



375 S. High Street

Columbus Ohio, 43215-4520

FRANKLIN COUNTY MUNICIPAL COURT

DEFENDANT RIGHTS

The purpose of arraignment court is to inform the Defendant what they have been charged with and to have them enter an initial plea to those charges. An arraignment is not a trial date.

Defendants in arraignment court have been charged with one or more offenses that are classified as misdemeanors under Ohio law. The copy of the complaint indicates what level of misdemeanor or misdemeanors the Defendant has been charged with.

There are six levels of misdemeanors under Ohio Law.

1. Minor Misdemeanor – maximum penalty is a \$150 fine and up to 30 hours of community service
2. Misdemeanor of the 4th degree – maximum penalty is a \$250 fine, 30 days in jail and up to 200 hours of community service
3. Misdemeanor of the 3rd degree – maximum penalty is a \$500 fine, 60 days in jail and up to 200 hours of community service
4. Misdemeanor of the 2nd degree – maximum penalty is a \$750 fine, 90 days in jail and up to 200 hours of community service
5. Misdemeanor of the 1st degree – maximum penalty is a \$1,000 fine, 180 days in jail and up to 500 hours of community service
 - a. Some first degree misdemeanors are called serious misdemeanors because for those offenses the maximum jail sentence is 1 year.
6. Unclassified misdemeanor - the penalty varies and you will be informed of the penalty when your case is called.

Before entering a plea, defendants have the right to have any complaints against them read in court and to have the court advise them of the nature of the charges, including the possible penalties.

In addition, prior to entering an initial plea, defendants have the right to speak to an attorney. If they cannot afford a private attorney, they may ask to speak to representatives from the public defenders office to see if they qualify for their legal representation. If defendants do not qualify for the services of the public defender, or if they wish to speak to a private attorney, they may ask for a reasonable continuance. By local court rule, a reasonable continuance is a continuance that is no longer than 30 days in length.

Once defendants have been advised of the pending charges and the possible penalties, they will be asked to enter one of the following pleas:

1. **GUILTY** – An admission of guilt to the truth of the facts alleged in the complaint. If a defendant pleads guilty, the court will find them guilty and in most cases sentence them the same day.
2. **NO CONTEST** – No an admission of guilt, but an admission of the truth of the facts alleged in the complaint, along with any additional information that may be provided to the court by the prosecutor. Pleading no contest is not a short version of a trial. If the complaint, along with any additional information provided to the court by the prosecutor, state an offense, the defendant will be found guilty. A plea of No Contest cannot be used against the defendant in a later civil action.
3. **NOT GUILTY** – Denial of guilt and/or a denial of the truth of the facts alleged in the complaint. Pleading not guilty will result in the case being randomly assigned to one of 15 municipal court judges and a hearing being scheduled to appear in court at a later date.

If a plea of guilty or no contest is made, the defendant is giving up several important constitutional rights including:

- the right to have an attorney present;
- the right to a reasonable continuance in order to seek the advice of an attorney;
- the right to have a trial before a judge or jury;
- the right to confront the accuser and cross-examine witnesses and present witnesses and evidence;
- the right to testify or remain silent;
- the right to appeal the decision of the Court;
- and the right to have the State or City prove guilt beyond a reasonable doubt.

If a plea of Not Guilty is entered, the defendant will be asked to make some additional decisions:

- The defendant will be asked whether they want the case tried to a judge or a jury. If charged with minor misdemeanor offenses only, they may only get a trial before a judge. If charged with one or more jail-able offenses (misdemeanors of the first, second, third or fourth degree), they may ask for a trial before a jury.
- The defendant will be asked whether they want a Speedy Trial or to have the case set at the court's convenience. If a speedy trial is requested, the defendant is asking to have the case tried within a time period provided by law and the next court date will be set quickly. If the right to speed trial is waived, the case will be set at a later date.

A court reporter or digital recording system is present in the courtroom capturing everything that is happening in the hearing. Defendants should be very careful about making any statements concerning the facts of the case, as the comments will be recorded and they can and will be used against the defendant if the case goes to trial.

If a plea of not guilty is entered or a continuance is requested, defendants can sign up for text reminders for the future court dates. The request form can be found on the **Forms page of the Court's website: municipalcourt.franklincountyohio.gov.**