

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
JUVENILE DIVISION

IN THE MATTER OF:

CASE NO. _____

JUDGE _____

ALLEGED DELINQUENT CHILD

MAGISTRATE _____

STATEMENT OF RIGHTS

The alleged delinquent/unruly minor child is hereby advised as follows:

1. If you are adjudicated unruly, the possible consequences include: placing you in protective supervision; committing you to the custody of a public children services agency, a relative or other interested party; placing you on community control; suspension of your driver's license or the registration to all motor vehicles registered in your name.
2. If you are adjudicated delinquent by reason of having committed an act that would be a misdemeanor if committed by an adult, in addition to the possible consequences set forth above, the possible consequences include: a fine plus court costs (see fine schedule in 28 below); ordering you to make restitution for property damage caused by your delinquent act; placing you on electronically monitored house detention; confinement in detention for a period not exceeding 90 days pending disposition; and any further disposition the court finds proper, except that you cannot be incarcerated in an adult facility.
3. If you are adjudicated delinquent for reason of having committed an act that would be a third, fourth or fifth degree felony if committed by an adult or for underage purchase of a firearm or handgun, in an addition to the possible consequences set forth above, you may be committed to the Department of Youth Services for an indefinite period of time consisting of a minimum of six months and a maximum period not to exceed the age of 21 years.
4. If you are adjudicated delinquent for having committed the offense of voluntary manslaughter, kidnapping, aggravated arson, aggravated robbery, involuntary manslaughter of a first degree felony, or rape, unless the sexual conduct or insertion involved was consensual and the victim was less than 13 years of age and was older, the same age or less than three years younger than you, in addition to the possible consequences set forth in 1 and 2 above, you may be committed to the Department of Youth Services for institutionalization in a secure facility or an indefinite period of time consisting of a minimum period of one to three years and a maximum period not to exceed the age of 21 years.
5. If you are adjudicated delinquent by reason of having committed attempted aggravated murder or attempted murder, in addition to the possible consequences set forth in 1 and 2 above, you may be committed to the Department of Youth Services for institutionalization in a secure facility for an indefinite period consisting of a minimum period of six to seven years and a maximum period not to exceed the age of 21 years.

6. If you are adjudicated delinquent by reason of having committed an act that would be a felony of the first or second degree if committed by an adult, excluding the offenses set forth in 4 or 5 above, in addition to the possible consequences included in 1 and 2 above, you may be committed to the Department of Youth Services for institutionalization in a secure facility for an indefinite period of time consisting of a minimum of twelve months and a maximum period not to exceed the age of 21 years.

7. If you are adjudicated delinquent by reason of having committed the offense of aggravated murder or murder, in addition to the possible consequences set forth in 1 or 2 above, you may be committed to the Department of Youth Services for institutionalization in a secure facility until you attain the age of 21 years.

8. If you are adjudicated delinquent for committing an act which would be a felony if committed by an adult, other than carrying a concealed weapon, and if the court determines that during the commission of the act for which you were adjudicated delinquent, you violated a statute that relates to the possession or use of a firearm, in addition to the penalties set forth in 1, 2, 3, 4, 5 or 6 above, the court may commit you to the Department of Youth Services for institutionalization in a secure facility for a period of time not to exceed five years, which shall be in addition to and served consecutively with and prior to, a period of commitment as set forth in 3, 4, 5 or 6 above.

9. If you are adjudicated delinquent for committing aggravated murder, murder or a first, second or third degree felony offense of violence, and the court determines that during the commission of the act for which you were adjudicated delinquent, you were participating in a criminal gang, in addition to the penalties set forth in 1, 2, 3, 4, 5 or 6 above, the court may commit you to the Department of Youth Services for institutionalization in a secure facility for the period of time of not less than one and not more than three years, which shall be in addition to and served consecutively with and prior to, a period of commitment as set forth in 3, 4, 5, and 6 above.

10. If you are adjudicated delinquent for committing 2 or more acts that would be felonies if committed by an adult, the court may order the periods of commitment to the Department of Youth Services for institutionalization or institutionalization in a secure facility to be served consecutively and, if applicable, be in addition to a period of commitment for a firearm or gang specification as described in 8 and 9 above.

11. You are entitled to be represented by legal counsel at all stages of the proceeding, and if you are indigent and unable to employ counsel, an attorney will be provided at no cost.

