



**Montgomery County Common Pleas Court
Juvenile Division**

380 West Second Street
Dayton, Ohio 45422-4240
(937) 225-4141
Fax (937) 496-7270

**Montgomery County Juvenile Court
TRAFFIC WAIVER OF RIGHTS FORM**

All American citizens have constitutional rights. You may waive the following rights and proceed with resolving your case today if you wish to do so.

1. Waiving your rights is voluntary. You may decline to waive your rights (with no penalty) and request that your case proceed to a Pretrial Hearing date. At the Pretrial Hearing, if the case cannot be resolved, it will be scheduled for a trial. ()
2. You have the right to remain silent. You cannot be forced to make any statements or answer any questions. ()
3. You have the right to be represented by an attorney and to have that attorney present during any legal proceeding. ()
4. You have the right to be present at every hearing held in this matter with your parent, guardian or legal custodian. ()
5. You have the right to have your traffic ticket/citation read to you in a way you can understand. ()
6. You have the right to a trial in this matter. At a trial, the State of Ohio, through an assistant prosecuting attorney, would have to prove that you are responsible for the traffic charge beyond a reasonable doubt. The State would do this by presenting witnesses and evidence, you or your attorney would have the right to cross examine those witnesses and evidence, and you would have the right to present your own witnesses and evidence to the Court on your behalf. ()
7. You have the right to Object to the Magistrate's decision in this matter within 14 days and appeal within 30 days. You also have the right to have your record sealed and expunged (as if it did not happen) by the Court (provided you do not commit further offenses) 6

months after the completion of the consequences of your adjudication or after your 18th birthday. This means that if you do not violate other laws, the matter that brings you to Court today does not have to negatively impact your future. ()

8. Today, you will be given the option of entering a plea to the charge. This means when you go in to see the Magistrate you can **1) ADMIT** that the charge happened and you were at fault; or **2) DENY** that the charge happened and request another date where you or your attorney can meet with a prosecuting attorney to see if the charge can be resolved or if it should be set for a trial; or **3) Plead NO CONTEST** which means you are not admitting or denying, rather you are asking the Court to look at the facts before it, and see if the Court thinks there is a minimum legal sufficiency to decide whether or not you are responsible and therefore a Juvenile Traffic Offender. No Contest is sometimes used if there is a possibility of your plea being used against you in another court of law – for example, if there is an accident with the potential of a civil law suit, a person may choose to plead No Contest. ()
9. You have been advised of all legal consequences of adjudication (found to be responsible) in this matter. ()

I have read and understand the rights and information presented above and the Juvenile has initialed after each numbered paragraph to indicate that he/she/they understand each right. I have not been promised anything nor have I been pressured or coerced by anyone. I am willing to voluntarily discuss my involvement in the offense with which I have been charged and agree to answer questions.

Juvenile
Signature: _____

Parent
Signature: _____

Juvenile
Print Name: _____

Parent
Print Name: _____

Date: _____

Magistrate
Signature: _____