

STATE OF FLORIDA,
Plaintiff,

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

vs.

CASE NO: _____

Defendant,

PLEA FORM: CRIMINAL CHARGE(S)

(Please read completely)

I do hereby ask this Court to accept my **plea of guilty or no contest** to criminal charge(s) and in order to allow this Court to be assured that my plea is freely, knowingly, intelligently and voluntarily made, I state the following as being truthful:

- (1) I am alert. I read, write and speak English and I have the education to understand the terms of my plea and the negotiations between the prosecutor and myself. No person has forced me to enter this plea with any promises, threats or inducements except the negotiations between the State and myself.
- (2) I am not under the influence of drugs or alcohol, and I have not had anything which would cloud my mind and prevent me from understanding what is going on with my case.
- (3) I know that I have the right to have a lawyer assist me throughout my case and to explain my rights, answer my questions and help me represent my case before this Court. I also know that if I cannot afford a lawyer I can have the Court appoint me one (at a very low cost) for full representation in my case.
- (4) I also state that I have spoken to a lawyer to have had the option to speak to one and have waived (decided not to) speak to one. If I have chosen a lawyer to represent me, I do advise (tell) this Court that I have fully discussed my case with her/him and I am satisfied with my lawyer's advice and explanations given to me.
- (5) I know the difference between a not guilty, no contest and guilty plea.
- (6) I admit that I have received a copy of my Information or other charging document.
- (7) I understand the maximum jail and fine that I could be given by the Court if I plea to the criminal charges announced in open court.
- (8) I understand that if I present this plea to the Court, it may cause any probation; community control or driving privilege to be revoked. Punishment for additional crimes committed by me in the future could be made worse by my present plea. This plea could make me a habitual traffic offender.
- (9) I understand that if I am not an U.S. citizen I could be deported.
- (10) In order for me to enter this plea, I must understand and give up the following rights that I have according to the Constitution and the laws of the State of Florida. They are as follows:

Initials _____

- (a) I have the right to be presumed innocent and plead not guilty and have a speedy trial before a judge or jury.
- (b) The State of Florida is required to prove that I committed the crime beyond and to the exclusions of every reasonable doubt.
- (c) I have the right to confront all witnesses and cross-examine them in open court.
- (d) I have the right to call witnesses and have the Court force them to testify at the hearing.
- (e) I have the right to testify and present evidence and defenses at my trial.
- (f) I have the right to remain silent and cannot be compelled to incriminate myself.
- (g) I know that I give up my right to direct appeal from the Court's judgment and sentence, except for an illegal sentence or collateral attack.

(11) I understand that if I am put back on probation or put on a new probation, and that if I violated that probation, it will not affect the maximum punishment this Court could give. Also, I understand that upon a substantial and willful violation of any condition of probation imposed as a result of this plea, I may be sentenced up to and including the maximum sentence provided by law.

(12) I understand that any plea to domestic violence, drugs, alcohol related and driving charges may affect my driving privilege, ability to carry or own firearms, and government assistance.

(13) I have been told and understand that I have 30 (thirty) days from the date of this sentence to appeal the judgment and sentence. I have a right to have a lawyer, and if I cannot afford a lawyer, one can be appointed by this court to represent me.

(14) I have been informed by my attorney that the State Attorney's Office is requesting on behalf of the _____ that a cost of investigation be imposed in this case as part of the sentence. I understand I have a right to have a hearing on this matter to determine the actual cost of investigation of this case. A cost of investigation includes the actual expenses incurred in the investigation and prosecution of the case including the salaries of all involved law enforcement personnel. I also understand that I may have the option of agreeing to the imposition of a stipulated cost of investigation (\$100 for a felony plea and \$50 for a misdemeanor) in place of the hearing. I choose to () have a hearing or () stipulate to the amount.

Initials _____

For misdemeanors and the charges of D.U.I. and D.W.L.S., the following maximum sentences may apply*

	County Jail Time	Fine and Court Cost (CC)
1 st Degree Misdemeanor	Up to 12 (twelve) Months	Up to \$1000.00 + CC
2 nd Degree Misdemeanor	Up to 2(two) Months	Up to \$ 500.00 + CC
1st D.U.I. *	Up to 6 (six) Months	\$250.00 to \$500.00 + CC
2nd D.U.I. *	Up to 9 (nine) Months	\$500.00 to \$1,000.00 + CC
3rd D.U.I. *	Up to 12 (twelve) months	\$1,000.00 to \$5,000.00 + CC
*(with no enhancements such As an accident, BAC > .20 or child in the car)		
(3 or more DRIVING UNDER THE INFLUENCE can be upgraded to a felony)	Up to 5 (five) years in D.O.C. (Department of Corrections)	\$1000.00 to \$5000.00 + CC
Reckless Driving	Up to 90 days	Up to \$1,000 if alcohol related
1st D.W.L.S.	Up to 2 (two) Months	Up to \$500.00 + CC
2nd D.W.L.S.	Up to 12 (twelve) Months	Up to \$1,000.00 + CC
3rd D.W.L.S. Certain suspensions	Mandatory 10 (ten) days in jail ; up to 12 (twelve) months in jail.	Up to \$1,000.00 + CC
3 rd D.W.L.S.R. Suspension for: DUI, Refusal, Traffic offense involving death or	Up to five (5) years in DOC	Up to \$5,000.00 + CC

Initials _____

The State of Florida and I have agreed upon the following sentence to be imposed as a condition of this plea:

ATTORNEY FOR DEFENDANT

DEFENDANT

FB#: _____

DATE _____

ACCEPTANCE OF PLEA

This Court finds that the Defendant is alert, able and intelligent and capable of exercising his or her best judgment and making decisions in his or her best interest. The Defendant is satisfied with his or her attorney or if he or she has chosen to represent himself or herself, he or she has made a conscious and intelligent waiver of his or her right to an attorney. There exists a factual basis for the Defendant's plea of guilty or no contest and the Defendant's plea is freely and voluntarily given with knowledge of its meaning and possible consequences. The Court therefore accepts the Defendant's plea of guilty or no contest.

FILED IN OPEN COURT

This ___ day of _____ 20_____

D. Melissa Distler

Judge of the County Court

Time: _____ By: _____ D.C. Date:

Initials _____

WAIVER OF RIGHT TO COUNSEL

I have been fully advised by the Court that I have the right to be represented by an attorney of my own choice in this case. And if I have no funds to retain an attorney to represent me, the Court will appoint an attorney to represent me in this case. I fully and completely understand what the Court has told me concerning my rights to be represented by counsel. However, I wish to waive my right to be represented by counsel of my own choice or by Court appointed counsel. I wish to represent myself in this case presently pending before the Court.

DEFENDANT / DATE

Initials _____