

INSTRUCTIONS FOR USING AFFIDAVIT OF DEFENSE

The Affidavit of Defense is designed for individuals who are unable to appear in court on a Traffic Infraction. The affidavit must be completed and returned before the court date at which time it will be submitted to the judge or hearing officer in lieu of your attendance.

- 1. Print or type all information.**
- 2. Sign and have Affidavit notarized**
- 3. Return this Affidavit with your Request a Hearing Date Form.**
- 4. Send to: Central Cashiering, Traffic Department
The Kim C. Hammond Justice Center
1769 E. Moody Boulevard, Building 1
Bunnell, FL 32110**

IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff

vs.

CASE NO.: _____

CITATION NO.: _____

DRIVER'S LICENSE NO.: _____

Defendant

AFFIDAVIT OF DEFENSE OR ADMISSION AND WAIVER OF APPEARANCE

1. Before me, personally appeared _____,
who after first being placed under oath, swears or affirms as follows:

My name, address and telephone number are:

Name: _____

Address: _____

Telephone No: _____

2. I am the defendant in the above-referenced case and am charged with the following violation(s):
(List the charges as you understand them to be.)

(Note: This is not an admission that you violated any law.)

3. **Check only one as your plea:**

☐ **I hereby plead NOT GUILTY** and file this affidavit of defense as my sworn statement herein. I understand that when I plead not guilty, I do not have to supply any further statement. I understand that by my filing this affidavit, the hearing officer or judge will have to make a decision as to whether I committed the alleged violation by the sworn testimony of the witnesses, other evidence, and my statement. I understand that I am waiving my personal appearance at the final hearing of this matter.

☐ **I hereby plead GUILTY** and file this affidavit as an explanation of what happened and as a statement that the hearing office or judge can consider before pronouncing a sentence. I understand that I am not required to make a statement. I understand that the hearing officer or judge will determine the appropriate sentence and decide whether to adjudicate me guilty.

☐ **I hereby plead NO CONTEST** and file this affidavit as an explanation of what happened and as a statement that the hearing officer or judge can consider before pronouncing a sentence. By pleading no contest, I understand that I am not admitting or denying that the infraction was committed but do not contest the charges and I understand that I may be sentenced and found guilty even though I entered a plea of no contest. I understand that I am not required to make any statement. I understand that the hearing office or judge will determine any appropriate sentence and decide whether to adjudicate me guilty.

(OVER)

4. Defendant's Statement: *(Additional papers, documents, photos, etc. can be attached but should be mentioned herein.)*

I understand that any material misrepresentation could cause me to be prosecuted for a separate criminal law violation.

Affiant/Defendant Signature

Deputy Clerk

Certificate, Acknowledgment in an Individual Capacity (Florida)

State of Florida

County of _____

The foregoing instrument was acknowledged before me by means of (how the individual appeared; check one).

_____ Physical presence or _____ online notarization this _____ day of _____, 20_____
(Date) (Month) (Year)

By _____
(Name of Individual Acknowledging)

Individual Identification by: _____ Personal Knowledge _____ Satisfactory Evidence, Type: _____

Signature of Notary Public

_____, Notary Public
(Typed, Printed or Stamped Name of Notary Public)

(Affix FL Notary Stamp above)

Note:

**It is your responsibility to make sure this affidavit
is in the court file before the hearing date.**

If Affiant/Defendant is under the age of 18, a parent or guardian must sign this affidavit:

Parent or Guardian Signature