

PLEA AND WAIVER

NAME: _____

CASE NO: _____

() GUILTY () NOLO CONTENDERE (No Contest)

1. I understand that if the Court accepts the plea, I give up the following rights:

- (a) To have a jury or the Court determine whether I am guilty or not guilty.
- (b) To see, hear and cross-examine any witnesses that testify against me.
- (c) To subpoena and present witnesses and items of evidence in my defense.
- (d) To testify or to remain silent.
- (e) To require the prosecutor to prove my guilt beyond reasonable doubt.
- (f) The presumption of innocence.
- (g) To consult with an attorney or to have one appointed to represent me.

2. I understand that a plea of Not Guilty denies that I committed the crime; a plea of Guilty admits that I did commit the crime; 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 there will be no trial and the Court will impose sentence. I understand that if I am not a United States citizen I may be deported from the United States. I understand that in addition to probation or jail, the Court may impose restitution, a fine, court costs, cost of prosecution and cost of investigation and Public Defender application and representation fees (if appointed). I understand that if I violate probation I may be incarcerated.

3. The charges in this case have been explained to me and I understand them. I understand the elements and the possible defenses to the charge(s).

4. If I was already on probation at the time of this offense, I understand that plea of guilty or no contest could affect my probation. I further understand that the offense to which I enter my plea may cause the enhancement (increased penalty) of a subsequent charge for the same offense. If I have previously been convicted of a sexually violent offense or I am required to register as a sex offender, I understand that the State Attorney's office may start civil commitment proceedings as a result of the sentence imposed in this case, even if this crime is not sexually related.

5. No one has promised me anything to get me to enter the plea. No one has pressured or forced me to enter the plea. **I enter the plea voluntarily of my own free will because I am guilty or it is in my best interest.** I do read, write and understand the English language. I am not under the influence of any drug, medication or alcohol at this time; nor am I suffering from any mental condition that would affect my understanding of the plea. I have read both sides of this plea form and understand the rights I am waiving and the consequences of my plea. If I am unrepresented I choose to proceed in this matter without an attorney knowing that I am entitled to legal representation. If an attorney represents me, I have discussed this written plea with my attorney and I am fully satisfied with the way my attorney has handled my case.

6. I understand that the Judge is not bound to follow any recommendations or agreements as to what I will receive as a sentence. I also understand that I give up my right to appeal all matters except the legality of my sentence or this Court's authority to hear this case.

DEFENDANT'S SIGNATURE: _____

DATE: _____

PENALTIES

SECOND DEGREE MISDEMEANOR:

| | |
|--------------|---|
| Court Costs: | Minimum of \$223 + \$50 cost of prosecution (COP) |
| Fine: | Minimum \$0.00 to maximum \$500.00 |
| Jail: | Minimum 0 days to maximum 60 days |
| Probation: | Minimum 0 months to maximum 6 months |

1st DEGREE MISDEMEANOR:

| | |
|--------------|---|
| Court Costs: | Minimum of \$223 + \$50 cost of prosecution (COP) |
| Fine: | Minimum \$0.00 to maximum \$1,000.00 |
| Jail: | Minimum 0 days to maximum 1 year |
| Probation: | Minimum 0 months to maximum 12 months |

DRIVING UNDER THE INFLUENCE: (1st Offense, BAL [breath or blood alcohol level] under .15)

| | |
|-----------------------|---|
| Adjudication of Guilt | |
| Fine and Court Costs: | Minimum \$931.00 + \$50 COP + \$50 Alcohol Trust Fund |
| Jail: | Minimum 0 days to maximum 180 days |
| Probation: | Minimum 6 months to maximum 12 months |
| Community Service: | Minimum 50 hours |
| D.L. Revocation | Minimum 180 days to maximum 1 year |
| Vehicle Impoundment: | 10 days |
| Traffic School: | Alcohol Safety Education Course Victim Awareness Program |

Greater Penalty will be imposed if: BAL over .15 or minor child in vehicle
Personal injury occurs or property damage present
Have a prior DUI conviction

The Florida Department of Highway Safety and Motor Vehicles may require the installation of an ignition interlock device in your motor vehicle independent of any sentence imposed by this court.

BATTERY, DOMESTIC BATTERY, VIOLATION OF INJUNCTION, OR ASSAULT:

| | |
|-------------|---|
| Court Costs | Minimum of \$575 |
| Jail | Minimum 0 days to maximum of 1 year (5 days minimum with bodily injury) |
| Probation | 12 months |
| Conditions | no weapons or firearms |
| Classes | 26 week Domestic Violence Intervention Program |

SUSPENSION OF DRIVING PRIVILEGES:

A conviction (adjudication of guilt) for the following crimes will result in a suspension of driving privileges by DHSMV independent of any sentence imposed by this court.

- . Possession of Cannabis
- . Third Conviction for Driving While License Suspended or Revoked within 5 years
- . Prostitution or assignation involving a motor vehicle
- . Racing on the Highway
- . Petit Theft
- . Retail Theft of gasoline
- . Driving Under the Influence