

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR CHARLOTTE COUNTY, FLORIDA**

STATE OF FLORIDA,
Plaintiff

Vs.

Case Number: _____

_____,
Defendant
/

PLEA FORM

1. I, _____, The Defendant in this Criminal Action do hereby withdraw my previously entered pleas of Not Guilty and enter plea(s) of:

Guilty

No Contest

COUNT I: _____ Years Maximum Sentence

COUNT II: _____ Years Maximum Sentence

COUNT III: _____ Years Maximum Sentence

COUNT IV: _____ Years Maximum Sentence

COUNT V: _____ Years Maximum Sentence

COUNT VI: _____ Years Maximum Sentence

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

- a. The right to have a jury determine my guilt or innocence;
- b. The right to see and hear witnesses testify and to have my lawyer question them for me;
- c. The right to subpoena witnesses on my behalf and present items of evidence in my defense;
- d. The right to testify to remain silent;
- e. The right to have the prosecution prove my guilt beyond a reasonable doubt, before I can be found guilty.

3. 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, which I have specifically reserved for appeal.

I have reserved the following matter(s) for appeal:

My attorney has explained to me what an appeal is and how I can properly file for an appeal 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.

4. I understand that a Plea of Not Guilty denies that I committed the crime(s): a Plea of Guilty admits that I did commit the crime(s): a Plea of Nolo Contendere (or "No Contest") says that I do not contest the evidence against me. I understand that if the Court accepts my plea(s) there will be no trial and the Court will impose sentence(s) based upon my plea(s).

5. 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 understand 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.

6. No one has promised me anything to get me to enter this plea(s) unless one of the following is checked and completed:

a. The prosecutor has recommended:

b. The Court has agreed: _____

7. IF CRIME WAS COMMITTED PRIOR TO OCTOBER 1ST, 1998, THE FOLLOWING APPLIES: I understand my sentence will be imposed within the sentencing guideline. My presumptive sentence is based upon certain factors which have been explained to me. The Court

can exceed this presumptive sentence and impose up to the maximum of _____ by expressing clear and convincing reasons to do so. If the sentence guidelines are exceeded, I will have the right to appeal this sentence. I have truthfully advised the Court as to my prior criminal history so that my presumptive sentence can be estimated under the sentencing guidelines.

8. IF CRIME WAS COMMITTED ON OR AFTER OCTOBER 1ST, 1998, THE FOLLOWING APPLIES: 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 as to my prior criminal history and after consultation with my attorney, agree that my Code score sheet has been calculated correctly. If you violate your probation or community control at a future date, you are still subject to these statutory maximums.
9. If a background check of my criminal history reveals undisclosed convictions, and if these convictions serve to enhance my presumptive sentence beyond that currently envisioned; I will not be allowed to withdraw my plea, but will be sentenced in accordance with the appropriate sentencing guidelines. My lawyer has explained to me the requirement that I be truthful in disclosing my prior criminal history, and that my failure to be accurate could result in a sentence which is greater than currently envisioned.
10. 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 has to present to a jury and my attorney has advised me as to what defenses, if any, I may be able to assert in my own behalf. 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.
11. I have been candid and truthful with my lawyer and have told my lawyer everything I know about this case.
12. 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 which has been promised by this Court, I must honor the following conditions:
 - a. I must have been truthful regarding my prior criminal history;
 - b. I must report to the Department of Probation and cooperate with them in the preparation of my pre-sentence investigation as ordered by the court.
 - c. I must remain at liberty without committing any law violation; and
 - d. I must return to this courtroom _____ on _____ at _____ to be sentenced by this Court or to be sentenced in absentia in accordance with the minimum to maximum permissible range of sentence

allowed by law. I understand that the violation of any of these conditions could result in my not being allowed to withdraw my plea, and the Court being free to sentence me in accordance with the legal maximums recognized under the law.

13. My education consists of the following: _____.
14. I am not under the influence of any drug, alcohol, or medication at the time I signed this plea. I am not suffering from any mental problems that will affect my understanding of this plea.
15. I understand that 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.
16. I have been fully advised and explained any deportation issues by my counsel. I understand that if I am not United States citizen, entering this plea will subject me to consideration for deportation pursuant to the laws and regulations governing the United States Department of Immigration and Customs Enforcement.
17. No representation has been made to induce this plea concerning the methods by which gain time and/or good time will be calculated as the award of such time is exclusively determined by the Department of Corrections. The calculation of gain time and/or good time is subject to change as determined by the Department of Corrections.
18. 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.
19. I know what a Pre-Sentence Investigation Report is and hereby waive my right to the preparation of a Pre-Sentence Investigation Report in the above referenced case(s). I enter the plea(s) voluntarily of my own free will.
20. If you are convicted of a crime involving illegal drugs or narcotics, your drivers license may be suspended by the Department of Highway Safety and Motor Vehicles.
21. If I have been ordered to do community service hours, I understand they must be done at a minimum rate of _____ hours per month and I must show proof of these hours to my Probation/Community Control Officer every month.

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), in which I understand.

SWORN TO, SIGNED AND FILED in open Court in the presence of Defense Counsel, the State, and the Honorable _____ on this _____ day of _____, 20_____.

BY: _____
CLERK IN ATTENDANCE

Roger Eaton
CLERK OF COURT

Defendant Signature

CERTIFICATE OF DEFENDANT’S COUNSEL

I, 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 for the charge(s) and his/her right to appeal. No promises have been made to the Defendant other than as set forth in this plea or on the record. I believe that he/she fully understands the written plea, the consequences of entering it and the Defendant does so of his/her own free will. I have reviewed the discovery in this case and have discussed the evidence in this case 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 with the defendant the nature of the evidence disclosed through discovery. I am unaware of any physical evidence for which DNA testing may exonerate my client.

Date

Attorney Sign Name

Attorney Print Name

Florida Bar Number: _____

Counsel for the Defendant

CERTIFICATE OF PROSECUTOR

I confirm that the recommendations previously set forth in paragraph 6(a) have been made. This recommendation has been made on the express condition that the Defendant has truthfully and accurately disclosed his/her prior criminal history. I am personally unaware of any physical evidence for which DNA testing may exonerate the defendant.

Date

Attorney Sign Name

Attorney Print Name

Florida Bar Number: _____

Assistant State Attorney

ORDER ACCEPTING THE 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 I find that the defendant was represented by a competent attorney with whom the defendant says he/she is satisfied.

IT IS ORDERED AND ADJUDGED that the defendant’s plea is accepted by the undersigned this _____ day of _____, 20____.

Honorable Circuit Judge