IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

IN AND FOR LEE COUNTY, FLORIDA

STATE OF FLORIDA

VS. CASE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Defendant*

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the defendant in this criminal action, do hereby withdraw my previously entered plea of ‘not guilty’ and enter a plea of:

 🞏 GUILTY 🞏 NO CONTEST

COUNT 1: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ year maximum sentence

COUNT 2: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ year maximum sentence

COUNT 3: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ year maximum sentence

COUNT 4: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ year maximum sentence

COUNT 5: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ year maximum sentence

I understand that if the Court accepts the plea as indicated above, I give up my right to a trial by jury, at which I would have the following rights:

1. The right to have a jury determine my guilt or innocence
2. The right to see and hear witnesses testify and to have my attorney question those witnesses for me
3. The right to subpoena witnesses on my behalf and present items of evidence in my defense
4. The right to remain silent
5. The right to have the prosecution prove my guilt beyond a reasonable doubt before I can be found guilty
6. The right to a speedy trial
7. The right to have counsel assist in the trial and any appeal

I understand that I give up my right to appeal all matters except the legality of this sentence, the jurisdiction of this Court, and those matters that I have specifically reserved for appeal.

🞏 I have reserved the following matters for appeal:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

🞏 I do not wish to exercise my constitutional right to an appeal. My attorney has explained what an appeal is and how I can properly file one should I choose to do so. My attorney has advised me that if I cannot afford an attorney, one will be appointed for me by the Court.

I have read the information in this case or have had it read to me, and I fully understand the terms of the plea agreement and the charge(s) to which I enter my plea(s). My attorney has explained to me the maximum penalty for the charge(s), the essential elements of the crime(s), and possible defenses to the crime(s), and I understand these things. I know that if I am on parole, my parole can be revoked, and I can be returned to prison to complete that sentence. If I am on probation, my probation can be revoked, and I can receive a separate sentence up to the maximum on the probation charge in addition to the sentence imposed on this case.

No one has promised me anything to get me to enter this plea.

The State of Florida offers and agrees to the following sentence, and the defendant accepts (check all that apply):

🞏 Adjudicated Guilty 🞏 Withhold Adjudication

🞏 Florida DOC prison sentence: \_\_\_\_\_\_\_\_\_\_\_ months

🞏 Lee County Jail sentence: \_\_\_\_\_\_\_\_\_\_\_ days/months

🞏 Community Control sentence: \_\_\_\_\_\_\_\_\_\_\_ months

🞏 State Probation sentence: \_\_\_\_\_\_\_\_\_\_\_ months

🞏 A DNA sample is to be provided to the FDLE DNA database.

🞏 FL driver’s license to be suspended for a period of \_\_\_\_\_\_\_\_\_\_\_ (months)/(years) as required by statute

*The defendant agrees to pay the minimum mandatory fines, fees, and costs or the following if the amounts exceed the mandatory minimum amounts.*

🞏 Fine

 🞏 Count 1: \_\_\_\_\_\_\_\_\_\_\_ 🞏 5% Surcharge: \_\_\_\_\_\_\_\_\_\_\_

 🞏 Count 2: \_\_\_\_\_\_\_\_\_\_\_ 🞏 5% Surcharge: \_\_\_\_\_\_\_\_\_\_\_

 🞏 Count 3: \_\_\_\_\_\_\_\_\_\_\_ 🞏 5% Surcharge: \_\_\_\_\_\_\_\_\_\_\_

 🞏 Count 4: \_\_\_\_\_\_\_\_\_\_\_ 🞏 5% Surcharge: \_\_\_\_\_\_\_\_\_\_\_

 🞏 Count 5: \_\_\_\_\_\_\_\_\_\_\_ 🞏 5% Surcharge: \_\_\_\_\_\_\_\_\_\_\_

🞏 Restitution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *payable to*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

🞏 Court costs: \_\_\_\_\_\_\_\_\_\_\_ 🞏 DUI court costs: \_\_\_\_\_\_\_\_\_\_\_

🞏 Domestic violence surcharge: \_\_\_\_\_\_\_\_\_\_\_ 🞏 Rape crisis trust fund: \_\_\_\_\_\_\_\_\_\_\_

🞏 Cost of prosecution: \_\_\_\_\_\_\_\_\_\_\_ 🞏 FDLE fee: \_\_\_\_\_\_\_\_\_\_\_

🞏 Public defender application: \_\_\_\_\_\_\_\_\_\_\_ 🞏 Traffic offense: \_\_\_\_\_\_\_\_\_\_\_

🞏 Cost of defense: \_\_\_\_\_\_\_\_\_\_\_

🞏 I agree to the conditions of supervision as provided by Florida law while on probation (defendant must initial when applicable)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

🞏 I agree to the following special conditions of probation (defendant must initial when applicable)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I understand my sentence will be imposed consistent with the Florida Criminal Punishment Code. The Code provides that the trial court may impose a sentence up to and including the statutory maximum for any offense. I also understand that absent a legitimate uncoerced plea bargain, there are limited reasons why a judge may depart below the lowest permissible sentence established by the Code. I have truthfully advised the court of my criminal history and, after consultation with my attorney, agree that my Code scoresheet has been calculated correctly.

I understand that if I fail to pay the financial obligations ordered by the court, it will result in a suspension of my driver’s license privilege (F.S. 322.245) and that any unpaid financial obligations remaining 90 days after the Clerk of Court will refer payment due date to a collection agency and an additional fee of up to 40% of the outstanding balance owed will be added at that time. (F.S. 28.246)

I have read every word of this written plea or have had it read to me. I have discussed this plea(s) with my attorney, and I fully understand it. I have been told what evidence the State of Florida has to present to a jury, and my attorney has advised me what defenses, if any, I may be able to assert. I am fully satisfied with the way my attorney has handled this case. My attorney has effectively assisted me in all aspects of my defense.

