

SIDNEY MUNICIPAL COURT

110 W. Court St., Sidney, OH 45365

* **HOURS: 8:00 AM - 4:30 PM * MONDAY - FRIDAY * (doors lock @ 4:15pm) ***
* **PHONE: 937-498-8719 * Email: lbyers@sidneyoh.com ***

LICENSE INTERVENTION PROGRAM TERMS

The License Intervention Program (L.I.P.) provides assistance to persons with Driving Under Suspension cases in the Sidney Municipal Court. The program is a sentencing alternative, which means that after entering a conditional guilty plea to the offense, the Court will allow you an opportunity to work with a knowledgeable specialist to assist you in restoring your driver's license. The L.I.P. specialist will help you by giving you the information you need and allowing you up to 150 days to clear up your driving record problems. L.I.P. does not guarantee that you will get a valid operator's license, or that the charge will be dismissed, but you will know exactly what your driving record status is and what is needed to correct the problems with your driver's license. **If you are successful in obtaining a valid operator's license and have paid all court costs in full within the time limits, the Court will dismiss the case entirely.** If you do not obtain a valid operator's license within the time limits set, then the Court will not dismiss the case and the required points will be assessed to your driving record. In addition, if your charge is an unclassified misdemeanor and you are unsuccessful, the Court will also assess a warrant block to your driving record. You will be sentenced according to the minimum/maxima of the degree of violation you were cited under. In other words, if you were charged with an unclassified misdemeanor, the Judge will use that guideline for sentencing, regardless of whether or not you complete the program successfully.

Your case qualifies for a referral to the L.I.P. A representative of the Sidney Municipal Court has reviewed your driving record and will meet with you today to explain what you need to do to obtain a valid driver's license. **If you have reason to contest your ticket and have the Sidney Municipal Court hear your case, you must plead "NOT GUILTY" today. You may request a Pre-trial Conference with the Prosecutor assigned to your case to be held at a future date; however, this may jeopardize your ability to enter the program, as you will be permitted to enter only at the prosecutor's discretion and recommendation. However, if you are interested in participating in the L.I.P. you must enter a conditional "GUILTY" plea today.**

- DISMISSAL OF CHARGES -

How does my case qualify for a dismissal of the charges? Your previous driving record will be reviewed. If you are found to have 0, 1, or 2 major driving offenses within the last 5 years your case may qualify for dismissal upon successful completion of the program. The L.I.P. specialist will explain to you the number of prior offenses we believe your record shows you have received within the last 5 years. If you have any questions during this process, please ask them during this consultation. **You will still be required to pay Court costs for this charge – even if the case is dismissed.** You may request a payment plan today; however, your case will not be dismissed UNTIL costs are paid. If costs are not paid by the imposition date your case WILL NOT be dismissed and the original sentence will be imposed.

If my case qualifies for dismissal, how do we proceed today? You will complete the required paperwork with the L.I.P. specialist and proceed to the Courtroom. Once in the Courtroom, you will enter a conditional plea of guilty to the charge(s) as listed on your case. The Judge will order your sentence but will hold out imposition of that sentence for 150 days or until you receive a valid license – whichever first occurs. You will be given a date and time for the imposition of this sentence. **YOU MUST HAVE A VALID OHIO DRIVER'S LICENSE ON OR BEFORE THE DATE AND TIME SCHEDULED AND ALL COURT COSTS MUST BE PAID.** You will also be required to check in regularly with your L.I.P. specialist to monitor your progress in obtaining your valid license. The check-in may be conducted in person or by telephone as determined by the L.I.P. officer.

What does a “conditional guilty plea” mean for me? If your case qualifies for dismissal, a conditional guilty plea will mean that an unsuccessful completion of the program WILL result in your conviction of the charge(s) as listed on your citation. Any points associated with the charge(s) will be assessed to your driving record and you will be responsible for all fines and court costs imposed at sentencing. Any jail time or community service ordered will be served on or before the date written on the sentencing order. In addition, if your charge is an unclassified misdemeanor, the Court will also assess a warrant block to your driving record. You will not be permitted to withdraw your plea if you are not successful in completing the program. The imposition of sentence date will not be continued. **However, a successful completion of this program will allow the Court to withdraw your conditional guilty plea and dismiss the charge completely. There will be no conviction, warrant block or point assessment to your driving record. There will be no fine and no jail time or community service will need to be served. You will pay Court costs only.**

What are my other options? You may plead “not guilty” to the charge(s). If you do so, your case may be set for either a trial or pre-trial conference. If you request it to be set for a trial, it will take place on a different date and time. On the date of your trial, you may contest the facts of the charge, and have witnesses to testify on your behalf should you so choose. However, you should be aware that should you decline to participate in the L.I.P. program at this time, you will be ineligible for participation in the future for this charge. Due to the time constraints imposed by the State of Ohio for completing all cases filed, and the length of time most people need to clear the problems with their driving record, we must strictly adhere to this rule.

