

OTTAWA COUNTY MUNICIPAL COURT
OTTAWA COUNTY, OHIO

STATE OF OHIO

Plaintiff,

-V-

DEFENDANT'S SWORN AFFIDAVIT

AND PLEA IN ABSENTIA

Defendant.

COUNTY OF _____)

) SS

STATE OF _____)

I, _____, having first been duly cautioned and sworn, depose and state that the following is true and accurate, to the best of my knowledge and belief:

1. I am the above named individual/defendant in the above captioned case.
2. I wish to enter a plea to the charge of _____, in violation of code section _____, a minor misdemeanor / misdemeanor of the _____ degree. This charge is/is not an amendment to the original charge.
3. I wish to plead guilty/no contest to the charge (as amended).
4. I am entering this plea freely, knowingly, voluntarily, and intelligently, understanding the following:
 - a. The nature of the charge is as follows: _____
 - b. The charge is classified as a minor misdemeanor / misdemeanor of the _____ degree.
 - c. It is a _____ point violation which will be reported to the Bureau of Motor Vehicles. Furthermore, if this is a moving violation, I must submit proof of insurance in effect on the date of the alleged violation.
 - d. The minimum sentence that the Court must impose is as follows:
 - _____ (fine)
 - _____ (jail)
 - _____ (Driver's License Suspension)
 - _____ (Immobilization of Motor Vehicle, Impoundment of Plates and Registration)

e. The maximum sentence that the Court can impose is as follows:

- _____ (fine)
- _____ (jail)
- _____ (Driver's License Suspension)
- _____ (Immobilization of Motor Vehicle,
Impoundment of Plates and
Registration)

f. If I am convicted of another subsequent charge, the nature and degree of the charge may escalate, and I may be subject to greater mandatory minimum/maximum penalties.

g. The difference between a not guilty plea, guilty plea, and a plea of no contest. I also understand the consequences and effect of each plea.

5. I understand, and freely, knowingly, voluntarily, and intellectually waive the following:

- a. I have a right to a trial by jury or a non-jury trial where the State must prove my guilt beyond a reasonable doubt.
- b. I have/have not consulted with legal counsel. (CIRCLE ONE)
- c. I have the right to be represented by an attorney at each and every stage of the proceeding, and the right to have an attorney appointed to represent me if I cannot afford one.
- d. I have the right to confront all witnesses who would testify against me and the right to subpoena witnesses to appear and testify on my own behalf.
- e. At trial I have the right to remain silent; the State cannot force me to testify. If I exercise this right the Court will draw no inference therefrom.
- f. I further have the right to testify at trial and have my testimony considered by the same standard as other witnesses.
- g. I waive my right to appeal all matters relating to my guilt or innocence. I will have no opportunity on appeal to challenge any legal ruling in this case, unless the Court imposes an illegal sentence which is greater than any sentence allowed by law.
- h. I waive reading of the facts and explanation of circumstances associated with this charge; and consent and stipulate to the Court entering a finding of Guilty.
- i. I waive the right afforded to me under the applicable rule(s) of procedure, to be physically present at every stage of the court proceedings, including specifically the entering of my plea and sentencing.

- j. I waive the right afforded to me under the applicable rules(s) of procedure, to be addressed personally by the court and to make a statement on my own behalf and/or to present any information in mitigation of punishment.
6. I understand that if I am not a citizen of the United States a conviction of the offense to which I am pleading guilty (or no contest) may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
7. I understand that a plea of guilty is a complete admission of my guilt in the matter. A plea of no contest is not an admission of guilt, but is an admission of the truth of the facts alleged in the complaint or ticket. Such a plea of admission cannot be used against me in any subsequent civil or criminal proceedings.
8. I understand that by pleading no contest/guilty, I am giving up my rights specified herein and any possible defenses I may have to the charge.
9. I have not been induced to enter this plea against my will, nor have any promises of leniency of any kind been offered to me to influence my plea.
10. I am not under the influence of alcohol, drugs, or medications at this time.
11. I am not suffering from any mental illness which would impair my understanding of this plea.
12. I am entering this plea with the understanding that the Court will sentence me.
13. I understand the charge against me, the possible minimum and maximum penalties, and my rights as explained herein. Having knowingly, intelligently, and voluntarily waived my above rights, I plead Guilty/No Contest to the charge against me.
14. I consent and stipulate to the jurisdiction of this Court and to the Court's ability to proceed to sentencing.
15. I have had the opportunity to consult with an attorney and/or have been informed by counsel of:
 - a. The penalties of the offense with which I am charged;
 - b. The effect of pleas of guilty, no contest, and not guilty;
 - c. The possibility of deportation for persons who are not citizens of the United States;
 - d. Defenses which may be available.
 - e. I have had sufficient time to ask any questions of counsel that may have arisen about this plea, and that counsel has answered those questions to my satisfaction;
 - f. I am fully and completely satisfied with the legal advice given (if any), and the legal services afforded by counsel (if any).

16. Being fully advised of my rights in accordance with Traffic Rule 14, Criminal Rule 19, and /or Civil Rule 53. I herewith knowingly, intelligently, and voluntarily waive in writing my right to appear before the Judge of the Ottawa County Municipal Court and consent to the MAGISTRATE OF THIS COURT hearing my case and imposing sentence in this matter in the event I am found guilty of any offenses, and/or rendering a decision in my case. I further waive my right to appear before the Judge of the Municipal Court at a later date. Being fully advised of my rights in accordance with Traffic Rule 14, Criminal Rule 19, and/or Civil Rule 53, I herewith knowingly, intelligently, and voluntarily waive in writing my right to object to the sentence and/or decision imposed/rendered by the MAGISTRATE.

The undersigned, being duly sworn, states under oath that he or she is the named defendant in the above captioned case, that he or she has read the foregoing document in its entirety, and that he or she is signing this document knowingly, voluntarily, and intelligently and that the information provided by him or her is true and accurate.

Defendant's Printed Name

Defendant's Signature

Street Address and P.O. Box or Apt #

DOB

City, State, Zip Code

SSN

()

Telephone Number

State of _____)

) SS

County of _____)

The foregoing Affidavit and Plea in Absentia was sworn to or affirmed and subscribed before me this _____ day of _____, 20____.

Notary Public Signature

Print, Type, or Stamp commissioned Name of Notary Public

My Commission # _____

My Commission Expires _____

Approved, Defendant's Attorney:
