

JUDGE PAUL ALESSANDRONI
PROCEDURE FOR ENTRY OF A PLEA IN ABSENTIA

1. If the Office of the State Attorney objects to a Plea in Absentia the Court will not receive it.

2. Only the Authorization to Enter Plea in Absentia in County Court in and for Charlotte County, Florida, Before Judge Alessandroni form may be used. Substantially similar forms will be accepted as determined by the court. The form must be completely and properly filled out, including the attached Waiver form (Plea of Guilty or No Contest form).

3. The Defendant must either be a non-resident of Charlotte County, Florida, or other compelling circumstances must exist that preclude a Charlotte County resident from appearing in Court to enter a plea. If a non-resident of Charlotte County has the approval of the State Attorney's office for a Plea in Absentia, he or she may simply contact the Court's Judicial Assistant to schedule the plea. All other Defendants must set their request to enter a Plea in Absentia for a hearing.

4. All Defendants must appear telephonically at the plea hearing. The attorney for the Defendant may participate in the plea hearing in person or telephonically. All Defendants, whether or not represented, must be in the company of a notary public holding a current commission in their jurisdiction. The notary must either know the Defendant personally or the Defendant must provide photo identification to the Notary. The Notary will be asked to administer an oath to the Defendant at which point the Notary may be excused.

5. Most of the information needed to fill in the Authorization form referenced above can be obtained from the State Attorney's office; however, some of the information may need to be obtained from the Office of the Clerk of Courts.

Paul Alessandroni County
Judge 2/9/09

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
CHARLOTTE COUNTY, FLORIDA CRIMINAL DIVISION

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NO.:

,
Defendant.

_____ /

STIPULATION FOR CONSIDERATION AND ENTRY OF PLEA IN ABSENTIA

COMES NOW, the undersigned and hereby stipulate that the Court accept the attached Plea in Absentia. Counsel for the Defendant does, hereby, conditioned upon the acceptance of the terms of the agreement submitted herewith, enter a plea of (circle one) guilty/no contest to the charges(s) on behalf of the Defendant as listed in the attached documents per the agreement.

DATED this _____ day of _____, 20____.

Attorney for the State

Attorney for Defendant

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
CHARLOTTE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA,
Plaintiff,

VS.

CASE NO.:

Defendant.

/

AUTHORIZATION TO ENTER PLEA IN ABSENTIA IN COUNTY COURT IN AND FOR CHARLOTTE COUNTY,
FLORIDA, BEFORE JUDGE PAUL ALESSANDRONI

COMES NOW the Defendant, _____, together with his/her undersigned attorney (if represented) and files this acknowledgment of rights and Plea in Absentia in conjunction with the standard Waiver and Plea form attached hereto and specifically incorporated by reference here and would state as follows:

1. I am the Defendant, _____, in the above-styled cause by virtue of my arrest in Charlotte County, Florida, on the ____ day of _____, 20____.

2. I am absent from the jurisdiction for the following reason(s):

but have been ready and available for trial, and, if represented, have been continuously represented by counsel.

(If represented by counsel)

I have been represented by Attorney _____, who I believe to be competent, and who has advised me of the elements of the offense for which I am charged, the elements of the offense to which I am entering a plea, the minimum and maximum possible penalties for both, and my potential defense for both, in addition to those proofs that the State would offer if this cause were to go to trial. I am satisfied with the services of my attorney.

(If not represented by counsel)

4. I understand that I have the right to be represented by an attorney and that if I cannot afford one, one would be appointed by the Court to represent me at no

initial charge. I further understand that there are advantages to using an attorney in that an attorney has been to school to study the criminal law and has experience handling criminal cases. An attorney can act as my advocate as well as explaining the elements of the offense(s) for which I was charged, the elements of the offense(s) to which I am entering a plea, the minimum and maximum possible penalties for both, and my potential defense for both, in addition to those proofs that the State would offer if this cause were to go to trial. I understand that by entering this Plea in Absentia I am giving up the right to an attorney and waiving the advantages of an attorney. The minimum and maximum possible penalties for the charge to which I am pleading are:

4. I have read over, and, if applicable, I have also conferred with my attorney regarding those rights specifically enumerated in the Waiver form attached hereto; and I further recognize that by executing this document and the Waiver form that I am waiving those rights listed including my right to a trial and the rights associated with a trial in addition to my rights to object to deficiencies in the charging instrument, the formal presentation, and reading of same at my plea.