If after pleading “not guilty” to the charge(s) and you choose to request a Pre-trial Conference with the Prosecutor assigned to your case, it will also be held on a future date and time to be determined by the clerk’s office. At the pre-trial, you will meet with the Prosecutor to review and discuss your case. If you have a Pre-trial Conference, you MAY still qualify for the program, but entry will be made ONLY at the request and recommendation of the Prosecutor. No recommendation – no program.

You may also consult with an attorney. The Court will grant one continuance of no more than 30 days for you to consult with an attorney. Consulting an attorney will not exclude you from participating in the program; however, the 30 day continuance will be counted against the 150 days you have to complete the program leaving 120 days in which to complete all tasks required to obtain your valid license.

What happens after my initial Court Date? You will be required to report to your L.I.P. specialist at regular intervals during the time between your entry into the L.I.P. program and the completion of the program. You will be given your first reporting date on the date of your entry into the program. You must follow all terms and conditions of the program during its pendency. Should you fail to abide by the rules you agreed on you will immediately be unsuccessfully terminated from the program and a new date will be set for imposition of your original charge and sentence. If you are not sure of the rules and regulations of the program, please contact your L.I.P. specialist or the Probation Dept of the Sidney Municipal Court at (937)498-8719 for assistance. **If you move or change your address during the pendency of this case, it is vitally important that you notify this Court of such change. If we are not able to contact you for any reason at any time, you risk being terminated unsuccessfully. Depending on the degree of offense, a contempt citation could be filed and a warrant be issued for your arrest or a warrant block only will be assessed to your driving record if the charge is an unclassified misdemeanor.**

By participating in L.I.P. you agree to the following: (please initial each line as they are reviewed with you.)

1. Defendant must be able to get a valid operator's license within 150 days. _____
2. Defendant may not be convicted of a new traffic or criminal offense higher than a minor misdemeanor during the pendency of the program. _____
3. Defendant may not contest the merits of the citation. _____
4. Defendant must be totally honest or the L.I.P. specialist cannot help you. _____
5. Defendant must appear for all scheduled appointments with L.I.P. specialist.
1ST missed appointment will be rescheduled and notification sent to last known address.
2ND missed appointment will result in unsuccessful termination from program and immediate rescheduling of imposition of sentence with notification sent to last known address. _____
6. Defendant must comply with all reinstatement requirements of the Ohio BMV. _____
7. **Defendant must not drive until you are legal to drive.** _____
8. **Defendant must maintain automobile insurance, or an SR 22 Certificate or Financial Responsibility Certificate as required by law.** _____
9. **Defendant must appear in Court as ordered for imposition of sentence and pay any and all fines and/or costs ordered.** _____
10. Defendant must notify the Court of any change of address and/or telephone number until released from this obligation by the L.I.P. specialist. **All Court notices will be sent to last known address. Failure to notify the Court of any change in address may result in your failing to receive a notice in change of your Court date and may result in unsuccessful termination from the program, either a contempt citation being filed and a warrant for your arrest being issued, or a warrant block assessed to your driving record.** _____
11. The Defendant must show progress towards obtaining valid license within the first 60 days of entering the program. If no progress is shown, a 30 day warning letter will issue. Defendant must show progress prior to the end of the next 30 days or Defendant will be terminated from the program unsuccessfully and sentence will be imposed without delay. _____
12. If defendant is currently on probation with the Sidney Municipal Court, the defendant must comply with all terms of their probation and follow all directives of their probation officer. Conviction of a probation violation will result in your termination from the program. _____

Violations of these terms and conditions will result in your unsuccessful termination from the program and your case will be immediately be set for imposition of sentence on the original charge. IF YOU FAIL TO APPEAR FOR ANY COURT ORDERED HEARING EITHER A WARRANT MAY BE ISSUED FOR YOUR ARREST AND A CONTEMPT CITATION FILED AGAINST YOU, OR IF YOUR CHARGE IS AN UNCLASSIFIED MISDEMEANOR YOU WILL BE UNSUCCESSFULLY TERMINATED FROM THE PROGRAM AT THE TIME OF IMPOSITION OF SENTENCE, FINES AND COSTS PREVIOUSLY ORDERED IMPOSED AND A CONVICTION, THE REQUIRED POINTS AND A WARRANT BLOCK WILL BE ASSESSED TO YOUR DRIVING RECORD.

Defendant signature

Date

Address: _____

Phone: _____