

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA

CASE # \_\_\_\_\_

-v-

\_\_\_\_\_,  
DEFENDANT.  
\_\_\_\_\_ /

PLEA

1. I, \_\_\_\_\_, the defendant herein, withdraw my previously entered plea(s) of Not Guilty, and enter the following plea:

( ) Guilty ( ) Nolo Contendere to \_\_\_\_\_, a \_\_\_\_\_ degree felony/msd.

( ) Guilty ( ) Nolo Contendere to \_\_\_\_\_, a \_\_\_\_\_ degree felony/msd.

2. 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 Assistant State Attorney 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 authority (jurisdiction) to hear my case, and I agree to pay all costs and attorney fees of any appeal which I attempt to pursue on any other subject. 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.
3. I understand that a plea of "Not Guilty" denies that I committed the crime charged. I also understand that a plea of "Guilty" admits I committed the crime charged, a "Best Interest Guilty" plea and a plea of "Nolo Contendere" mean I do not contest the Assistant State Attorney's evidence against me. By entering the above plea(s), I am voluntarily submitting myself to the court's sentencing authority. I understand that if the court accepts my plea(s), there will be no trial, and the court will impose sentence based on my plea(s). I agree that a factual basis for the court to accept my plea is contained in documents in the court file, including the complaint affidavit(s). I understand that if I am not a United States Citizen, I may be deported. I understand that the court may impose a fine, court costs, other fees and a fee an/or lien for the services of the Public Defender.
4. 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, including enhanced sentencing laws for which the state has given my lawyer notice; the essential elements of the crime(s) I am charged with, and all defenses I might have. I understand that if I am on parole or probation in any other case, this plea can cause that parole or probation to be revoked and I can receive a separate sentence up to the maximum allowed by law for that (those) case(s).
5. No one has promised me anything to get me to enter this (these) plea(s), except as stated herein. I understand that the judge has made no promises as to what sentence I will receive, other than a lawful sentence. I further understand that, unless the judge accepts this plea as a "conditional plea" and those words appear in the space below, the judge is not required to follow any state or defense recommendation regarding sentence, and, if I receive a sentence of probation, I may be required to serve time in the county jail as a condition of probation. The Assistant State Attorney recommends the following sentence:  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. No one has pressured or forced me to enter this (these) plea(s). I am entering this (these) plea(s) because I am guilty of the crimes charged or I believe it is in my best interest to do so. I am doing this voluntarily and of my own free will.

7. I understand that sentencing will be imposed under the Criminal Punishment Code, including a scoresheet that applies to my case, unless I qualify for enhanced penalties under any other Florida Statute. If no enhanced penalty applies, I understand that a sentence can be imposed up to the maximum allowed by the Criminal Punishment Code, regardless that my scoresheet may indicate a lower permissible sentence. I also understand that if my scoresheet indicates a total sentence greater than the statutory maximum sentence for the offense(s) I am pleading to, the judge may impose the greater

sentence. No representations or promises have been made to me regarding "gain time," "good time," "early release," or any credit toward my sentence, which I understand the court and my lawyer cannot affect. I understand that only the Dept. of Corrections can calculate any release date.

8. This paragraph applies if this or another case against me involves a sex-related charge (even if a reduced charge). My lawyer has explained the mandatory, statutory conditions of sex-offender probation, and the law of involuntary civil commitment under the Involuntary Civil Commitment for Sexually Violent Predators Act, the "Jimmy Ryce Act," or similar statutes.
9. I understand & agree that if the judge permits me to remain at liberty pending sentencing, I must notify my lawyer, my bondsman, my pre-trial release officer, if any, and the Clerk of the Court of any address change. I also understand that if a Pre-Sentence Investigation (PSI) is ordered & I fail to appear for any appointment with the Dept. of Corrections for the PSI interview, the court can revoke my release and place me in jail until the PSI is completed or until sentencing.
10. I understand that if I willfully fail to appear for sentencing, any conditions of a "conditional plea" will no longer be binding upon the judge, and that I may be sentenced to any lawful sentence that could be imposed without the conditions.
11. I can read, write, speak and understand English, or have had an interpreter in my native language assigned to me who has read this entire document to me with my lawyer present. I have \_\_\_\_\_ years, or equivalent, of education (example: high school or GED = 12 years). I am not under the influence of any drug, medicine or alcohol at the time I sign this plea form. I am not suffering from any mental problems at this time that affect my understanding of this document, other than as explained to the judge on the record in open court, or as reflected in the court file.
12. I have read and understand every printed or handwritten word in this plea form & have discussed it with my lawyer. I am fully satisfied with my lawyer's services and have had a full opportunity to discuss this case and my plea(s) with my lawyer. I have told my lawyer everything I know about my case. No one, including my lawyer, has made any promises or representations to me which modify or contradict this plea document, other than what I have told the judge in open court.

SIGNED, or acknowledged in open court in Deland, Volusia County, Florida on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant

CERTIFICATE OF DEFENSE ATTORNEY

I HEREBY CERTIFY that, as Defendant's attorney, I have discussed this case with my client and explained all the rights, defenses and evidence relating to it with him/her. I have discussed this written plea form and have answered all the Defendant's questions regarding it. In my professional opinion, as an officer of the court, the Defendant understands everything in this plea form, his/her rights, and the consequences of this (these) plea(s). Defendant's plea is being made freely, voluntarily, and knowingly. I have made no promises or representations to my client which modify or contradict this plea document.

\_\_\_\_\_  
Defendant's attorney

CERTIFICATE OF ASSISTANT STATE ATTORNEY

I confirm that the recommendations set forth in this plea form are the recommendations of the Office of the State Attorney. The State Attorney's Office has complied with the Victim Rights Statute, if applicable.

\_\_\_\_\_  
Assistant State Attorney

ORDER ACCEPTING PLEA

The foregoing plea document was received and accepted in open court. Defendant signed or acknowledged signing this document while under oath & subject to the penalties of perjury. The court finds the plea to be freely & voluntarily entered, & 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 in paragraph 5, above.

Accepted by the Court.

\_\_\_\_\_  
CIRCUIT JUDGE