5. (IF PROBATION IS TO BE IMPOSED AS A SENTENCE) I further acknowledge that any Court supervision or probation imposed by the Court must be strictly adhered to, and any violation of the terms and conditions of same or any other condition of the sentence imposed upon me could result in the issuance of an arrest warrant or Order to Show Cause and that the ongoing burden is upon myself alone to ensure compliance with the Court's Order. I further understand that I will be required to, within ten (10) days of the Order placing me on probation, send by certified mail in writing to the Charlotte County Probation Department, Charlotte County Justice Center, 350 E. Marion Avenue, Punta Gorda, Florida, 33950, my mailing address, residence address, daytime telephone number and night time telephone number. I understand that if I fail to provide this information in the manner and within the time required, a bench warrant may be issued for my arrest. I also understand that I must at all times keep my probation officer aware of my current residence address, in writing.

6. I further understand the difference between a Plea of Guilty, Not Guilty, and No Contest and the full ramifications of those pleas.

7. I personally submit this Authorization to Enter Plea in Absentia and do hereby enter a plea of No Contest in my own behalf to the following charge(s):

8. I further understand that by entering a plea of No Contest, I am agreeing to allow the Court to proceed directly to the sentencing phase of my case, having waived my right to trial as indicated above. (A plea of Guilty would also allow the Court to

so proceed. A plea of Not Guilty would result in my case proceeding towards trial.)

9. I have not reserved any issues for appeal, I give up my right to appeal anything but the legality of the sentence imposed.

10. In school I went to the _____ grade or _____.
(Other)

I have personally read this form and understand same by virtue of my education and hereby agree that all those facts, statements and conclusions specifically cited herein are true and accurate to the best of my knowledge. I further request that any and all admissions by virtue of the fact that I have executed the accompanying waiver of rights be incorporated by reference into this plea.

11. I further stipulate that the State is capable of presenting evidence which, at least preliminarily, would establish the elements of the charge to which I am pleading.

12. I am not, at this time, under the influence of alcohol, controlled substances (drugs) or anything else which would affect my ability to understand what I am doing, nor do I suffer from any mental disease, defect or disability that prevents me from understanding the rights that I am waiving.

13. No one has promised me anything of value to persuade me to enter the plea. No one has threatened me with harm in any effort to force me into entering this plea.

14. The sentence agreed to between the State and myself is as follows:

15. I understand that, if not a United States citizen, a plea may subject me to deportation.

Defendant

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____, who is personally know to me or who has produced _____ as identification and who (did/did not)take an oath.

Commission No.: _____

Notary Public State/Commonwealth of _____

ATTORNEY'S CERTIFICATE

COMES NOW the undersigned, an attorney licensed to practice law in the State of Florida or an attorney authorized to practice in this case pro hoc vici and hereby certifies as follows:

1. I have reviewed with the Defendant the Waiver form attached hereto.
2. I have discussed his/her rights with the Defendant. It is understood that the entry of a plea in this case is a waiver of the rights listed on the attached Waiver form.
3. I have explained the minimum and maximum possible penalties for the charge to which the Defendant is pleading.
4. The Defendant, at the time of signing the Authorization and signing the Waiver form attached hereto, did not appear to be under the influence of alcohol, controlled substances, or anything else that would affect his/her ability to understand the information we were discussing.
5. The Defendant did and said nothing which suggested that he/she was under any undue or inappropriate pressure to enter into this plea agreement. No promises were made to the Defendant to foster this plea, which have not been disclosed in this authorization. No threats were made against the Defendant to force this plea.
6. I explained that entry of a plea to a criminal charge may subject a non-United States citizen to deportation.

