

IN THE CIRCUIT COURT OF THE FIFTH
JUDICIAL CIRCUIT, IN AND FOR LAKE
COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

CASE # _____

-v-

_____/
Defendant

WAIVER OF RIGHTS AND AGREEMENT TO ENTER PLEA

I, _____, Defendant herein, have been advised that an Information has been filed against me in the above-styled court charging me with the following criminal offenses, with the maximum sentence of:

Count	Prison	Fine
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Pursuant to plea negotiations between the State Attorney's Office and my attorney, I wish to withdraw my plea of Not Guilty and enter a plea of **Guilty / No Contest** to the following criminal offense(s) and upon the following terms:

The actual number of days to be awarded as time served credit will be calculated and awarded by the Lake County Jail and/or the Department of Corrections, as appropriate, unless specifically indicated otherwise above:

This sentence also includes the following fines/costs (check appropriate box)

- Mandatory & discretionary costs, fines & assessments as itemized on the attached copy of the proposed Final Judgment assessing fees, service charges, costs, & fines (if indicated) to be recorded, which attached copy of the proposed Order assessing costs is incorporated herein by reference.
- \$30.00 Drug Testing Fee *per* defendant (not per case) if sentence involves probation (\$65.00 fee if sentence involves community control). This fee is applicable to all defendants on probation, regardless of the charge; however, it does not apply if sentence involves only jail or prison [Fla. Stat. §948.09(6)].
- \$50.00 per month plus 4% surcharge (not per case) cost of supervision to the Dept. Of Corrections, Probation and Parole Services (not applicable if sentence involves only jail time or prison [Fla. Stat. §948.09(6)]).
- _____ hours of community service. (Fla. Stat. §948.03(1) or §948.0345).
- Random testing to determine the presence or use of alcohol or controlled substances. [Fla. Stat. §948.03(1)(k)].
- Evaluation for outpatient drug counseling through T.A.S.C. or other drug treatment facility. [Fla. Stat. §948.03(6)].
- No contact (directly or indirectly) with the victim in this case. [Fla. Stat. §948.06(6)].
- Defendant shall submit a DNA sample to F.D.L.E. for registration in the DNA data bank. [Fla. Stat. §943.325(1)(a) and §948.05(h)].
- Convicted felony offenders must, within 48 hours of entering any county in Florida, register with the Sheriff or F.D.L.E. as a convicted felon. The law provides that the term “convicted” means, with respect to a person’s felony offense, a determination of guilt, resulting from a trial or a plea of either guilty or “no contest”, even if adjudication is withheld. (Fla. Stat. §775.13).
- JIMMY RYCE ACT - SEXUALLY VIOLENT OFFENDERS - DEFENDANT UNDERSTANDS THAT ANY PREVIOUS, CURRENT, OR FUTURE CONVICTION, OR A SEXUALLY VIOLENT OFFENSE AS DEFINED IN Fla. Stat. §916.32, MAY SUBJECT DEFENDANT TO THE PROVISIONS OF THE “JIMMY RYCE ACT.” (Fla. Stat. §916). DEFENDANT UNDERSTANDS THAT IF A COURT OR JURY DETERMINES HIM/HER TO BE A SEXUALLY VIOLENT PREDATOR UNDER THIS ACT, IT WILL RESULT IN HIS/HER CIVIL COMMITMENT TO THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES UNTIL IT IS DETERMINED THAT HIS/HER PERSONALITY HAS CHANGED SO THAT IT IS SAFE FOR HIM/HER TO BE AT LARGE.

I understand that if the offense to which I am entering a plea is a criminal offense for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in illegal drugs under Fla. Stat. §893, a conviction can result in the revocation of my driver's license by the Dept. Of Highway Safety and Motor Vehicles (Fla. Stat. §322.055; §322.056; and §322.27).

I am aware and fully understand that the charge(s) against me and that a plea of guilty admits the truth of the charge; a plea of not guilty denies the charge; and a plea of nolo contendere means I do not contest the charge.

