

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.:

STATE OF FLORIDA

vs.

Defendant.
_____ /

PLEA FORM

My full name is _____. My date of birth is _____.
I have gone to school up to and including (education) _____.

I am represented by a lawyer whose signature appears below. I have told my lawyer all the facts and circumstances about the charges against me. My lawyer has counseled and advised me on the nature of each charge; on any and all lesser included charges; and, on all possible defenses that I might have in this case.

My lawyer is fully informed in all issues in the case(s). My lawyer has informed me that (s)he has considered the statements of, or interviewed all witnesses relating to my case (including alibi witnesses and defenses available to me.) Furthermore my attorney has explained to me the right to inspect all physical evidence collected in my case and have DNA testing on any of the physical evidence that may prove my innocence. By entering this plea I waive my rights to conduct any DNA testing not already done.

At this time I wish to withdraw my prior plea of not guilty, if one has been entered and instead enter a plea of **(initial your selection)**:

_____ Guilty because I am guilty of the offense(s) as outlined on this plea form and in the plea colloquy; or,
_____ Nolo contendere (no contest) to the offense(s) as outlined on this plea form and in the plea colloquy because it is in my best interest to the charge(s) of:

1. _____
2. _____
3. _____
4. _____
5. _____

I have been advised that the statutory maximum sentence for the charges(s) to which I am pleading is _____ years imprisonment and/or a fine of \$ _____.

I have also been advised that if there are minimum mandatory sentences of incarceration, I'll have to serve _____ years in prison as part of any sentence, and/or pay a minimum mandatory fine of \$ _____. (Please write n/a if not applicable)

I understand that I will be required to pay mandatory fees and costs that will be assessed against me and that the Court may assess additional discretionary costs. I also understand that the Court may require me to pay restitution. In addition, I understand I will be assessed \$100 court costs of investigation, unless otherwise specified, and I waive a hearing to determine the amount of costs of investigation.

I understand that if the Court accepts my plea(s) I give up my right to a trial, at which I would have the following rights: (1) to have a jury determine whether I am guilty or not guilty, or to have a judge make such a determination in a non-jury hearing; (2) to see and hear witnesses testify and to have my lawyer question them for me; (3) to subpoena and present witnesses and items in evidence in my defense and to present any defense I might have to a jury or judge; (4) to testify or remain silent; (5) to require the prosecutor to prove my guilt by admissible evidence beyond a reasonable doubt before I can be found guilty. I further understand that I give up my right to appeal all matters except court rulings entered after this plea is entered, an illegal sentence, or the court's jurisdiction to hear my case, and notice of such an appeal must be filed within 30 days of the entry of my sentence. My lawyer has explained to me what an appeal is, and I understand that changing my mind about entering this plea, after it is accepted, will not require the court to let me withdraw it, nor will it make the court's sentence illegal or deprive the court of authority to sentence me.

If I am presently on probation/early prison release/parole, I understand that by pleading guilty or no contest in this case it may cause revocation of my probation/early prison release/parole and that this could result in a sentence of imprisonment in that case. I further understand that if revoked, any sentence in this case may be consecutive to any sentence in the case in which probation/early prison release/parole is revoked.

Other than the agreement, if any, contained on this plea form, no promise or suggestion of any kind has been made to me, directly or indirectly, by my attorney or by any officer or agent of any branch of government, federal, state or local, to get me to enter this plea. No one, including my lawyer or any officer of any branch of government, federal, state or local, has subjected me to any force, threat, duress, intimidation or pressure to influence me in any way to enter this plea.

I have read the Information or Indictment in this case, and I understand the charges to which I am pleading. I stipulate that there is a factual basis described in court documents to support the charge(s) against me.

