

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

STATE OF FLORIDA,
Plaintiff,

vs.

Defendant.

CASE NO.: _____

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

BEFORE ME, the undersigned authority, personally appeared _____, to me well known, who being by me first duly sworn, deposes and says:

1. My full name is _____.
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. **IMMIGRATION CONSEQUENCE:** I understand that as a result of a plea, I may have a permanent criminal record and may be subjected to deportation if I am not a citizen of the United States. I understand I have the right to seek individualized advice from an attorney about the effect pleading will have on my immigration status, and **I fully understand the immigration consequences of pleading to a presumptively mandatory deportable offense.**
6. **JIMMY RYCE WARNING:** I am aware that if I have previously been convicted of a sexually violent offense as that term is defined in Section 394.912(9), Florida Statutes, if incarcerated as part of my plea in this case, I could be subject to the provisions of the Jimmy Ryce Civil Commitment Act, Florida Statutes, Section 394.910, et seq., which allows the State to commit to a secure treatment facility, for an indefinite period of time, a person who has been convicted of a sex offense, and who is determined to be likely to commit a violent sexual offense in the future.
7. I understand that if I am presently on probation, entry of this plea may violate that probation.
8. 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.
9. 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's decision.
10. 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.

11. 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.
12. No one has subjected me to any force, duress, threats, intimidation, or pressure to compel or induce me to enter this plea.
13. 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.
14. 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____.

{print name}
County Court Judge

Copy furnished to:

State Attorney's Office
Defendant