

4881.

APPROVAL, BONDS OF NEWTON FALLS EXEMPTED VILLAGE SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO, \$24,000.00 (23/24 UNLIMITED).

COLUMBUS, OHIO, November 9, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4882.

JUSTICE OF PEACE—JURISDICTION UNDER SECTIONS 12604-1, 12614-3, 12428-1, AND 614-104, GENERAL CODE.

SYLLABUS:

1. *A justice of the peace does not have final jurisdiction in a case where a law enforcing officer files a complaint charging a violation of Section 12604-1, General Code, unless the accused after entering a plea of "not guilty" and before trial waives in writing a jury trial.*

2. *If a person is charged before a justice of the peace by a law enforcing officer with operating a motor vehicle without proper lights in violation of Section 12614-3, General Code, such justice of the peace can act as an examining magistrate only and has no power to hear and determine such complaint. If a person is charged before a justice of the peace by a law enforcing officer with a second or subsequent offense of violating Section 12614-3, General Code, the justice of the peace may hear and determine such complaint if the accused, after pleading "not guilty" and before trial waives in writing a trial by jury and consents to be tried by the justice of the peace.*

3. *If a person is charged before a justice of the peace by a law enforcing officer with violating either Section 12428-1, General Code, (operating a motor vehicle while intoxicated) or Section 614-104, General Code, (operating a motor vehicle for hire without a permit from the Public Utilities Commission) the justice of the peace cannot assume final jurisdiction in such cases unless the accused, after entering a plea of "not guilty" and before trial waives in writing a jury trial.*

4. *Whether a misdemeanor case should be instituted in the Court of Common Pleas by means of a Bill of Information as provided by Section 13437-34, General Code, is discretionary with a prosecuting attorney.*