My lawyer has advised me of considerations bearing on the choice of which plea(s) to enter, and the advantages and disadvantages of such plea(s), and the likely results thereof, as well as possible alternatives available to me. The PLEA AGREEMENT contained on this form was concluded by me and my attorney with my full and complete consent and agreement. I fully agree with the efforts of my attorney and to the terms of the plea agreement. **I BELIEVE THAT MY LAWYER HAS DONE ALL THAT A COMPETENT ATTORNEY COULD DO TO COUNSEL AND ASSIST ME. I AM SATISFIED WITH THE ADVICE AND HELP S/HE HAS GIVEN ME.** Even though I have been assisted and advised by my lawyer, the decision to plead guilty/nolo contendere (no contest) is mine alone and is made by me after considering the advice and counsel of my lawyer.

JIMMY RYCE / SEX OFFENDER WARNING: My lawyer has advised me that if I am now pleading to a “sexually violent offense” or if I have previously been convicted of such an offense, as that term is defined in Section 394.912, Florida Statutes, my plea in this case could subject me to the provisions of the Jimmy Ryce Civil Commitment Act, Florida Statutes, Section 394.910, et seq., which allows the State to commit me to a secure treatment facility, for an indefinite period of time, as a person who has been convicted of a sex offense, and who is determined to be likely to commit a violent sexual offense in the future.

I have also being advised that if I am pleading to any sexually related offense, Florida law requires me to register as a sexual offender and such requirement will be a condition of the sentence.

IMMIGRATION AND NATURALIZATION WARNING: I understand that if I am not a United States Citizen, this plea and the resulting sentence will lead to my deportation pursuant to the laws and regulations governing the United States Department of Homeland Security / Immigration and Naturalization Services; and in some instances, depending on the nature of the offense, I will be mandatorily deported. I have consulted with my lawyer regarding this issue and I am satisfied with the answers he/she has given me.

DRIVER’S LICENSE SUSPENSION WARNING: I understand that if I am convicted of certain drug offenses or driving offenses, the Florida Department of Highway Safety and Motor Vehicles may administratively suspend my driving privileges without any input from the court.

I believe that I am competent to enter this plea and enter this plea knowingly, freely and voluntarily. My physical and mental health is presently satisfactory.

At this time I am not under the influence of any drugs or intoxicants (if you are under the influence of any drug or substance you must tell the court and/or your attorney prior to signing this form). At this time I am taking the following medications: _____.

PLEA AGREEMENT

_____The Defendant and the State, pursuant to the provisions of Fla. R. Crim. P. 3.171, agree as follows. My sentence has been negotiated in this case in that I will be:

_____Adjudicated guilty _____Adjudication of guilt will be withheld

And I will be sentenced to: (please print legibly)

The State and the Defendant stipulate and agree that the Defendant is entitled to _____ days credit for time I have already served in this/these cases(s) and I waive any other credit I may be entitled to. I agree that if the judge gives me credit for time served as stipulated, I waive/give up the right to complain or appeal concerning credit for time served.

Both my attorney and I have signed this plea agreement in open court this _____ day of _____, 20____.

Defendant

Attorney for Defendant¹

Print Name: _____

Fla. Bar No.: _____

Assistant State Attorney²

Print Name: _____

Fla. Bar No.: _____

ORDER ACCEPTING PLEA

The foregoing plea document was received and accepted in open court. The Defendant signed or acknowledged signing this document while under oath and subject to the penalties of perjury. The court finds the plea to be freely and voluntarily entered and that a factual basis exists in the record for the court to accept it. By accepting this plea(s), the court is not required to follow any state or defense recommendation stated herein, unless a "Conditional Plea" is fully described above.

CIRCUIT JUDGE

¹ By signing this form Defense counsel certifies that (s)he has explained this form to the defendant and answered all the defendant's questions including but not limited to the ramifications of entering the plea of guilty or no contest and the possible consequences of the plea, the terminology of the form if the defendant is unfamiliar with the terms used, and the defendant's exercise of his/her rights and the effect of waiving those rights.

² By signing this form the Assistant State Attorney certifies to this court that all exculpatory evidence, physical or otherwise, has been disclosed in discovery, including but not limited to any physical evidence which may be exculpatory in nature and that may be DNA tested.