DATED this _____ day of _____, 20____.

Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of this document is being filed with the Clerk of Court, Charlotte County Justice Center, 350 E. Marion Avenue, Punta Gorda, Florida 33950, that a true and correct copy of the above and foregoing has been furnished to Office of the State Attorney, Charlotte County Justice Center, 350 E. Marion Avenue, Punta Gorda, Florida, 33950; by United States Mail/Hand Delivery this _____ day of _____, 20____.

Defendant/Attorney for Defendant

(Address, Telephone, Bar Number)

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND
FOR CHARLOTTE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA,

PLAINTIFF,

Vs

Case No. _____

PLEA OF GUILTY OR NO CONTEST

DEFENDANT.

I HAVE APPEARED ON THE BELOW LISTED DATE BEFORE A JUDGE IN CHARLOTTE COUNTY, FLORIDA AND HAVE BEEN ADVISED OF AND HEREBY SWEAR UNDER OATH THAT I UNDERSTAND THE FOLLOWING:

1. The nature and elements of the charge(s) in this cause.
2. The difference between the pleas of Guilty, No Contest and Not Guilty, and the effect of each plea.
3. The possible results of entering this plea, including the maximum sentence which may be imposed now or upon a material violation of my probation and any mandatory sentence which must be imposed. (Penalties on second page)
4. a. That I have a right to an attorney and to have an attorney at no initial cost if I cannot afford one, if the judge is considering jail time. I have intelligently and of my own free will decided to represent myself and give up my right to a lawyer OR
b. I am satisfied with my attorney, and am entering this plea upon my lawyer's advice which I feel is in my best interest.
5. If not a U.S. citizen, a plea may subject me to deportation.

I UNDERSTAND THAT WHEN I PLEAD GUILTY (ADMIT THE CHARGE(S) OR NO CONTEST (DO NOT CONTEST THE ABOVE CHARGE(S)), THERE WILL BE NO TRIAL AND THAT I WAIVE (GIVE UP) THE FOLLOWING RIGHTS:

- _____ My right to remain silent and not to incriminate myself on the above charge(s).
- _____ My right to a trial and a jury trial where one is required.
- _____ My right to face witnesses against me and to confront and cross-examine them.
- _____ My right to make witnesses appear on my behalf through court subpoena.
- _____ My presumption of innocence and my right to require the State to prove me guilty beyond a reasonable doubt before that presumption is removed.
- _____ My right to testify in my own behalf and to present any defenses which I might have; but I understand that I may still offer a brief explanation of that particular circumstance before being sentenced.

I AM ENTERING THIS PLEA OF MY OWN FREE WILL AFTER CAREFUL CONSIDERATION, NO PROMISES, OR THREATS, OR REPRESENTATIONS (OTHER THAN BY THIS COURT) HAVE BEEN MADE TO ME.

I AM NOT UNDER THE INFLUENCE OF ANY ALCOHOL OR DRUGS AT THIS TIME. I KNOW WHAT I AM DOING AND UNDERSTAND THE COURT'S INSTRUCTIONS, I DO NOT SUFFER FROM A MENTAL ILLNESS.

I UNDERSTAND THAT UPON THE JUDGE ACCEPTING MY PLEA OF GUILTY OR NO CONTEST THAT I HAVE THE RIGHT TO APPEAL THE JUDGMENT AND SENTENCE OF THIS COURT WITHIN 30 DAYS WITH THE ASSISTANCE OF APPOINTED COUNSEL IF I CANNOT AFFORD ONE; AND THAT MY FAILURE TO APPEAL WITHIN 30 DAYS WILL CAUSE ME TO LOSE THAT RIGHT, EXCEPT FOR REVIEW BY APPROPRIATE COLLATERAL ATTACK.

HAVING READ AND UNDERSTOOD ALL OF THE ABOVE, I HEREBY ENTER MY PLEA OF:

☐ GUILTY ☒ NO CONTEST TO THE ABOVE CHARGE(S)

Attorney

Defendant

Defendant's Date of Birth

This above named Defendant appeared before me on this _____ day of _____, 20_____.
I find the Defendant is alert and competent and understands all of the above. I also find that the facts which the prosecution is prepared to prove are sufficient to sustain the plea.