My attorney has discussed with me the defense(s) that might be available to the charge(s) and has given me the benefit of his advice. I am satisfied that my attorney has represented me to the best of their ability, and has done all that can be expected.

I wish to enter my plea to the offense(s) as set forth above because I am guilty of/do not contest the charge(s) and I have no other reason. I stipulate and agree that there are sufficient facts that exist to support the charge(s) to which I am entering my plea. I do not require the State Attorney to tell the Judge the facts upon which the charge is based before the Judge accepts my plea, and I agree that the judge may rely upon any probable causes statement or Violation of Probation affidavit in the court file for a factual basis to justify the acceptance of my plea or admission.

I acknowledge and agree that no one, including my attorney, has made any promises or assurance to me regarding the amount of gain time I will receive if my sentence involves prison or jail. I have not been promised, nor has it been suggested that I will be rewarded in any manner, or that I will be given probation or leniency other than the terms as set forth above in return for my plea. I understand that Florida Department of Corrections is solely responsible for awarding gain time or any type of early release. I understand that any information I have received concerning gain time or early release is strictly an estimate and that it is not part of any plea discussion or agreement. No person has used any threats, force, pressure or intimidation to induce me to enter the plea outlined above.

I fully realize that by entering this plea I am waiving and relinquishing my right to trial by jury or the Court; my right to confront and cross-examine my accusers; my right to subpoena and have witnesses testify on my behalf; my right to remain silent or to testify in my own behalf; and the right to have the State prove the truth of the charge(s), including each element, beyond and to the exclusion of every reasonable doubt before I could be found guilty. I understand that I am waiving and forever relinquishing my right to assert any affirmative defense which might be available to me, including - but not limited to any defense asserting that I did not commit the crime(s) to which I am entering my plea.

I understand that if I am placed on probation or community control and violate the terms, I could receive the maximum sentence for the charges for which I am on probation or community control.

I understand that a felony conviction could be used as a basis for future sentencing enhancement under Fla. Stat. §775.084, as a habitual offender. I understand that a prison sentence under this plea agreement could subject me to classification and enhanced penalty as a "prison release reoffender" under Fla. Stat. §775.082(8), for a new offense committed within three (3) years of the date I am released from prison.

I understand that a guideline score sheet has been considered as a factor in determining my sentence. The guideline sentencing range that the Assistant State Attorney calculated is

I understand that even if adjudication of guilt is being withheld under this plea agreement, if I commit another felony offense at a later date, this charge might be considered a "conviction" when calculating my "prior record" under Florida's Criminal Punishment Code (Fla. Stat. §921).

I hereby waive extradition should circumstances warranting such action by the State of Florida ever exist during the period of any court ordered supervision under this case.

If Defendant is not a United States citizen, this plea might subject Defendant to possible deportation subject to the laws and regulations of the Immigration and Naturalization Service.

My attorney has advised me that I hereby waive my right to appeal the Judgement and Sentence of this Court, except appellate review of appropriate collateral issues. "Appropriate collateral issues" include, without limitation, the following:

1. Lack of subject matter jurisdiction by the Circuit Court, Fifth Judicial Circuit, Lake County, Florida;
2. Illegality of the sentence;
3. Failure of the State Attorney to abide by the foregoing plea agreement;
4. The voluntary and intelligent nature of my plea.

I have the right to be represented by an attorney for the purposes of appeal. If I cannot afford a private attorney for the purpose of pursuing an appeal, the Office of the Public Defender will be appointed upon my request and determination of indigency. I have thirty (30) days from the sentence date to commence an appeal, otherwise, my right to appeal will be deemed waived.

MANDATORY COURT COSTS PER COST JUDGMENT. (SET UP PAYMENT PLAN IN ROOM 105 UPON RELEASE FROM THE LAKE COUNTY JAIL OR DEPARTMENT OF CORRECTIONS).

Dated in Tavares, Lake County, Florida this _____ day of _____, 20____.

Defendant

Assistant State Attorney
Fifth Judicial Circuit of Florida
Florida Bar # _____

Attorney for Defendant
Fifth Judicial Circuit of Florida
Florida Bar # _____