I understand and agree that if the judge permits me to remain at liberty pending sentencing, I must notify my attorney, bondsman, and probation officer, if applicable, of any change of address or telephone number. I also understand that for me to receive the sentence that this Court has promised, I must honor the following conditions:

1. I must have been truthful regarding my prior criminal history;

2. I must report to the Department of Corrections and cooperate with them in the preparation of my pre-sentencing investigation;

3. I must remain at liberty without committing any law violation and

4. I must return to courtroom \_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_ to be sentenced by the Court or to be sentenced in absentia in accordance with the minimum to maximum permissible range of sentence allowed by law. I understand that violating any of these conditions could result in my not being allowed to withdraw my plea and the Court is free to sentence me under the legal maximums recognized under the law.

My education consists of the following: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I am not currently under the influence of any drug, alcohol, or medication to the extent that my normal faculties are impaired. I am not suffering from any mental problems that will affect my understanding of this plea.

If the offense to which I am pleading is a sexually violent offense or a sexually motivated offense, or if I have previously been convicted of such an offense, this plea may subject me to involuntary civil commitment as a sexually violent predator upon completion of my sentence.

I have been fully advised and explained any deportation issues by my counsel. I understand that if I am not a United States citizen, entering this plea will subject me to consideration for deportation according to the laws and regulations governing the United States Department of Immigration and Customs Enforcement. Whether or not I am deported due to my plea, I still wish to enter this plea. I understand that this court does not influence whether or not I will be deported; that is a matter of the federal immigration agency. I further understand that certain felonies are considered “aggravated felonies,” and Immigration Services may not waive deportation proceedings for those felonies. I am fully aware that as immigration laws are written today, if my plea is to one of the aggravated felonies outlined in 8 USCA 1227 and 1101, my deportation is highly probable.

No one has threatened me to make me enter the plea(s). I am entering the plea(s) because:

🞏 I am guilty. 🞏 I believe it is in my own best interest.

I enter this plea(s) voluntarily of my own free will. No promises regarding sentencing were made to me apart from those discussed during the plea colloquy. No one, including my attorney, has made any promises to me concerning eligibility for any form of early release, provisional gain time credit, time off for good behavior, the accrual of gain time, or the actual amount of time to be served under the sentence which will be imposed or any condition or circumstance of confinement in the Department of Corrections.

I have discussed the disclosure above with my attorney and agree to the representations made by my attorney.

🞏 I can read English

🞏 I cannot read English, but this plea form was read to me by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (language), which I understand.

SWORN TO, SIGNED, AND FILED in open court in the presence of defense counsel, the State, and the Honorable Judge \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defendant’s Signature

CLERK OF THE COURT

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defendant’s Signature

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *Clerk in attendance*

CERTIFICATE OF DEFENDANT’S COUNSEL

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*print name*), defendant’s Counsel of Record, certify that I have discussed this case with the defendant, including the nature of the charge(s), essential elements of each, the evidence against him/her of which I am aware, the possible defenses he/she has, the maximum penalty of the charge(s) and his/her right to appeal. No promises have been made to the defendant other than as outlined in this plea or on the record. I believe he/she fully understands this written plea, the consequences of entering it, and that the defendant does so of his/her own free will.

I have reviewed the discovery in this case and discussed the evidence with the defendant. I believe this plea is in the defendant’s best interest. I have reviewed the discovery disclosed by the State, including a listing or description of physical items of evidence. I reviewed the nature of the evidence disclosed through discovery with the defendant.

I am unaware of any physical evidence for which DNA testing may exonerate my client.

I have fully advised and explained any deportation issues with the defendant. If the defendant is not a United States citizen, entering this plea will subject him/her to consideration for deportation according to the laws and regulations governing the United States Department of Immigration and Customs Enforcement. I believe that whether or not the defendant is deported due to the plea, the defendant still wishes to enter this plea. Whether or not the defendant is subjected to deportation proceedings due to this plea, he/she still wishes to enter this plea. I understand that this court does not influence whether or not the defendant will be deported; that is a matter for the federal immigration agency. I further understand that certain felonies are considered “aggravated felonies,” and Immigration Services may not waive deportation proceedings for those felonies. I am fully aware that as immigration laws are written today, if this plea is to one of the aggravated felonies outlined in 8 USCA 127 and 1101, deportation is highly probable.

\_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Date Florida Bar No. Signature*

 *Counsel for Defendant*

CERTIFICATE OF PROSECUTOR

🞏 I confirm this recommendation has been made on the express condition that the Defendant has truthfully and accurately disclosed his/her prior criminal history.

I am unaware of any physical evidence for which DNA testing may exonerate the defendant.

\_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Date Florida Bar No. Signature*

 *Assistant State Attorney*

 *Statewide Prosecutor*

ORDER ACCEPTING PLEA

Based upon the sworn testimony of the defendant in open court, based upon my review of the court file(s), and/or based upon the dialogue between the defendant, the defendant’s attorney, the prosecuting attorney, and the judge, I find that the above plea was freely, knowingly, intelligently and voluntarily entered by the defendant. I further find that there is a factual basis to support the plea, and the defendant was represented by a competent attorney with whom the defendant says he/she is satisfied.

In addition to documents in the court file(s), I have relied upon the following information for a factual basis:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IT IS ORDERED AND ADJUDGED that the defendant’s plea be

🞏 Accepted

🞏 Rejected

🞏 Accepted conditionally: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONE AND ORDERED in open court this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *Honorable Circuit Judge*