

Considering a Plea in Absentia?

1. Is there a **notarized** affidavit from the Defendant? Accurate case number(s)?
2. Does the affidavit indicate where the Defendant is located outside of the court's jurisdiction? Does the State agree?
3. Is the affidavit's notary a notary in the state where the Defendant currently located?
4. Does the affidavit indicate whether the Defendant understands that he/she will be adjudicated guilty or requesting a withhold? If Court does not accept the request, does the Defendant understand that he/she will be adjudicated guilty?
5. Does the affidavit state that the Defendant is entering the plea freely and voluntarily?
6. Does the affidavit articulate that the Defendant understands and freely and voluntarily agrees that:
 - The nature of the charge— statement of the charge and whether it is a first degree or second degree misdemeanor and the minimum and maximum sentences.
 - The difference between plea of guilty, not guilty and no contest.
 - Does the affidavit indicate that the read and understands the plea form? Defendant not under the influence of any drugs or alcohol which would affect the Defendant's ability to understand what the Defendant is doing?
 - The right to trial by jury.
 - The right to an attorney, and the right to have an attorney appointed if the Defendant cannot afford one.
 - Was the Defendant satisfied with the attorney's representation?
 - The right to require the State to prove guilt beyond a reasonable doubt.
 - The right to question the witnesses at trial
 - The right of the Defendant to call witnesses and subpoena witnesses.
 - The right to have the presumption of innocence until the State proves guilt beyond a reasonable doubt.
 - The right to remain silent

- The right to testify and have the defendant testimony considered by the same standards as other witnesses.
- The Defendant is giving up its right to an appeal unless it is an illegal sentence or objection to jurisdiction?
- The affidavit should reflect the Defendant's signature is notarized, and it submitted by the attorney of record.

7. What is the term of probation? Mail-in? Instructing and reporting by mail? Transferring probation? Does the term comply with the Interstate Compact? 11 months and 29 days?
8. Is there an agreement to early terminate probation?
9. What is there a fine? Subject to the 5% surcharge?
10. What are the court costs exactly? Attorneys may call clerk to request this information.
11. Is DUI School or equivalent and follow all recommendations for counseling a condition?
12. Is Victim Impact Panel or equivalent a requirement?
13. Is 10 day vehicle impound or notarized affidavit qualifying Defendant for an exception a requirement?
14. Is there a driver's license revocation? Or is it a restriction to business purposes only?
15. Is there a requirement for an ignition interlock device?
16. Is there a requirement for community service and a buyout since the Defendant is out of the jurisdiction?
17. Is it intensive supervision probation? Screening for any and all substance abuse issues and follow any and all recommendations for counseling? 2 12-step meetings with reactions sheets? No possession or consumption of any drugs or alcohol with random urine screening at probation's discretion and at the Defendant's expense with no positive or diluted screens.
18. Does the affidavit indicate \$50.00 costs of prosecution?
19. Does the affidavit indication that if the Defendant is not a U.S. citizen, by entering the plea, it will subject the defendant to deportation?
20. Does the affidavit indicate that if the Defendant had been previously convicted of a sexually violent offense or a sexual motivated offense, by entering this plea will subject the Defendant to involuntary civil commitment?
21. Are fingerprints necessary? If so, does the **print card indicate where and who (a certified law enforcement officer/agency) took the prints?**

22. Are there any civil citations that can also be resolved? If so, are those terms in the affidavit?
23. Is there a cash bond that shall be applied to outstanding monetary commitments?
24. Best policy would be to also include the **Lee County standard plea form with a thumbprint** from the Defendant.
25. Please tender the documentation for plea in absentia to State **prior to court** appearance. Therefore, State may review and ascertain if he/she is in agreement in its request and substance.