

# BRAD E. EMBRY

CLERK OF THE CIRCUIT COURT AND COMPTROLLER, OKALOOSA COUNTY, FLORIDA



## INSTRUCTIONS FOR AFFIDAVIT OF DEFENSE OR ADMISSION AND WAIVER OF APPEARANCE

Any defendant charged with an infraction may, in lieu of a personal appearance at trial, file an affidavit of defense or an admission that the infraction was committed.

This form is for civil infractions that *do not require a mandatory appearance* before the court. This form cannot be used for criminal citations.

1. Complete the form. Attach any additional papers, documents, photos, etc.
2. Have the form notarized or sign before a deputy clerk. If the form is signed before a deputy clerk a \$3.50 fee will be charged and due at the time of signing.
3. Be sure to include an email address unless you have been excused from service by email. Following the hearing, you will be served by a copy of the court's decision.
4. Mail (if notarized) or bring the form to file in your court record at one of the following locations:

Okaloosa County Clerk of Court 1940 Lewis Turner Blvd Ft. Walton Beach, FL 32547 850-651-7200	Okaloosa County Clerk of Court or 101 E. James Lee Blvd Crestview, FL 32536 850-689-5000
--	--
5. It is your responsibility to make sure the affidavit is filed prior to your court hearing.

In the First Judicial Circuit Court, in and for Okaloosa County, State of Florida

State of Florida,  
Plaintiff,

vs

Defendant

Case No.(s) \_\_\_\_\_

Citation No.(s) \_\_\_\_\_

Driver's License No. \_\_\_\_\_

**AFFIDAVIT OF DEFENSE OR ADMISSION AND WAIVER OF APPEARANCE**

Before me personally appeared \_\_\_\_\_, who after first being placed under oath, swears or affirms as follows:

1. My name, address, email address and telephone number are:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email 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 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 officer or judge can consider before pronouncing a sentence. I understand that I am not required to make any statement. I understand that

In the First Judicial Circuit Court, in and for Okaloosa County, State of Florida

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 officer or judge will determine any appropriate sentence and decide whether to adjudicate me guilty.

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.

/s/ \_\_\_\_\_  
Affiant/Defendant

Sworn to (or affirmed) and subscribed before me, the undersigned authority, on

\_\_\_\_\_  
Personally known \_\_\_\_ Produced Identification \_\_\_\_ Type of ID produced \_\_\_\_\_

/s/ \_\_\_\_\_  
Notary Public, Deputy Clerk, or other authority  
NAME:  
Commission No.  
My Commission Expires:

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