

1603.

APPROVAL, BONDS OF THE VILLAGE OF CRIDERSVILLE, AUGLAIZE COUNTY—\$5,679.11.

COLUMBUS, OHIO, January 19, 1928.

Industrial Commission of Ohio, Columbus, Ohio.

1604.

JUSTICE OF THE PEACE—JURISDICTION IN MISDEMEANOR CASES—
EFFECT OF FILING WAIVER OF TRIAL BY JURY DISCUSSED.

SYLLABUS:

In misdemeanor cases, when the accused, under the provisions of Section 13511, General Code, in a writing subscribed by him and filed before or during the examination, waives a trial by jury and submits himself to be tried by the magistrate, a justice of the peace may proceed with the trial and render final judgment, even though the offense charged be not one included in those classes of cases, in which final jurisdiction is specifically given to a justice of the peace, by Section 13423 or other sections of the General Code. By the terms of Section 13510, General Code, however, this rule would not apply, where the crime is one on which there may be a "party injured," and the complaint is made by one other than such party.

COLUMBUS, OHIO, January 19, 1928.

HON. R. L. THOMAS, *Prosecuting Attorney, Youngstown, Ohio.*

DEAR SIR:—This will acknowledge your letter dated January 6, 1928, which reads as follows:

"Will you please give us your opinion as to whether or not the signing of the following statement by the defendant, which is printed on the back of the warrant, gives the justice of the peace final jurisdiction to try misdemeanors?"

"I hereby waive the right to trial by jury, and submit the within case to the justice of the peace for a final hearing."

The question that you present involves consideration of that part of Section 13511, General Code, which reads:

"* * * If the offense charged is a misdemeanor and the accused, in a writing subscribed by him and filed before or during the examination, waive a jury and submit to be tried by the magistrate, he may render a final judgment."