

IN THE COUNTY COURT OF THE 20TH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA
CRIMINAL ACTION

PLEA OF GUILTY OR NO CONTEST

STATE OF FLORIDA
VS.

CASE NO. _____

Defendant

I have appeared on the below listed date before a judge in Lee County, Florida, and have been advised of and hereby swear or affirm under oath and subject to the penalties of perjury that I understand the following:

1. The nature and elements of the charge(s) in this cause.
2. The difference between the pleas of guilty, no contest and not guilty, and the effect of each plea.
3. The possible results of entering this plea, including the maximum sentence which may be imposed now or upon a willful and substantial violation of probation and any mandatory sentence which must be imposed (see penalties on reverse side).
4. That I have a right to an attorney and to have an attorney appointed if I cannot afford one. 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); or I have intelligently and of my own free will decided to represent myself and give up my right to a lawyer; and I understand these things.

I understand that when I plead guilty (admit the charge(s) or no contest (do not contest the above charge(s), I understand that there will be no trial and that I waive (give up) the following rights voluntarily (of my own free will) :

1. My right to remain silent and not to incriminate myself on the above charge(s);
2. My right to trial and jury trial where one is permitted;
3. My right to face witnesses against me and to question them;
4. My right to make witnesses appear on my behalf through court subpoenas;
5. My presumption of innocence and my right to require the State to prove me guilty beyond a reasonable doubt before that presumption is removed.
6. My right to testify or not to testify on my own behalf and to present any defenses that I might have; but I understand that I may still offer brief explanation of the particular circumstances before being sentenced.

After careful consideration, I am entering this plea of my own free will. No promises, threats or representations (other than by this court) have been made to me. At this time, I am not under the influence of any alcohol or drugs. I know what I am doing and understand the court's instructions. I believe this plea is in my best interest. I admit that there is a factual basis for this plea and that venue is before this court.

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.

Upon acceptance of my plea by the judge, I understand that unless the judge has denied a motion to dismiss or a motion to suppress which would be dispositive of my case, and I affirmatively preserve the right to appeal the denied motion(s). I waive the right to appeal. Otherwise, I understand that I have 30 days to appeal the sentence and judgment of the court.

I understand if I fail to pay financial obligations ordered by the court, it shall result in a suspension of my driver's license privilege (Fla. Stat. 322.245). I understand that all unpaid financial obligations still remaining 90 days after payment is due will be referred by the Clerk of Court to a collection agency and an additional fee of up to 40% of the outstanding balance owed will be added to the financial amount due. (Fla. Stat. 28.246).

My attorney has fully advised and explained to me all deportation issues. If I am not a United States citizen, entering this plea will cause me to be deported pursuant to the laws and regulations governing the United States and the Department of Immigration and Customs Enforcement. I still wish to enter this plea whether or not I am actually deported.

HAVING READ AND UNDERSTOOD ALL OF THE ABOVE, I ENTER MY PLEA OF:

() GUILTY () NO CONTEST TO THE CHARGE(S)

Attorney

Defendant

Date of birth (mo/day/year)

The above defendant appeared before me on the _____ day of _____, 20 _____. I find the defendant is alert and competent and understands all of the above. I also find that the facts which the prosecution is prepared to prove are sufficient to constitute the offense(s) plead to above. I hereby certify that the above named defendant affixed his right thumbprint below, in my presence, in open court this date OR that the deputy certifies the affixed thumbprint was taken by said deputy.

(DEPUTY SIGNATURE)

RIGHT THUMBPRINT OF DEFENDANT

COUNTY JUDGE

FIRST DEGREE MISDEMEANORS

A first degree misdemeanor is punishable by a definite term of imprisonment or probation not exceeding one (1) year and/or a fine not exceeding \$1,000 plus court costs and surcharges according to Florida Statute.