12. You have the right to remain silent.

13. You have the right to an adjudicatory hearing at which you must be proved to have committed the offense by proof beyond a reasonable doubt.

14. You have the right to offer evidence and to cross-examine the witnesses presented against you.

15. You have the right to a record of the proceeding, made at public expense if you are indigent.

16. By admitting the charge, you are acknowledging the truth of the allegations contained in the complaint and are giving up your right to an adjudicatory hearing at which you must be proven to have committed the offense by proof beyond a reasonable doubt, your right to remain silent and your right to present and cross-examine witnesses.

17. By denying the charge you are denying the allegation contained in the complaint and are requesting an adjudicatory hearing.

18. You may enter a no contest plea with the consent of the court. The plea of no contest is not an admission of guilt, but is an admission of the truth of the facts alleged in the complaint and the plea or admission shall not be used against you in any subsequent civil or criminal proceeding.

19. If you were 14 years of age or older at the time of the alleged offense, and that offense is a felony, the Prosecuting Attorney may seek to transfer your case for criminal prosecution as an adult.

20. If you are 10 years of age or older at the time of the alleged offense, and that offense is a felony, you may be eligible for a serious youthful offender at disposition. If you are adjudicated delinquent and the court imposes a serious youthful offender disposition, the court will impose a sentence available for the violation as if you are an adult, except the court may not impose the death penalty or life imprisonment without parole. The court will also impose one or more juvenile dispositions. The court will stay the adult portion of the sentence pending successful completion of the juvenile disposition. If the court, at a subsequent hearing, determines that you are unlikely to be rehabilitated during the period of juvenile jurisdiction, the court can terminate the juvenile disposition and invoke the adult portion of the disposition.

21. If you are charged or indicted as a serious youthful offender, in addition to the rights set forth in paragraphs 11 through 15 above, you have the right to a grand jury determination of probable cause, the right to bail, the right to an open and speedy trial, the right to a jury trial and the right to an immediate appeal of the adult portion of the serious youthful offender disposition. Additionally, you cannot waive your right to be represented by an attorney.

22. If you are 14 years of age or older and adjudicated a delinquent child for committing a sexually oriented offense on or after January 1, 2008, you may be classified as a Tier I, II or III juvenile offender registrant and required to comply with community notification and registration provisions of the Ohio Revised Code. The classification may be reviewed at the time of the completion of your disposition and at several intervals thereafter and that classification may be reduced or terminated.

23. If you are adjudicated delinquent for committing aggravated murder, murder, rape, felonious sexual penetration, involuntary manslaughter, a first or second degree felony resulting in the death or physical harm to a person, complicity in or an attempt to commit any of said offenses and the court commits you to the Department of Youth Services, the adjudication shall be considered a conviction for the purposes of future determination of whether you are a repeat violent offender.

24. If you are adjudicated a delinquent minor or a juvenile traffic offender, that adjudication is a conviction for the purposes of determining the level of subsequent offenses and, upon conviction, the sentence imposed for a subsequent offense. The adjudication will also be used to determine whether the Juvenile Court will relinquish jurisdiction of your case to an adult court.

25. If you are adjudicated delinquent for committing an offense that would be a felony or act of violence if committed by an adult a DNA sample 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.

26. Your case will be sealed automatically if the court dismisses the complaint after a trial on the merits or finds you not to be a delinquent child or an unruly child. Additionally, you are advised that you may have a right to have your records expunged.

27. If you are adjudicated delinquent or unruly you may have the right to have your record sealed two years after the successful termination of your case.

28. The court may impose fines as follows:

<u>Classification of offense</u>	<u>Fine not to exceed:</u>
Aggravated murder or murder	\$2,000.00
First degree felony	\$1,500.00
Second degree felony	\$1,000.00
Third degree felony	\$750.00
Fourth degree felony	\$400.00
Fifth degree felony	\$300.00
First degree misdemeanor	\$250.00
Second degree misdemeanor	\$200.00
Third degree misdemeanor	\$150.00
Fourth degree misdemeanor	\$100.00
Minor misdemeanor	\$50.00

ACKNOWLEDGEMENT

The undersigned alleged delinquent, unruly minor and his/her parent/guardian/custodian hereby acknowledges received a copy of the complaint and the foregoing statement of rights. The undersigned further acknowledges that the nature of the allegations and the possible consequences have been explained as has the right to counsel.

Parent/Guardian/Custodian Date

Alleged delinquent/unruly juvenile Date