

## PLEAS IN ABSENTIA

IF YOU HAVE BEEN CHARGED BY CITATION (TICKET) WITH ANY OF THE FOLLOWING OFFENSES, YOU MAY BE ELIGIBLE TO ENTER A PLEA IN ABSENTIA:

1. OPEN CONTAINER (OF ALCOHOL)
2. POSSESSION OF ALCOHOL BY A PERSON UNDER 21 YEARS OF AGE
3. POSSESSION OF ALCOHOL INSIDE THE STADIUM

A PLEA IN ABSENTIA IS A PLEA OF GUILTY OR NO CONTEST TO THE OFFENSE WITH WHICH YOU ARE CHARGED AND IT IS TAKEN BY THE COURT WITHOUT THE REQUIREMENT THAT YOU ACTUALLY APPEAR IN COURT.

### TO ENTER A PLEA IN ABSENTIA, YOU MUST:

1. COMPLETE THE PETITION TO ENTER PLEA IN ABSENTIA AND SIGN IT BEFORE A NOTARY PUBLIC (HAVE IT NOTARIZED).
2. MAKE A PHOTOCOPY OF YOUR DRIVER'S LICENSE.
3. MAKE A PHOTOCOPY OF YOUR CITATION.
4. ENCLOSE A CERTIFIED CHECK OR MONEY ORDER FOR THE TOTAL OF THE FEES, COSTS, AND FINES WHICH YOU OWE (SEE ATTACHED SCHEDULE).
5. AT LEAST ONE (1) WEEK PRIOR TO THE COURT DATE ON THE CITATION, MAIL ALL OF THE ABOVE TO:

**ALACHUA COUNTY CLERK OF COURT  
P.O. BOX 600  
GAINESVILLE, FL 32602**

**IF YOU DO NOT APPEAR AND THE COURT HAS NOT RECEIVED YOUR PLEA IN ABSENTIA BY THE COURT DATE LISTED ON YOUR CITATION, A WARRANT FOR YOUR ARREST WILL BE ISSUED.**

### SCHEDULE OF OFFENSES

The following schedule indicates the monetary obligations you must satisfy:

OFFENSE	ADJUDICATION	FEES & COSTS	FINE	TOTAL
OPEN CONTAINER (ALCOHOL)	YES	\$71.00	\$50.00	\$121.00
POSSESSION OF ALCOHOL BY PERSON UNDER 21 YEARS	YES	\$293.50	\$50.00	\$343.50
POSSESSION OF ALCOHOL INSIDE THE STADIUM	YES	\$71.00	\$100.00	\$171.00

IF YOU RETURN ALL OF THE ITEMS, INCLUDING THE MONETARY TOTAL FOR THE OFFENSE, IN A TIMELY FASHION AS INSTRUCTED **AND** IF THE COURT ACCEPTS YOUR PLEA IN ABSENTIA, THIS IS WHAT WILL HAPPEN:

1. THE COURT WILL ACCEPT YOUR PLEA IN ABSENTIA TO THE OFFENSE.
2. THE COURT WILL ADJUDICATE YOU GUILTY OF THE OFFENSE. THIS MEANS YOU ARE CONVICTED OF THE CRIME (A SECOND DEGREE MISDEMEANOR).
3. THE COURT WILL SIGN A JUDGMENT AND SENTENCE IMPOSING THE MONETARY TOTAL FOR YOUR CHARGE. A COPY OF THIS WILL BE MAILED TO YOU.
4. THE CASE WILL BE CLOSED.

