

CHARLOTTE COUNTY COURT, SEAT 1
JUDGE PETER A. BELL
PROCEDURE FOR ENTRY OF A PLEA IN ABSENTIA

Temporary Covid-19 Version

Florida Rule of criminal Procedure 3.180 allows a person to Plead in Absentia.

On a temporary basis either of the following two (2) procedures may be utilized to effectuate that rule:

1. Via Video

A. In advance of the entry of the plea the Defendant must review and sign a standard “Plea of Guilty or No Contest” or “VOP Admission” form and a “Request to be Sentenced by Audiovisual” form.

B. The above-described forms must be filed with the Clerk and viewable in the Court file.

C. The Defendant’s attorney shall contact the Court’s Judicial Assistant to obtain plea time unless scheduled in open Court.

D. The Court will setup a video conference and provide attendance information to the state and the Defendant’s attorney. It will be the responsibility of the Defendant’s attorney to arrange for the Defendant’s video participation. [Telephonic participation by the Defendant is not permitted. They must be viewable via video.]

E. During the plea hearing the Court will place the Defendant under oath and conduct the plea colloquy required by Florida Rule of Criminal Procedure 3.172.

F. If reporting probation is a component of the sentence, the Defendant must make telephonic contact with the Charlotte County Probation Department before the end of the next business day following the entry of the plea. Their number is 941-833-3007.

G. If the offense is an “enhanceable” offense, then the Defendant’s fingerprints must be filed with the Clerk in advance of the plea hearing unless the sentence includes probation of some type in which case provision of prints can be made a condition of probation.

2. Via Paperwork:

A. Only the Authorization to Enter Plea in Absentia in County Court in and for Charlotte County, Florida, before the Group 1 Judge form plus appropriate attachments may be used to plead in absentia using only paperwork. The above-described form must be filled out completely and properly, and include the applicable “Plea of Guilty or No Contest” or “VOP Admission” form as well as the “Stipulation to Plead in Absentia” form.

B. Once all the paperwork is completed it can be filed with the Clerk or sent to the Court’s office. Once notified that all the paperwork is available for review, the Court will implement the parties’ agreement in Chambers and the sentencing paperwork will be mailed. If reporting probation is a condition of the sentence, the Defendant shall call probation (941-833-3007) within seven (7) days of the signing of the sentencing paperwork by the Court.

C. If the offense is an “enhanceable” offense, then the Defendant’s fingerprints must be provided in advance of the Court’s implementation of the parties’ agreement unless the sentence includes probation of some type in which case provision of the prints can be made a condition of probation.

5/11/2020