

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. **Upon completion, this Affidavit will substitute your appearance in Court.**

1. Print or type all information.
2. Sign and have Affidavit notarized.
3. If you have an out of state driver's license, you must include a certified copy of your driving record with your affidavit of defense
4. Complete and return this Affidavit to the appropriate Clerk of Court, Traffic Division no later than **5 Days Before The Scheduled Court Date.**

Clerk of the Circuit Court
Traffic Division

P O Box 2401
Daytona Beach, FL 32115-2401
(386) 257-6080

P O Box 6043
DeLand, FL 32721-6043
(386) 736-5905

124 N. Riverside Dr.
New Smyrna Beach, FL 32168
(386) 423-3320

NOTE: This affidavit will be presented to the presiding judge together with the complaint against you. Appearances by affidavit will be subject to applicable fines and court costs. You will be advised by mail of the result and any instructions (if applicable) that you will need to comply with. The judges of this Court reserve the right to compel personal appearance as may be determined by the gravity or seriousness of the offense charged.

vs.

Citation No: _____

Driver's License No.: _____

Defendant

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, and telephone number is:

Name: _____

Address: _____

Telephone no.: _____

2. I am the defendant in the above referenced case and I am charged with the following violation(s):
(List the charge(s) 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 judge will have to make a decision as to whether I have 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 judge can consider before pronouncing a sentence. I understand that I am not required to make any statement. I understand that the 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 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 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.

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

Affiant/Defendant

Parent or Guardian

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

Personally known

Produced identification Type of ID produced

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.