County Court Judge

In all cases there is a minimum cost of court and cost of prosecution (set by Statute)

FIRST DEGREE MISDEMEANORS

A FIRST DEGREE MISDEMEANOR IS PUNISHABLE BY A DEFINITE TERM OF IMPRISONMENT NOT EXCEEDING ONE YEAR AND/OR A FINE NOT EXCEEDING \$1,000.00.

Battery	Possession of Marijuana Possession of Drug Paraphernalia
Carrying a Concealed Weapon	
Criminal Mischief (over \$200.00 damages)	Obstruction by Disguised Person Obtaining Property in Exchange for a Worthless Check
Cruelty to Animals Culpable Negligence with personal Injury Discharging a Firearm in Public	
Exposure of Sex Organ Improper Exhibition of Weapon Interference with Custody	Petit Theft - 2nd Offense Resisting Without Violence
	Trespass (with Inhabitants) Drive While License Suspended/Revoked: Habitual Offender or Prior Conviction

SECOND DEGREE MISDEMEANORS

A SECOND DEGREE MISDEMEANOR IS PUNISHABLE BY A DEFINITE TERM OF IMPRISONMENT NOT EXCEEDING 60 DAYS AND/OR A FINE NOT EXCEEDING \$500.00.

Assault	Prostitution
Criminal Mischief (under \$200.00 damages)	Public Nuisance
Culpable Negligence (exposure to injury)	Trespass (without Inhabitants) Unnatural and Lascivious Act
Disorderly Intoxication or Conduct Gambling	Worthless Check (where property is not obtained in exchange therefore)
Loitering or Prowling	
Petit Theft (1st Offense)	

Driving while impaired or with a .08 or above BAC (Special penalties if .15 or above BAC)

OFFENSE	MINIMUM FINE	MAXIMUM FINE	MINIMUM JAIL	MAXIMUM JAIL	MINIMUM SUSPENSION	MAXIMUM SUSPENSION	INTERLOCK DEVICE	VEHICLE IMPOUND
1st	\$500.00	\$1,000.00	---	6 mos.	6 mos.	1 yr.	(.>15 6 Mo)	10 days
2nd	\$1,000.00	\$2,000.00	10 Days (w/in 3 yrs)	9 mos.	5 yrs.	---	1 yr (>.15 2 yr)	30 days
3rd	\$2,000.00	\$5,000.00	30 Days (w/in 5 yrs)	1 yr.	10 yrs.	---	2 yrs.	90 days

50 Hours community service - minimum on 1st offense. In all cases: Substance abuse course and supervised probation

1. The following traffic offenses are punishable by a maximum of 60 days in jail and/or \$500.00 fine:

- | | |
|-------------------------------------|------------------------------------|
| a. Failure to Sign Traffic Citation | d. No Valid Drivers License |
| b. Leaving the Scene with damage | e. Unlawful use of Drivers License |
| c. False Accident Report | f. Tag Offenses |
| | g. Driving while license suspended |

2. Fleeing or Attempting to Elude: Jail- maximum of 1 year and/or maximum fine of \$1,000.00

3. Willful and Wanton Reckless Driving:

1st Conviction- Minimum fine of \$25.00

Maximum jail of 90 days and/or fine of \$500.00

2nd Conviction- Minimum fine of \$50.00

Maximum jail of 6 month and/or maximum fine of \$1,000.00

4. Driving while license is suspended/revoked:

1st Conviction - Maximum jail of 60 days and/or fine of \$500.00

2nd Conviction - Maximum jail of 1 year and/or fine of \$1,000.00

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND
FOR CHARLOTTE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA,
PLAINTIFF,

Vs.

Case No. _____

PLEA OF GUILTY OR NO CONTEST

VOP

DEFENDANT.