**FAILURE TO APPEAR IN COURT OR FOLLOW THESE INSTRUCTIONS WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.**

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA  
MISDEMEANOR DIVISION

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO. \_\_\_\_\_

\_\_\_\_\_ {fill in full name} {fill in case # above}

Defendant.  
\_\_\_\_\_ /

**PETITION TO ENTER PLEA OF GUILTY OR NOLO CONTENDERE  
IN ABSENTIA AND WAIVER OF COUNSEL**

STATE OF FLORIDA  
COUNTY OF ALACHUA

BEFORE ME, the undersigned authority, personally appeared  
\_\_\_\_\_ {fill in full name} , to me well known, who being by  
me first duly sworn, deposes and says:

1. My full name is \_\_\_\_\_.  
*{fill in full name}*
2. I am not represented by a lawyer.
  - a. I know I have the right to be represented by a lawyer in this case until it is finished.
  - b. No one has promised me anything or pressured me in any way to cause me to give up my right to a lawyer.
  - c. I am giving up my right to have a lawyer because I want to be my own lawyer and for no other reason.
  - d. I understand I am charged with: *{ check one }*
    - i.  Open Container (of Alcohol)
    - ii.  Possession of Alcohol by a Person under 21 Years of Age
    - iii.  Possession of Alcohol inside the StadiumIf convicted I could be sentenced to jail for a maximum of 60 days and pay a maximum fine of \$500.00.
  - e. I understand that a lawyer would be more skilled than I am in all aspects of defending me against the pending charges.
  - f. I understand that the Court cannot be my lawyer or give me any advice regarding any aspect of the charges against me.

3. I understand that I may plead not guilty. I understand that I have a right to:
  - a. a speedy and public trial by jury;
  - b. confront and cross-examine witnesses against me;
  - c. use the power and process of the Court to compel the production of evidence including the attendance of any witness in my favor;
  - d. assistance of counsel at all stages;
  - e. testify or not testify at my option and I understand the jury, at my request, will be told my decision not to testify may not be considered as evidence against me.
4. I understand that if I plead guilty or nolo contendere the Court may impose the same punishment as if I had pleaded not guilty, stood trial and been convicted. I know that if I plead guilty, or if I am adjudged guilty after a plea of guilty or nolo contendere, there will be no further trial of any kind which means that by pleading guilty or nolo contendere I waive my right to trial as set forth in (3) above.
5. I understand that if I plead guilty or nolo contendere, and if I am not a United States citizen, the plea may subject me to deportation pursuant to the laws and regulations governing the United States Naturalization and Immigration Service.
6. I know by my plea of guilty or nolo contendere without express reservation of right to appeal, that I give up all rights relating to the judgment, including the issue of innocence or guilt, and may only seek review by collateral attack.
7. I now petition to plead **guilty / nolo contendere** { ←circle one } to the charge of: { check one }
  - a.  Open Container (of Alcohol)
  - b.  Possession of Alcohol by a Person under 21 Years of Age
  - c.  Possession of Alcohol inside the StadiumThe maximum possible sentence is incarceration up to 60 days and/or a fine of \$500.00. I know also that the sentence is up to the Court only. The State Attorney will have no part in the Court decision.
8. I am \_\_\_\_\_ years of age. I have gone to school up to and including \_\_\_\_\_; my physical and mental health is presently satisfactory. At this time I am not under the influence of any drugs or intoxicants.
9. I declare that no one has made any promise or suggestion that I will receive a lighter sentence or any other form of leniency if I enter this plea. No one has subjected me to any force, duress, threats, intimidation, or pressure to compel or induce me to enter this plea.
10. I offer my plea freely and voluntarily and of my own accord with full understanding of all the matters set forth in this petition. I acknowledge that I am guilty, or that it is in my best interest to enter this plea.

11. I request that the Court accept my plea as to the offense charged, in absentia; and, I acknowledge that the Court will, after accepting my plea, withhold adjudication or adjudicate me guilty of the offense charged and impose terms of sentence in my absence. I waive every right I have to be present in Court and offer anything in mitigation with regard to any sentence imposed by the Court in my absence.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Defendant

SWORN TO and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**I FIND AND ADJUDGE** that the plea of guilty/nolo contendere is accepted by the Court and that the waiver of counsel and all other rights was knowingly, freely and voluntarily made under oath by the Defendant.

**DONE AND ORDERED** in Chambers/Open Court at Gainesville, Alachua County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
County Court Judge {print name}

Copy furnished to:  
State Attorney's Office  
Defendant