

**IN THE MEDINA MUNICIPAL COURT
COUNTY OF MEDINA, OHIO**

STATE OF OHIO,

Plaintiff,

v.

_____,

Defendant.

CASE NO. _____

JUDGE GARY F. WERNER

PLEA IN ABSENTIA

I am the Defendant in this case. I have decided to change my plea in this matter, in absentia, and to waive my right to be present in court to do so. I have decided to change my “not guilty” plea(s) in this case EITHER (a) of my own accord, OR (b) in accordance with the Pretrial Agreement (copy attached hereto) which I reached with the prosecutor in this case on _____, 2018, following consultation with my attorney. In so doing, I hereby knowingly, intelligently, and voluntarily acknowledge and affirm all of the following:

1. Check only one:

() I am a citizen of the United States, or

() I am not a citizen of the United States, but (A) I understand that the offense to which I am pleading either “guilty” or “no contest” may have the consequences of my deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States, and (B) I have either (i) consulted with an attorney regarding the potential ramifications of my changed plea in this matter on my citizenship/residence status in the United States, and have nevertheless freely decided to proceed to change my plea in this matter, or (ii) I have elected not to consult with an attorney for this purpose, and have nevertheless freely decided to proceed to change my plea in this matter.

2. I have been informed and understand that the charges to which I am pleading include (check all that apply):

	Degree of Misdemeanor	Maximum Incarceration	Maximum Fine
<input type="checkbox"/>	First	0-180 days	\$1,000
<input type="checkbox"/>	Second	0-90 days	\$750
<input type="checkbox"/>	Third	0-60 days	\$500
<input type="checkbox"/>	Fourth	0-30 days	\$250
<input type="checkbox"/>	Minor	0 days	\$150
<input type="checkbox"/>	Other offense which includes a possible jail sentence.		
<input type="checkbox"/>	Other offense which does NOT include a possible jail sentence		

3. I understand that I do not have to change my plea from “not guilty,” that I have a right to proceed to trial (either to a judge or to a jury), that I have the right to force the State to prove the charges against me beyond a reasonable doubt, and that I have the right under Crim. R. 43 to be physically present for this and all critical phases of these proceedings.

4. I understand that I also have the following rights:

- a. The right to an attorney;
- b. The right to a jury trial, if I make a written demand for one, for offenses which include a potential jail sentence;
- c. The right to a trial to the court for all offenses;
- d. The right to confront the witnesses that the State may present against me;
- e. The right to call witnesses to trial on my own behalf, and to ask the court to compel those witnesses to attend trial on my behalf; and
- f. The right to remain silent throughout these proceedings, knowing that anything I say can be used against me.

5. I understand that if I change my plea I am giving up all of the rights mentioned in this Plea in Absentia form.

6. I am, nevertheless, voluntarily giving up the rights mentioned in this Plea in Absentia, and no one has promised or offered me anything, or threatened me in any way, to induce me to change my plea.

7. Check only one:

- ☐ I have discussed with my attorney all of the facts and circumstances relating to my case, and to my decision to change my plea. I am satisfied that I have received good advice from my attorney.
- ☐ I have voluntarily decided not to have an attorney represent me in conjunction with this change of plea. I understand that I am entitled to have the attorney of my choice represent me, or to have one appointed to represent me by the court at no cost to me. I understand that I would likely benefit from an attorney’s knowledge and experience with regard to this change of plea. I do not, however, choose to be represented in this matter.

8. I understand that if I plead “guilty” I am completely admitting my guilt of the offense, and the truth of the statements in the complaint against me. I understand that this will result in a finding of guilt being entered against me on the charge(s). I also understand that my “guilty” plea can be used against me in later civil/criminal proceedings.

9. I understand that if I plead “no contest” that I am not admitting my guilt of the offense, but I am still admitting the truth of the statements in the complaint against me. I understand that if the court finds that the statements in the complaint present a valid charge against me, which routinely happens, that will result in a finding of guilt being entered against me on the charge(s). I also understand that my “no contest” plea cannot be used against me later civil/criminal proceedings.

10. I waive any defects in the content, time, and service of the original or any amended complaint. And if my plea is “no contest,” I also waive my right to an explanation of the circumstances giving rise to the charges against me.

Accordingly, I hereby enter the following plea in absentia:

To the Charge Under:	For the Misdemeanor Offense of:	Which is of this Degree:	I plead as follows:

11. SENTENCING: I understand that I must personally appear in court on a later date to be sentenced on the charges to which I have entered this plea. I hereby (check only one):

- () Declare my intention to attend my sentencing in person, or
- () Declare my knowing, intelligent, and voluntary waiver of my right to be present at my sentencing, and consent to being sentenced in absentia. If I have an attorney of record in this matter, I hereby appoint that attorney to undertake all actions as regards my sentencing which he/she reasonably believes to be in my best interest.

I ACKNOWLEDGE AND AFFIRM MY UNDERSTANDING OF ALL OF THE RIGHTS AS SET FORTH ABOVE, AND THE CONSEQUENCES OF MY DECISIONS IN THIS MATTER.

[signature page follows]

DEFENDANT:

(Signature)

(Print Name)

Date

COUNSEL FOR DEFENDANT:

(Signature)

(Print Name)

Date