## OUR MISSION

To defend the life and liberty of our clients and to protect their statutory and constitutional rights, by providing zealous, effective, and ethical representation.

## CONTACT US WITH ANY QUESTIONS

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# KNOW YOUR RIGHTS IN MAYOR'S COURT

**HAMILTON COUNTY PUBLIC DEFENDER**

**Dignity • Justice • Hope**

# MAYOR'S COURTS IN HAMILTON COUNTY

## THERE ARE 32 MAYOR'S COURTS IN HAMILTON COUNTY.

Addyston, Amberley, Arlington Heights, Blue Ash, Cheviot, Deer Park, Elmwood Place, Evendale, Fairfax, Forest Park, Glendale, Golf Manor, Greenhills, Harrison, Indian Hill, Lincoln Heights, Lockland, Madeira, Mariemont, Montgomery, Mount Healthy, Newton, North College Hill, Norwood, Reading, Sharonville, Silverton, Springdale, St. Bernard, Terrace Park, Woodlawn, & Wyoming

## THESE COURTS ARE NOT CONNECTED TO THE MUNICIPAL OR COMMON PLEAS COURT JUDGES THAT CITIZENS ELECT.

Mayor's courts are run either by a town's mayor or an unelected magistrate (ORC § 1905.05). Mayors who preside over a mayor's court **do not** have to be an attorney – they are only required to take a 6-hour training course (Ohio Supreme Court, Mayor's Court Rules, Rule 3(A)(1)). Magistrates must only have 3 years of experience practicing law (ORC § 1905.05(A)). A mayor's court magistrate can also work as a prosecutor in another court, **at the same time**.

# YOUR RIGHTS IN MAYOR'S COURT

## YOU HAVE THE RIGHT TO APPEAL YOUR CASE TO THE HAMILTON COUNTY MUNICIPAL COURT.

Regardless of what type of case you have, you can appeal your case if you are found guilty (ORC § 1905.22).

You **must** file a written Notice of Appeal with the Mayor's Court where you were convicted **within 10 days** of final judgement (such as when you were found guilty) (ORC § 1905.23).

You **must** include what case and judgement you are appealing from. You should also include your case number, the charge, and what order or judgement you are appealing from (such as if you are found guilty).

You **must** also note what court you are appealing to. In Hamilton County, it will usually be the Hamilton County Municipal Court.

Appealing from a Mayor's Court to the Hamilton County Municipal Court will give you a new trial (ORC § 1905.25).

# YOUR RIGHTS IN MAYOR'S COURT

## IF YOU COULD FACE JAIL TIME, ASK FOR A LAWYER.

Under the state (Art. 1, § 10) and federal constitution (Amend. 6), you have the right to the assistance of counsel in your defense if you are charged with an offense that carries a possible jail sentence. You can assert your constitutional right to an attorney at your mayor's court arraignment hearing – **but you must plead not guilty**. If you cannot afford an attorney, the court must appoint one for you. If you request an attorney in mayor's court, your case will likely be transferred to the Hamilton County Municipal Court. Before you leave, speak with the mayor's court clerk to learn if you qualify for an attorney.

If you need further assistance, call the Hamilton County Public Defender's Office at **513-946-3700** and ask for the Municipal Division Director.

## IF YOU COULD FACE JAIL TIME, YOU CAN DEMAND A JURY TRIAL OR REFUSE TO WAIVE YOUR RIGHT TO A JURY.

Under state law, you may have the right to a trial by jury (ORC § 2945.17). But you need to actively assert your right to a jury trial by **first pleading not guilty**. If you file a written demand for a jury trial, or refuse to waive your right to a jury, your case will be transferred to the Hamilton County Municipal Court (ORC § 2938.04). You can always waive your right to a jury trial later in the process.

# YOU COULD GO TO JAIL WITHOUT BEING ABLE TO EXERCISE YOUR RIGHTS.

## MOST CASES IN MAYOR'S COURTS ARE TRAFFIC TICKETS, BUT YOU CAN STILL GO TO JAIL.

For most traffic tickets, you can normally only receive a fine. But, **if you fail to pay your tickets, mayor's courts can incarcerate you** (ORC § 1905.30 & § 1905.34). Unfortunately, the courts have interpreted this to still mean you are not entitled to a public defender.

## MAYOR'S COURTS CAN ALSO HEAR MISDEMEANOR CASES WHERE YOU COULD FACE SUBSTANTIAL FINES AND JAIL TIME.

Common misdemeanor charges that mayor's courts can hear include Aggravated Menacing, Aggravated Trespass, Assault, Criminal Damaging and Endangering, Criminal Trespass, Disorderly Conduct, Menacing, Operating a Vehicle while Impaired (1st Offense), & Theft (ORC § 1905.01)

Depending on what you are convicted of you could face as many as 180 days in jail, and up to a $1000 fine (ORC § 2929.24).

# YOUR RIGHTS IN MAYOR'S COURT

## YOU HAVE A RIGHT TO KNOW THE EVIDENCE THE PROSECUTOR WILL USE AGAINST YOU.

Under state (Crim. Rule 16) and federal law (*Brady v. Maryland*), you have the right to know the evidence that may be used against you and any evidence favorable to you in the state's possession. This includes copies of or access to the complaint and supporting affidavits, recorded or written statements of the prosecutor's witnesses, and copies of or access to any statement you gave.

The process of turning this evidence over is called discovery. **In order to exercise your right to discovery, you must plead not guilty.**

You **must** file a written Demand for Discovery with the court within 21-days after your first court date (Crim. Rule 16(M)). You should also send a copy to the prosecutor.

While you have a right to discovery, there are exceptions (Crim. Rule 16(C)-(F), (J)). There are also some instances where you may be required to turn over evidence to the prosecutor. This includes prior notice if you are claiming certain legal defenses such as an Alibi Defense or Self-Defense (Crim. Rule 12.1 & 12.2).

# YOUR RIGHTS IN MAYOR'S COURT

## YOU HAVE A RIGHT TO FILE MOTIONS TO UNDERMINE THE STATE'S CASE.

If the prosecutor does not comply with the rules of discovery, you may be able to file a Motion to Compel Discovery (Crim. Rule 16(M)).

If you were illegally stopped, searched, or interrogated, you may be able to file a Motion to Suppress Evidence (Crim. Rule 12(C)(3)).

If you are not brought to trial within the statutory time frame, you may be able to file a Motion to Dismiss for Lack of Speedy Trial (ORC § 2945.71)

Motions must generally be filed within 35-days of your first court date (Crim. Rule 12(D)). **In order to file motions, you must plead not guilty.**

If you believe one of these issues, or something similar, applies to your case, consult with an attorney immediately.