I HAVE APPEARED ON THE BELOW LISTED DATE BEFORE A JUDGE IN CHARLOTTE COUNTY, FLORIDA AND
HAVE BEEN ADVISED OF AND HEREBY SWEAR UNDER OATH THAT I UNDERSTAND THE FOLLOWING:

1. The nature and elements of the charge(s) in this cause.
2. The difference between the pleas of Guilty, No Contest and Not Guilty, and the effect of each plea.
3. The possible results of entering this plea, including the maximum sentence which may be imposed now or upon a material violation of my probation and any mandatory sentence which must be imposed. (Penalties on second page)
4. a. That I have a right to an attorney and to have an attorney at no initial cost if I cannot afford one, if the judge is considering jail time. I have intelligently and of my own free will decided to represent myself and give up my right to a lawyer. OR b. I am satisfied with my attorney, and am entering this plea upon my lawyer's advice which I feel is in my best interest.
5. If not a U.S. citizen, a plea may subject me to deportation.

I UNDERSTAND THAT WHEN I PLEAD GUILTY (ADMIT THE CHARGE(S) OR NO CONTEST (DO NOT CONTEST THE ABOVE CHARGE(S), THERE
WILL BE NO TRIAL AND THAT I WAIVE (GIVE UP) THE FOLLOWING RIGHTS:

- ____ My right to remain silent and not to incriminate myself on the above charge(s).
____ My right to face witnesses against me and to confront and cross-examine them.
____ My right to make witnesses appear on my behalf through court subpoena.
____ My presumption of innocence and my right to require the State to prove me guilty beyond a reasonable
doubt before that presumption is removed.
____ My right to testify in my own behalf and to present any defenses which I might have;
but I understand that I may still offer a brief explanation of that
particular circumstance before being sentenced.

I AM ENTERING THIS PLEA OF MY OWN FREE WILL AFTER CAREFUL CONSIDERATION, NO PROMISES, OR THREATS, OR
REPRESENTATIONS (OTHER THAN BY THIS COURT) HAVE BEEN MADE TO ME.

I AM NOT UNDER THE INFLUENCE OF ANY ALCOHOL OR DRUGS AT THIS TIME. I KNOW WHAT I AM DOING AND UNDERSTAND
THE COURT'S INSTRUCTIONS, I DO NOT SUFFER FROM A MENTAL ILLNESS.

I UNDERSTAND THAT UPON THE JUDGE ACCEPTING MY PLEA OF GUILTY OR NO CONTEST THAT I HAVE THE RIGHT TO APPEAL THE JUDGMENT
AND SENTENCE OF THIS COURT WITHIN 30 DAYS WITH THE ASSISTANCE OF APPOINTED COUNSEL IF I CANNOT AFFORD ONE; AND THAT MY
FAILURE TO APPEAL WITHIN 30 DAYS WILL CAUSE ME TO LOSE THAT RIGHT, EXCEPT FOR REVIEW BY APPROPRIATE COLLATERAL ATTACK.

HAVING READ AND UNDERSTOOD ALL OF THE ABOVE, I HEREBY ENTER MY PLEA OF:

☐ GUILTY ☐ ADMIT TO THE ABOVE CHARGE(S)

Attorney

Defendant

Defendant's Date of Birth

This above named Defendant appeared before me on this _____ day of _____,
20_____.

I find the Defendant is alert and competent and understands all of the above. I also find
that the facts which the prosecution is prepared to prove are sufficient to sustain the
plea.

County Court Judge

STATE OF FLORIDA

VS

DEFENDANT.

CASE NUMBERS

FINGERPRINTS OF DEFENDANT

FINGERPRINTS TAKEN BY:

TITLE: BAILIFF

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING ARE THE FINGERPRINTS OF THE DEFENDANT, AND THAT
THEY WERE PLACED THEREON BY THE DEFENDANT IN OPEN COURT THIS DATE.

DONE AND ORDERED IN OPEN COURT IN CHARLOTTE COUNTY, FLORIDA, THIS _____DAY
OF _____, 20_____.

JUDGE PAUL ALESSANDRONI

