

**HOLMES COUNTY JUVENILE COURT
JUDGE THOMAS C. LEE**

Traffic Court Explanation of Rights & Pleas

The purpose of this handout is to ***explain the rights of juveniles appearing in Traffic Court, the pleas available to them, and the effect of those pleas.*** Traffic Court in Holmes County is held one day per month and each juvenile will be asked if he or she has reviewed this information when the hearing begins. The cases will then be called in the order in which they were filed over the last month.

AVAILABLE PLEAS

When you come into the Courtroom, the ticket will be read to each juvenile to ensure he or she understands the charge. The juvenile will then be asked to enter a plea to the ticket. The pleas available under Ohio law for juveniles in traffic cases are "Admission," "Denial," or "No Contest."

Admission	Denial	No Contest
Like a guilty plea; a complete admission of guilt.	Like a not guilty plea; denial of guilt.	Not an admission of guilt, but an admission that the facts as stated on the ticket are true; however, the Court must consent to an entry of a plea of no contest. Such plea will be available only in limited circumstances.

ADMISSION OR NO CONTEST

If you enter a plea of Admission or No Contest, you will be found to be a Juvenile Traffic Offender. **You will be giving up the following rights:**

1. The right to hire your own attorney or ask for a Court-appointed lawyer.
2. The right to challenge the witnesses and evidence against you.
3. The right to remain silent: It is important to remember that any statement you make can be used against you at the adjudicatory hearing (trial).
4. The right to an adjudicatory hearing (trial) with the Judge or Magistrate. (Juveniles do not have the right to a jury trial in Ohio.)
5. The right to introduce evidence at the adjudicatory hearing (trial).

If you enter a plea of Admission or No Contest, you and the adult(s) accompanying you will be given the opportunity to relate your version of the traffic incident before disposition (sentencing).

Dispositional orders in Juvenile Traffic Court can include any of the following options:

1. Payment of a fine and Court costs;
2. Completion of virtual driving test program (Ready-Assess) and payment of program cost (\$50.00);
3. Payment of restitution if an accident occurred and you caused financial loss to another person;
4. Suspension of your permit or license;
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 do not yet have one;
7. House arrest with or without electronic monitoring;
8. Requirement that you complete drug and alcohol programming;
9. Completion of community service hours; and
10. Probation to Holmes County Juvenile Court.

Each juvenile is treated on an individual basis considering the facts and circumstances of the traffic incident. **Whether a juvenile 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.

POINTS

If you enter a plea of Admission 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 Operating a Vehicle under the Influence of Drugs or Alcohol (OVI) 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.**

SUSPENSION

If, before the age of eighteen, a juvenile is convicted of two moving violations, the BMV will impose a mandatory 90-day license suspension. **If a juvenile is convicted of three moving violations before the age of eighteen, the BMV will impose a mandatory 1-year suspension.**

LIMITED DRIVING PRIVILEGES

If you receive a 90-day or 1-year suspension as a result of a 2nd or 3rd moving violation, you may be granted limited driving privileges by the Court. **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 may include any other conditions or restrictions the Court considers reasonable and necessary.

LIABILITY INSURANCE

The Financial Responsibility Law also impacts juveniles in Ohio. This means that **you must carry liability insurance on the vehicle being driven at the time the ticket was issued.** Ohio law also requires that you carry proof of that insurance with you in your vehicle to present to the officer. If you were driving a vehicle that was not covered, your license will be suspended.

DENIAL

A plea of "Denial" may also be entered in juvenile traffic cases. If you enter a plea of Denial, **your case will be set for either a pretrial hearing or trial.** At the pretrial, the Prosecuting Attorney will discuss the case with you and try to resolve the case short of trial. If it cannot be settled at the pretrial hearing, the case will then be set for trial.

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

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 Denial and have your case set for either a pretrial hearing or trial.
3. You are unsure how to plead and you want to talk with an attorney before making that decision. If you want to meet with an attorney, you will be given several weeks to do so before being asked to enter a plea.

OBJECTIONS TO MAGISTRATE DECISION

In addition to the rights that were addressed above, if your case is heard before the Magistrate and the Magistrate issues a decision, **you have the right to file written objections to the Magistrate's decision within fourteen (14) days of the filing of the decision.** If any party timely files objections, any other party may file objections not later than ten (10) days after the first objections are filed. The Magistrate also may make certain pretrial orders without judicial approval.

LEGAL ADVICE

Please keep in mind that the Judge and Magistrate cannot give you any legal advice or instruct you how to plead. If you need legal advice in your case, you should talk with an attorney. **The decision whether to plead Admission, Denial or No Contest is a decision that you must make on your own.**

In closing I want to say, especially to the parents of the juveniles, that I hope you share my concern about traffic safety in Holmes County. We often hear that **driving is a privilege, not a right, and that is true.** However, too often juveniles forget that fact. One of my goals in traffic cases is that all juveniles learn that **driving is a very serious business.** You don't have to be driving drunk to kill yourself or someone else -- simply turning in front of another car can have the same effect.

It is important that juveniles understand this lesson, and I will be handing out some sentences today to drive that point home. Most of the kids will be leaving with less money than they came with and some of them will be leaving their licenses here. I understand a license suspension of a teenage driver can cause a serious inconvenience for families, and if possible, I will consider driving privileges for school and/or work. But I do need the support of parents because **my primary concern is the safety of your child and others on our Holmes County roads.**

Judge Lee
Holmes County Juvenile Court