

# || CITY OF BLUE ASH



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## MAYOR'S COURT OPERATION

Furnished by the City of Blue Ash: Magistrate John O'Shea, presiding.

This pamphlet is intended to serve as an introduction to anyone entering the Mayor's Court, whether as a defendant, witness or visitor, of the rights guaranteed under the Constitutions of the United States and the State of Ohio and rules and customs of this Court. It is written, published and distributed on the assumption that this may be your first visit or appearance in any Court and that you may therefore find beneficial the information in this pamphlet which summarizes your rights and some of the more important rules of procedure which will be followed after Court is commenced.

### **YOUR RIGHTS AS A DEFENDANT**

#### **I. Right to Counsel**

You have the right to consult with or employ an attorney to represent you or act on your behalf. You also have the right to a reasonable continuance to obtain legal assistance. If you have not had an opportunity to consult with or hire an attorney and you want legal assistance, you should ask for a continuance and tell the Court that you want the continuance to talk to an attorney. If you are charged with a violation which could result in your being sent to jail and if you believe that you are financially unable to hire an attorney, you should notify the Court. The Court will then determine if an attorney should be appointed to represent you at no cost.

#### **II. Trial by Jury**

If you are charged with an offense which authorizes this court, upon conviction, to fine you more than \$150.00, or to sentence you to jail, you have the right to a jury trial. If you wish to exercise your right to a jury trial, you must make a demand for a jury trial in writing within a certain time period. If you make a written demand for a jury trial, your case will be transferred to the Hamilton County Municipal Court. If you do not know whether you are entitled to a jury trial, do not hesitate to ask the Court before you enter a plea to the charge.

### III. Procedure and Pleas

When the prosecutor calls your case, you should proceed immediately to the podium positioned in front of the magistrate. You will first be told the nature of the charge against you. You will then be required to either enter a plea or request a continuance, if necessary. This is not the time to tell your side of the case.

You may plead as follows: (a) guilty; (b) no contest; (c) not guilty; (d) once in jeopardy. If you refuse to plead, a plea of not guilty will be entered and your case will proceed to trial on a date arranged by the court.

This is what each plea means:

(a) Guilty: If you plead 'Guilty', you are saying that you have committed the offense with which you have been charged. If you plead 'Guilty', you waive all right to trial and appeal. By pleading guilty, you admit you have committed the offense with which you have been charged.

If you plead 'guilty', a statement may be given on behalf of the City concerning the events which gave rise to the charge. If you want to, you will then be permitted to make a statement on your own behalf. The Court will then impose an appropriate sentence or punishment.

(b) No Contest: The plea of 'No Contest' is not an admission of guilt but is an admission of the truth of the facts alleged against you, as stated in the ticket or complaint. This plea or admission will not be used against you in any subsequent civil or criminal proceeding. If you enter a plea of 'No Contest', the Court will decide whether you are guilty or innocent based upon the facts stated in the ticket or complaint. If you are found guilty, the same procedure as in the case of a guilty plea will be followed before sentencing.

(c) Not Guilty: If you plead 'Not Guilty', you are saying that you did not commit the offense with which you are charged in the manner and form in which it is filed in the Court. If you plead not guilty, your case will proceed to trial at a time to be arranged by the Court.

(d) Once in Jeopardy: If you plead 'Once in Jeopardy', you are saying that you have been tried and either found guilty or innocent of the same or a very closely related offense or a greater included offense. This plea should be in writing and should set forth to the Court the time and place of conviction, acquittal or jeopardy

### IV. Right to Assistance by the Court

You may have additional rights available to you through the Ohio and U.S. Constitutions, state statutes, court decisions and related procedures which are not mentioned in this pamphlet. If you have any questions concerning your rights, you should consult an attorney.

## V. Rights at Trial

If you plead 'Not Guilty' and a trial is held, you have certain additional rights, such as the right to cross-examine the City's witnesses, the right to compel your own witnesses to appear for trial, etc. If you are in doubt as to any of these rights, you may ask the Court for additional instructions when the trial is held.

After each of the City's witnesses testify, you will be asked, "Do you wish to cross-examine the witness?" At that time, you may, but are not required to, ask the witness questions pertaining to the offense with which you have been charged.

When the prosecutor finishes presenting evidence, you may then call witnesses to testify on your own behalf and present evidence to the Court. You may also testify on your own behalf. You have the right to remain silent and therefore are not required to testify during trial. If you choose to testify, any statement made by you can be used against you. Any evidence you present to the Court may be used by the prosecutor. The prosecutor also has the right to cross-examine the witnesses you call to testify on your behalf.

After you present all evidence and testimony to the Court, you may tell the Court why you think you should not be found guilty.

## VI. Right to Appeal

If you are not satisfied with the decision of the Court, you have the right, under certain rules, to appeal to a higher Court. You must file a written notice of appeal within ten days of the date the Magistrate renders a decision in Mayor's Court. If you file a written notice of appeal within ten days of the Magistrate's decision, your case will be transferred to the Hamilton County Municipal Court. After the case is transferred to Municipal Court, you will reenter a plea and your case will be heard by a Municipal Court judge or a jury.

If you wish to ask for a review of the court's decision, you should advise the Clerk of the Court of this fact before you pay any fine levied, and immediately consult an attorney to assist you.

## SUMMARY

When the Court is in session, no smoking, food or drinks shall be permitted in the courtroom. Loud or abusive behavior will not be tolerated. Please listen for your case to be called.

Neither the officer, the prosecutor, the magistrate, nor any court official receives any portion of your fine. They are not financially affected by the magistrate's decision to impose, or not impose, a fine.

The police officer's efficiency is not measured by the number of tickets or arrests he or she processes. The objective is to promote traffic safety and to protect lives and property.

No immunity is given to any citizen of Blue Ash because of one's position or station in life. The City Council, City Administration and other City Officials must comply with the laws of Ohio and the City of Blue Ash. All are subject to prosecution and payment of fines.

In conclusion, it is our sincere hope that this pamphlet will help each person appearing before the Court to understand the rights and procedures which will be observed. As a final word, if on the first call of your case you have any questions, do not hesitate to ask for assistance or request a continuance to enable you to talk to an attorney about your case.

**MAYOR'S COURT  
CITY OF BLUE ASH, OHIO**

**JOHN O'SHEA, MAGISTRATE**



**BRYAN PACHECO, SOLICITOR**

**ASHLEY NEWELL, COURT CLERK**

**DAVID WALTZ  
CITY MANAGER**

**SCOTT NOEL  
CHIEF OF POLICE**