to another person;
3. Suspension of your permit or license for a period of up to two years;
4. Payment for and attendance at a traffic safety school;
5. Revocation of the registration of any motor vehicle in your name;
6. Delay of the date on which you are otherwise eligible to obtain a permit or license if you don't yet have one;
7. Completion of community service hours;
8. Probation to Holmes County Juvenile Court; and
9. Other potential options based upon the facts in each case and the best interest of the juvenile driver.

Each young driver is treated on an individual basis considering the facts and circumstances of the traffic incident. Whether he or she has had prior traffic offenses is a very important factor in sentencing. Therefore, it's possible that two juveniles with the same charge may receive different sentences based upon their prior records.

If you plead **Guilty or No Contest**, a record of your conviction is sent to the Ohio Bureau of Motor Vehicles (BMV) in Columbus. Each conviction carries a certain number of points. For example, a stop sign violation is two points and a drunken driving violation is six points. If you receive twelve points against your license in any two-year period, BMV will suspend your license for at least six months.

If a juvenile commits two moving violations before the age of eighteen, Ohio law requires a mandatory 90-day license suspension. If a juvenile commits three moving violations before the age of eighteen, Ohio law requires a mandatory 1-year suspension. The juvenile's age at the time of **committing** the offense controls, not the juvenile's age when he or she is convicted or pleads guilty or no contest. A "moving violation" means any violation, other than a seat belt charge, that concerns the operation of motor vehicles in the State of Ohio.

If you receive a 90-day or 1-year suspension as a result of a 2nd or 3rd moving violation, you may ask for limited driving privileges. On a 3rd moving violation the Court will not consider limited driving privileges until at least six months after the start of the suspension. You must show that the suspension will seriously affect your ability to continue in employment, educational training, vocational training, treatment, or to practice driving with your parent, guardian or custodian. If limited driving privileges are granted, the Court will issue you a driving letter which will state the purposes, times and places of the privileges, and other reasonable and necessary restrictions. **The request for limited driving privileges will be denied if the circumstances of the violation indicate an ongoing risk to the driving public if privileges are granted.**

Ohio's Financial Responsibility Law requires that the vehicle being driven when the ticket was issued must be covered by liability insurance. Ohio law requires written proof of insurance must be kept in your vehicle to present to the officer. If you were driving a vehicle that was not covered, your license will be suspended by BMV.

If you plead **Not Guilty**, your case will be set for a pretrial hearing. The purpose of a pretrial hearing is to try to resolve a case short of trial. A representative of the Prosecuting Attorney's office will be present and you will have an opportunity to discuss the case with him or her. If it cannot be settled at the pretrial hearing, the case will then be set for trial.

If you plead **No Contest**, you give up your rights as listed above for a Guilty plea. If you plead **No Contest**, you will be found to be a juvenile traffic offender. A record of your conviction is sent to BMV also.

Ohio law states as follows:

1. A licensed driver under age 17 may not drive between midnight and 6:00 A.M. unless accompanied by a parent or guardian.
2. A licensed driver under age 18 may not drive between 1:00 A.M. and 5:00 A.M. unless accompanied by a parent or guardian.

3. There are three exceptions to numbers 1 & 2:
 - a. If the driver is traveling to or from work and has in his immediate possession written documentation from his employer.
 - b. If the driver is traveling to or from an official school function.
 - c. If an emergency situation exists and there is no one else available to drive the vehicle in the emergency.
4. A licensed driver under age 17 may not drive with more than one non-family member in the vehicle unless accompanied by a parent, guardian or custodian.
5. If a licensed driver under age 17 commits a moving violation within six months of receiving his or her license the Court may impose a requirement that the driver must be accompanied by a parent or guardian for one of the following time periods:
 - a. If on the date of conviction, the driver is less than 16 years six months old, for a period of six months from the date of conviction.
 - b. If on the date of conviction, the driver is more than 16 years six months old, until the driver reaches age 17.

Ohio law allows a juvenile who is otherwise subject to this restriction to request privileges to drive by himself or herself. The juvenile must be able to show that there is reasonable cause to believe the restriction will seriously affect his or her ability to continue in employment or educational training or will cause undue hardship to the juvenile or a family member.

Note that the juvenile must request these privileges and that the standard listed above must be met – otherwise the privileges will not be granted.

If one of the following three situations applies to you, you will not need to come into the Courtroom:

1. You are charged with only a seatbelt violation, and you want to simply pay the mandatory fine of \$30.00 for a driver or \$20.00 for a passenger (plus Court costs).
2. You want to enter a plea of Not Guilty and have your case set for a pretrial hearing.
3. You are unsure how to plead and you want to talk with an attorney before making that decision.

Please keep in mind that Judge Lee cannot give you any legal advice or tell you how to plead. If you need legal advice, you should talk with an attorney.

We hope you share our concerns about traffic safety in Holmes County. It is often said that driving is a privilege, not a right, and that is true. However, too often young drivers forget that fact. One of our goals in Juvenile Traffic Court is for new drivers to understand that driving is a very serious business. You don't have to be speeding or driving drunk to kill yourself or someone else – simply turning in front of another car can have the same consequences.

We understand a young driver's experience in Juvenile Traffic Court will cost them money and cause them inconvenience. We also understand a license suspension for a young driver can cause difficulties for the entire family. However, if he or she becomes a better and safer driver as a result, it will have been a worthwhile experience.

Please trust that all we do at Juvenile Traffic Court is done with the goal of improving the safety of young drivers and all others on our Holmes County roads and elsewhere.