

NOTE: READ THIS FORM CAREFULLY. IT IS THE SAME AS A CONTRACT. EVERY PARAGRAPH IS IMPORTANT. YOU ARE WAIVING CERTAIN RIGHTS YOU HAVE BY SIGNING THIS FORM AND ARE MAKING CERTAIN AGREEMENTS. IF YOU HAVE ANY QUESTIONS YOU MUST ASK YOUR ATTORNEY OR THE JUDGE.

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____
COUNTY, STATE OF FLORIDA

STATE OF FLORIDA

CASE NUMBER(S): _____

vs.

Defendant.

_____ /

FELONY PLEA FORM

I am entering a plea as follows:

() Guilty () No Contest () Admission

1. MY TRUE NAME IS: _____.

2. I am _____ years old.

3. I have completed the _____ grade in school.

() I can read, write and understand the English language.

() I cannot read. However, this document has been completely read and explained to me.

() I cannot read or understand English. However, an interpreter speaking my language has fully read this document to me.

4. I am represented by an attorney whose name is _____.

5. () I have never been found to be insane or incompetent, or admitted to or committed to a mental health facility, and have never been a patient in any hospital for a mental illness, disease or defect.

Defendant's initials _____

() I was previously found to be insane or incompetent, or admitted to or committed to a mental health facility or I have been treated for mental health issues.

EXPLAIN:

6. I am not currently under the influence of drugs or alcohol.

DO NOT USE ABBREVIATIONS IN COMPLETING THIS FORM

7. I understand that I am charged with:

8. I am entering my plea of guilty, or no contest to the charge(s) of, or my admission to the violation of probation or community control, as follows:

9. I understand that the recommendation for sentencing to the judge by both my attorney and the State Attorney is as follows:

10. **Check if a negotiated plea** () the Court will allow me to withdraw my plea if the Court rejects the plea agreement,

OR

Check if open plea to the court () regardless of the recommendations of my lawyer and the State Attorney, the court may sentence me to any legal sentence, including the maximum sentence allowed by law.

11. I understand another judge may impose the sentence in this case.

12. As of the date of this plea I have _____ days credit for time served in jail. **I AM WAIVING ALL OTHER CREDIT FOR TIME ALREADY SERVED.**

13. I agree to pay restitution as follows:

I understand that if I am placed on probation or community control, the restitution will be a condition of that probation or community control.

14. I understand that if I am convicted of sale, possession or trafficking in drugs; conspiracy to sell, possess or traffic in drugs; a D.U.I. offense; fleeing or eluding a law enforcement officer, theft of a motor vehicle; or theft of any parts or components of a motor vehicle, my drivers license will be revoked by the Court. If I have any questions about this or about the length of the revocation, I will ask the judge or my lawyer.

I UNDERSTAND THAT NO ONE CAN ASSURE ME OF HOW MUCH GAIN TIME OR ANY OTHER FORM OF EARLY RELEASE CREDIT I WILL RECEIVE ON A PRISON SENTENCE, NOR MY ELIGIBILITY FOR ANY FORM OF EARLY RELEASE. ANY REPRESENTATIONS REGARDING THOSE ISSUES ARE NOT BINDING ON THE COURT. I UNDERSTAND I WILL NOT BE ABLE TO SET ASIDE THIS PLEA, THE JUDGMENT OR SENTENCE AS A RESULT OF INCORRECT REPRESENTATIONS TO ME CONCERNING THESE ISSUES. I UNDERSTAND THAT I SHOULD ASSUME I WILL SERVE EVERY DAY OF ANY JAIL OR PRISON SENTENCE IMPOSED.

If I am entering a plea to a felony charge in this case, I understand that if I am later convicted of another felony charge in the future, the felony charge in this case could be used to give me a much longer sentence, and possibly a mandatory sentence, in the future criminal case.

15. The Criminal Punishment Code and the scoresheet have been fully explained to me by my lawyer. I understand I may also ask the Judge about them at the time I enter this plea.

16. If I am released from jail until sentencing and I fail to appear in Court when required or if I commit a new criminal offense, then I will NOT be able to withdraw my plea, and the State will be free to ask that I be sentenced to the maximum possible sentence. Further, I could be prosecuted for the new crime, and for failure to appear, and be subject to contempt of court. I also understand that if I do not appear for sentencing, the Court may sentence me in my absence and I may receive the maximum sentence provided by law.

17. I understand:
a) that the mandatory minimum penalty for the charges I am pleading to is

_____and the maximum possible penalty is _____

_____.

(BUT NOTE: I understand that under the Criminal Punishment Code, the statutory maximum penalty may not apply. The maximum possible penalty would depend on how my prior record and present offenses are scored, and may be higher than the statutory maximum.)

18. I understand that if I am placed on probation, or community control, I must obey all general and special conditions of probation or community control. If I violate probation or community control, even in a technical way, I can be rearrested and charged with the violation. At a hearing on that violation I understand I will be tried by the Judge and not a jury and that the standard of proof is much lower than proof beyond a reasonable doubt. If the Prosecution were to satisfy the Court of a violation, I understand I could receive the maximum sentence provided by law for the underlying offense.

19. **READ IN ALL CASES:** The Jimmy Ryce Act

I understand if I am pleading to any “sexually violent offense” or a “sexually motivated offense” the Jimmy Ryce Act will apply to me, and I can be held in confinement indefinitely after my jail or prison sentence ends.

I also understand that even if the offense I am entering a plea to is not a “sexually violent offense” or a “sexually motivated offense,” I can still be held in confinement indefinitely after my jail or prison sentence ends if it is determined later that I have been convicted previously of such qualifying offense.

I understand that if I am sentenced for a sex offense that my name, address, photograph, and other personal information may be posted on the Internet and in other public places as part of a community notification of where I am living and working.