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| Battery | Obstruction by Disguised Person |
| Carrying a Concealed Weapon | Obtain property in exchange for Worthless Check, value < \$150 |
| Criminal Mischief (damages over \$200 but less than \$1000) | Petit Theft 2 nd offense or 1 st offense with value between \$100-\$300 |
| Cruelty to Animals | Possession of Drug Paraphernalia |
| Culpable Negligence with Personal Injury | Possession of Marijuana (not more than 20 grams) |
| Discharging a Firearm in Public | Resisting Without Violence |
| Indecent Exposure or Exposure of a Sexual Organ | Trespass on Property other than Structure or Conveyance |

SECOND DEGREE MISDEMEANORS

A second degree misdemeanor is punishable by a definite term of probation not exceeding six (6) months or imprisonment not exceeding sixty (60) days and/or a fine not exceeding \$500 plus court costs and surcharges according to Florida statute.

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| Assault | Petit Theft-1 st Offense (value < \$100) |
| Criminal Mischief (< \$200 damages) | Prostitution- 1 st offense |
| Culpable Negligence (exposure to injury) | Public Nuisance |
| Disorderly Intoxication | Trespass in Structure or Conveyance, no person inside |
| Disorderly Conduct | Unnatural and Lascivious Act |
| Gambling | Breach of Peace |
| Loitering or Prowling | Ordinance Violations |

CRIMINAL TRAFFIC WITH MAXIMUM JAIL AND FINES

1. Driving while impaired or with a .08 or above Blood or Breath Alcohol Level. By law, adjudication cannot be withheld. Fifty (50) hours of community service-minimum mandatory on 1st offense. Substance abuse course, DUI School, Victim Impact Panel or Trauma Class and court costs. Motor vehicle impoundment: 1st offense- 10 days, 2nd offense within five years- 30 days, 3rd offense within ten years- 90 days.

If the defendant refused the breath test, administrative suspension is different from the one imposed by the court and the person should seek legal counsel as to whether that suspension runs concurrently or consecutively to the court imposed suspension.

OFFENSE	MINIMUM FINE	MAXIMUM FINE	MINIMUM JAIL	MAXIMUM JAIL	DRIVER'S LICENSE REVOCATION	IGNITION INTERLOCK
1 ST	\$500	\$1000	none	6 months	6 mo.- 1 year	Discretionary unless enhanced
	\$1000 (if .15 or above)	\$2000	none	9 months	6 mo.-1 year	6 months minimum
2 ND	\$1000	\$2000	10 days if prior within 5 years	9 months	6 mo.- 1 year, 5 years if prior within 5yrs	1 year minimum
	\$2000 (if .15 or above)	\$4000		12 months	1 year, 5 years if within 5 years	2 years minimum
3 RD	\$2000	\$5000	30 days if prior within 10 years	12 months	10 years if prior within 10 years	2 years minimum
	\$4000 (if .15 or above)					

2. Traffic offenses punishable by up to sixty (60) days in jail and/or \$500 fine and court costs and surcharges according to Florida statute and a maximum of six (6) months probation:

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| Failure to sign Traffic Citation | Racing on the Highway |
| Leaving the Scene or False Accident Report | Tag Offenses |
| | Unlawful use of Driver's License or No Valid Driver's License |

3. Willful and Wanton Reckless Driving

- 1st conviction- Up to ninety (90) days in jail and/or fine up to \$500, court costs and surcharges according to Florida statute
- 2nd conviction- Up to six (6) months in jail and/or fine up to \$1000, court costs and surcharges according to Florida statute

4. Driving while License Suspended/Revoked

- 1st conviction- Up to Sixty (60) days in jail and/or fine of \$500, court costs and surcharges according to Florida statute
- 2nd conviction or subsequent conviction- Up to One (1) year in jail and/or fine of \$1000, court costs and surcharges according to Florida statute. Minimum 10 days jail for third conviction
- 3rd conviction within five (5) years- habitual traffic offender classification and revocation for five (5) years (and up to 5 years prison)

5. The following offenses may be filed as felonies:

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| Driving on a Suspended License 3 rd Offense | Aggravated Fleeing and Eluding a Police Officer |
| DUI 4 th offense or DUI 3 rd if within 10 years | Leaving the Scene of an Accident with Personal Injury |
| | Petit Theft 3 rd Offense |