

Criminal – Frequently Asked Questions

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Do I have to appear at the Arraignment?

Failure to appear in Court as required will result in the following actions:

A warrant for arrest for failure to appear and contempt of court, which is a misdemeanor and is punishable by a fine, jail or both. You will be required to post a bond, if arrested.

The Court will notify the Ohio Bureau of Motor Vehicles of your failure to appear. The BMV will withhold the issuance or renewal of your driver's license and registration, and may suspend your driving privileges until the case is formally closed.

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Do I have to have a lawyer?

You are constitutionally guaranteed the right to represent yourself in Court. You cannot, however, represent another person or business entity, unless you are an attorney. Be advised that if you choose to represent yourself, you are responsible for the full knowledge of the law and will be expected to present yourself and your case within the Rules established by the Court and the law. Staff in the Clerk's Office cannot give you legal advice, and the

Judges and Magistrates cannot give you legal advice. If you have questions, you should consult an attorney.

If you have been charged with a crime for which the possible penalties include jail, and you cannot afford an attorney, you may be eligible for a court appointed attorney.

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I'm scheduled for a Pre-trial. What does that mean?

A Pretrial would typically be scheduled in Criminal Cases. A Pretrial is the opportunity for your Case to be discussed with the Prosecutor representing the Community that has filed the Case against you. It also may include the involvement of either the Judge assigned to the Case or a Magistrate. These are scheduled by the Court, and you will receive a written notice of the date and time of that Pretrial.

If you are represented by an Attorney, the Attorney can explain to you the Pretrial process. If you are charged with a crime for which the possible penalties include incarceration, and you cannot afford an Attorney, you may be eligible for a Court appointed Attorney. If you have not previously made an application for a Court appointed Attorney, you should request to fill out the application as soon as you appear in Court on the Pretrial. If you qualify, a Public Defender will then represent you. A non-refundable \$25.00 is charged for filling out the application, which is required by Ohio law.

If you are not represented by an Attorney then the Prosecutor will discuss the Case with you to see if the Case can be resolved prior to a Trial. This may include Discovery, which is the process by which both sides have the opportunity to discover relevant and pertinent evidence. The procedure for this is set forth in the Ohio Rules of Criminal Procedure. Pretrial discussions may also include a Plea Bargain, in which the Prosecutor may propose a resolution of the Case prior to a Trial with some form of a Plea Resolution that may include being convicted of some Cases and Dismissing or Amendment of the Charges. If a Plea Bargain is agreed upon, then the Case is referred to the Judge or Magistrate for Disposition.

If an acceptable Plea Bargain cannot be negotiated, or the Case cannot otherwise be resolved, the Case would then be scheduled for a Trial. If the Charges with which you are charged do not involve incarceration as a possible penalty, then the Trial will be before the Judge. If the Charges for which you are charged involve the possibility of incarceration, then you have the right to either a Trial to the Judge or a Jury Trial; however, you must make a written request to have a Jury within certain timeframes in order to have a Jury. If you are found Not Guilty at a Jury Trial you bear no additional costs; however, if convicted at the Jury Trial you would face the Court costs for the Jury, which are currently \$225.00 per day.

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Will my fine be different if I come to court? How do I know how much money to bring?

The Judge/Magistrate determines the fine amount in court and there is no way of knowing what you will pay prior to your court appearance. The Judge/Magistrate reviews the records, listens to your comments, and bases his decision on all the information given. If you do not have money on the day of your appearance, the Court may, under certain circumstances, allow you additional time to pay your fine. This is referred to as a payment agreement. There is an additional \$25.00 fee for being placed on a payment agreement.

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Can I mail in my fines & costs?

If you have a waivable offense you are permitted to mail your fines and costs provided they arrive prior to your scheduled court date. You must come to the Court on your scheduled hearing for non-waivable offenses.

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Can I pay my ticket by phone?

In most cases the answer is yes. Please understand that a deputy clerk may not always be available to take your information. Please have your ticket #-# or case number, social security number and credit card information available. The Parma Court accepts Visa, Mastercard, American Express & Discover. Call (440) 887-7400 and press 1 for the Clerk's Office Traffic & Criminal Division. A deputy clerk will assist you at that time.

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My case has been sent to a collection agency, who should I call?

If a warrant is issued on your case for failing to appear, your case will be sent to collections. The "Failure to Appear" warrant will be in effect until the case is paid in full.

Once your case has been placed in collection, you are no longer on a payment plan with the Court and communications must be made directly with the collection agency.

The collection agency information is:

Capitol Recovery Systems, Inc.
750 Cross Pointe Rd. Suite S
Columbus, Ohio 43230
Toll Free (800) 693-6835
Fax: (614) 575-0794
info@caprecsys.com

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Can I use someone else's credit card?

No, you cannot use someone else's credit card. The Clerk of Court will only accept someone else's credit card if that person is present at the time of payment.

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My ticket says that it is waivable. How can I find out the amount I have to pay?

Waivable citation amounts are listed on the website under the "Waivable Offenses" section. The amount listed will include the fine and applicable court costs. Failure to include the appropriate amount may result in your appearance being required at the scheduled court date.

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I missed by court date and a warrant has been issued for my arrest – what should I do now?

If you are represented by an attorney, he or she should be contacted immediately to discuss your options. If you are not represented by counsel, you should report to the Court immediately.

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My relative/friend was arrested and I posted a bond for his/her release. When will I get my money back?

First, you should be aware that the purpose of any bond is to guarantee that the defendant will make all scheduled court appearances. If the defendant fails to appear at court appearances, you may not get the bond money back.

The return of your bond money depends on what type of bond you posted, whether it's posted in yours or the defendant's name and when the case is concluded. If you posted a cash/surety bond by using a bail bondsman, you will not get that money back. If you posted a cash bond in your name with the Court, your money will be returned at the absolute end of the case, if the defendant made all court appearances. You will need to present your receipt to the cashier after the defendant is sentenced and any other outstanding costs have been paid.

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How do I get my case Seal or Expunged?

Expungement is the sealing of a criminal record so it is not publicly available. Ohio Revised Code Sections 2953.32 through 2953.53 discuss the eligibility requirements and applicable laws regarding Sealing records and Expungements. Your motion/request to seal or expunge must be accompanied with the \$100.00 filing fee. Non-convictions (dismissal/not guilty finding) have no filing fee.

The probation department will conduct a background check upon receipt of the seal of record/expungement filing. If you are eligible by law the case will be sent to a Judge and a hearing will be scheduled. At your hearing the prosecutor and Judge will review your eligibility and make a determination whether or not to grant the motion. A journal entry is ordered and the appropriate governmental agencies are notified to seal or expunge the record.

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Is it ok for me to bring my child/children with me to court?

The court has no facilities to accommodate children. Courtroom activities are not appropriate for children. It is unwise and inappropriate to have your child with you in a courtroom when you are involved in a court proceeding. Any child under the age of 12 who is present in the Justice Center must be accompanied and supervised by an adult at all times. If you are involved in a court case, whether as a party, a witness, or a juror, make arrangements for child care ahead of time.

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