20. I understand that no statement made in connection with this plea will be admissible in any civil or criminal proceeding against me except as a basis for perjury.

21. I agree that there is a factual basis for the charges against me. I understand that once the plea is accepted by the Court, there will not be a trial or further determination of my guilt or innocence of these charges.

22. I understand that I have the right to be represented by a lawyer at every stage of the proceedings, and that if I cannot afford a lawyer, one would be appointed for me.

23. I understand that by pleading Guilty, or No Contest, or by entering an Admission, I am giving up the following constitutional rights:

a) I am giving up my right to a trial and to have my case decided by a jury or a judge and my right of assistance of counsel at trial. (If this is a violation of probation or community control - I am giving up my right to a hearing before the Judge).

b) I am giving up my right to confront, cross-examine and ask questions of the State's witnesses.

c) I am giving up my right to call witnesses and make them come to court and testify for me.

d) I am giving up my right to testify if I choose, and also my right to remain silent and not to testify or incriminate myself. I realize if I did not testify, that fact could not be used against me.

e) I am giving up my right to make the State prove me guilty by presenting evidence beyond a reasonable doubt. (In violation of probation or community control cases, the standard of proof is the greater weight of the evidence.) I realize that at a trial, I would not need to prove my innocence, or testify, or call any witnesses.

f) I am giving up my right to appeal all matters connected with the judgment and sentence, including the issue of guilt or innocence. I understand that I am not waiving my right to appeal a void or voidable judgment and my right to review by appropriate collateral attack.

g) I am not waiving my right to appeal any sentence in violation of the Sentencing Guidelines, or criminal punishment code, unless specifically contained within the plea agreement.

I WISH TO GIVE UP THESE RIGHTS AND ENTER THIS PLEA.

24. No one has tricked me, coerced me, pressured me, or has made any threats against me to get me to give up these rights and enter this plea. No one has made any promises or representations to me, other than those in this document to get me to give up these rights. The only promises or representations made to me are those listed in this document, and any other promises or representations are not binding on the Court or the Prosecution.

25. I specifically
() admit that I am guilty of the charge or charges I am pleading Guilty/No Contest/or admitting.

() believe the plea is in my best interest even though I am innocent of the charge, charges, or violations, or may have defenses to them.

26. I have discussed this case and everything in this document with my attorney, and I am satisfied with the representation I have received from my attorney. I have told my attorney all the facts and circumstances known to me about the charges. My attorney counseled and

advised me on the nature of each charge, on any and all lesser included charges, and on all possible defenses that I may have in this case.

27. I offer my plea freely and voluntarily with full understanding of all the matters in the Information/Indictment/Violation Affidavit and in this document.

28. If I am not an American citizen, I understand that this plea could be used by the United States Government as a basis to deport me, prevent me from becoming a U.S. citizen, prevent me from obtaining or retaining my alien status or prevent me from obtaining or retaining a Permanent Resident Card (Green Card), whether or not I am adjudicated guilty or whether adjudication of guilt is withheld, and whether the crime is a misdemeanor or felony.

29. If I am on probation or community control in another case, this plea can form the basis of a violation of that probation or community control.

30. I understand a conviction of a crime may cause me to lose local, State or Federal licenses, and can prevent me from getting certain licenses. A conviction of a felony will cause me to lose the right to vote, and my right to own or possess a firearm or ammunition.

31. I understand that both mandatory and discretionary fees and costs may be imposed by the court at the time of sentencing. My attorney and I can object at sentencing to any fees and costs. I understand that if I fail to object at the time of sentencing, I will be waiving the ability to appeal the imposition of the fees and costs.

If I am placed on probation or community control, the repayment of public defender fees, special public defender fees, costs, fines, surcharges and the public defender application fee, will be a condition of my probation or community control whether or not I am adjudicated guilty.

My attorney has explained all of the contents of this plea form to me. I have no questions and I understand what I am doing. I wish to enter my plea and not have a trial or hearing in this case. I fully understand everything in this document.

DATED on _____, 200____.

DEFENDANT

I certify that as an interpreter fluent in the _____ language, that I have interpreted this document in its entirety to the Defendant who understands the _____ language. The Defendant states he/she fully understands the contents of this document and the he/she signed it freely and voluntarily.

INTERPRETER - Printed name

Signature

I, _____, am the attorney for the Defendant.

I have read the contents of this document word-for-word to the Defendant, and explained it fully to him/her.

OR

I have not read this document to the Defendant, but I have fully explained the contents of this document to him/her.

I have fully explained the allegations contained in the charging document(s). I have explained the maximum penalty for each count pled to by the Defendant. I consider him/her competent to understand the charges against him/her and the effect of this plea entered by this document. I have explained to him/her the right of appeal and the difference between a direct appeal and a collateral attack. I have reviewed the discovery disclosed by the State of Florida and discussed the issues of the case with the Defendant. I am not aware of any physical evidence disclosed by the State of Florida in which DNA may exonerate the Defendant or if any such evidence exists, it has been examined and determined that no further examination is needed.

ATTORNEY

The State of Florida believes that this plea is in the best interest of the State of Florida and therefore recommends the plea be accepted by the Court. The State of Florida has discussed the plea terms with the victim and the arresting authority and they are in agreement with the plea or have been informed of their right to appear at sentencing in order to speak with the Court. The State of Florida is not aware of any physical evidence for which DNA testing may exonerate the Defendant.

ASSISTANT STATE ATTORNEY

The Court determines that the plea is freely and voluntarily entered, upon a knowing and intelligent waiver of the Defendant's rights, and that there is a factual basis for the Court to accept the plea to each charge and/or the violation of probation or community control. The plea is accepted.

DONE AND ORDERED on _____, 200__.

CIRCUIT JUDGE