

IN THE COUNTY COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

Case No. : \_\_\_\_\_

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

**MOTION FOR LEAVE OF COURT  
FOR ACCEPTANCE OF DEFENDANT'S GUILTY PLEA IN ABSENTIA**

COMES NOW, the Defendant, \_\_\_\_\_, and moves this Honorable Court for leave to accept his plea in absentia pursuant to Fla.R.Crim.P. 3.180(d).

In support thereof, and in compliance with Fla.R.Crim.P. 3.172(c), the Defendant does state:

1. The nature of the charge(s) to which this plea is being offered is/are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The maximum penalties under law for each list offense are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Upon entrance of a guilty plea I aver under oath that I understand the following as set forth in Fla.R.Crim.P. 3.172(c):

- a. The nature of the charge to which the plea is offered, the maximum possible penalty, and any mandatory minimum penalty provided by law;
- b. That I have the right to be represented by an attorney;
- c. That I have the right to plead not guilty, proceed to trial with assistance of counsel, the right to compel attendance of witnesses in my behalf, the right to confront and cross-examine witnesses against me and the right not to testify or be compelled to incriminate myself;
- d. That without express reservation of the right to appeal, I give up the right to appeal all matters relating to the judgment, including the issue of guilty or innocence, but that this does not impair the right to review by appropriate collateral attack;
- e. That after the court's acceptance of this guilty plea there will not be a further trial of any kind, so that by pleading guilty I waive the right to a trial;
- f. That I must answer any questions posed to my by the Court regarding this case and that my answers may be used against me in a prosecution for perjury if I answer untruthfully to the Court.

4. I understand that any statements made herein are under oath and under penalties of perjury.

5. The complete terms of my recommended plea agreement are attached in the "Affidavit of Guilty Plea in Absentia" form duly sworn, see Exhibit A.

6. The Defendant is a United States citizen.

7. The Defendant will expire the State Prison sentence in \_\_\_\_\_ County Court case number \_\_\_\_\_ on or about \_\_\_\_\_, 20\_\_.

8. The interests of justice will not be met by continuing this cause to trial requiring the Defendant's costly transfer, at County and State expense. The undue hardship of requiring the in custody transfer of the Defendant is not necessary in a cause of this nature that can be otherwise disposed of.

WHEREFORE, the Defendant prays this Honorable Court to grant leave to accept his "Affidavit of Guilty Plea in Absentia" form attached and incorporated hereto as Exhibit A under the delineated conditions set forth therein.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_  
Defendant, Pro se

**OATH**

Under the penalties of perjury, I declare and certify that I do understand English and that I have read the foregoing document and that the facts stated in it are true and correct.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant, Pro Se

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to Office of the State Attorney at: \_\_\_\_\_

\_\_\_\_\_ by handing said document to a prison official, for mailing by pre-paid first class U.S. mail on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant, Pro Se  
DC#

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# **EXHIBIT A**

**EXHIBIT A**

IN THE COUNTY COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

Case No. : \_\_\_\_\_

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

**AFFIDAVIT OF GUILTY PLEA IN ABSENTIA  
TO MISDEMEANOR CHARGE(S)  
PURSUANT TO FLORIDA RULES OF CRIMINAL PROCEDURE 3.180(d)**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, this day appeared  
\_\_\_\_\_, who first being duly sworn states:

1. I am presently incarcerated at \_\_\_\_\_ Correctional Institution  
serving a \_\_\_\_\_ year/month sentence in state prison.

2. I am the person charged in \_\_\_\_\_ County, Florida, in the  
above captioned case(s).

3. I wish to accept the plea offer as delineated herein.

4. I will plead Guilty to the charge(s) of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I understand that an adjudication of guilt will be entered and a maximum sentence of the following could be imposed:

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6. I am entering into this plea freely and voluntarily with the understanding of the rights I am waiving delineated in paragraph "3" of the motion to which this affidavit is appended and Fla.R.Crim.P. 3.172(c).

7. I understand that by pleading guilty I am giving up the above rights.

8. I have not been induced nor have any promises of leniency of any kind been offered to me to influence my plea.

FURTHER THE AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant/Affiant Pro se

SWORN TO AND SUBSCRIBED before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Personally known \_\_\_\_\_ or produced Florida Dept. of Corrections photo ID card number \_\_\_\_\_ as identification.