

REVISED 6-1-2020

**NOTE: READ THIS FORM CAREFULLY. IT IS THE SAME AS A CONTRACT.
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 INDIAN RIVER 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 to V.O.P.

1. My true/legal name is: _____

2. I am _____ years old and I have completed the _____ grade/year in school. I can read, write and understand the English language or I cannot read, however, this document has been completely read and explained to me by my attorney (w/ interpreter if needed)

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

4. I am not currently using nor am I under the influence of drugs or alcohol.

5. I understand that I am charged with (include the crime(s) and the degree of crime(s), ie F1, F2, F3, ect.):

6. 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 - list charge(s): _____

7. I understand that the mandatory minimum penalty for the charges (incl. any special status) I am pleading to is: _____

and the maximum possible penalty (combined maximum of charge(s) pled to): _____

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

AND court costs; cost of Attorney (if appl.) _____(and \$50. App. fee); cost of prosecution: **\$200**. (The Defendant understands that he/she has the right to require the State to prove these costs at a hearing, but hereby agrees to waive the right to a hearing); cost of investigation requested by Law Enforcement and agreed to by the Defendant: _____ (The Defendant understands that he/she has the right to require the Law Enforcement Agency to prove these costs at a hearing, but hereby agrees to waive the right to a hearing).

--OR-- [] this plea is entered open to the Court without agreement and the judge will decide the final sentence.

9. As of the date of this plea I have _____ days credit for time served in jail. I may be entitled to additional credit, however **I AM WAIVING ALL OTHER CREDIT FOR TIME SERVED WHICH I MAY HAVE.**

_____ (Defendant's initials)

10. If this is a negotiated plea, the Court will allow me to withdraw my plea if the Court rejects the plea agreement. If this is an 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. I also understand and agree that another judge may impose the sentence in this case.

11. I agree to pay, as set forth in the sentence, RESTITUTION in the following amount: \$ _____ for the benefit of _____ (attach a separate form if more space is needed)

12. () 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. **OR** () 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: _____

13. I specifically:

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

() 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.

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

15. 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 including to have my case decided by a jury or a judge. (If this is a violation of probation or community control - I am giving up my right to a hearing before the Judge). There will be no further determination of guilt or innocence. I am also giving up right to file any motions.

b) I am giving up my right to ask questions of the State's witnesses and to call defense witnesses.

d) I am giving up my right to testify if I choose, and 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 Criminal Punishment Code, unless specifically contained within the plea agreement.

h) I agree that there is a factual basis for the charges against me.

I UNDERSTAND THAT NO ONE CAN ASSURE ME OF HOW MUCH GAIN TIME OR ANY OTHER FORM OF EARLY RELEASE CREDIT I WILL RECEIVE. I AGREE THAT I AM ASSUMING THAT I WILL SERVE EVERY DAY OF ANY JAIL OR PRISON SENTENCE IMPOSED IN DECIDING TO ENTER THIS PLEA

16. 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. 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.

17. I understand that if I am convicted of a drug charge; 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 driver's 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.

_____ (Defendant's initials)

18. 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 increase my sentence, including a possible mandatory or enhanced sentence, in the future criminal case.

19. The Criminal Punishment Code and the score sheet have been fully explained to me by my lawyer. 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.

20. I agree that if I am released from jail and told to return to Court for sentencing and I fail to appear in Court when I am required or if I commit a new criminal offense during my release, then I may be sentenced, including in my absence, to any lawful sentence (which could be to a greater sentence than agreed to) and will NOT be able to withdraw my plea. Further, I could be prosecuted for the new crime for failure to appear and be subject to contempt of court.

21. I understand that if I am placed on probation, or community control, I must obey 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. I will be tried by the Judge and that the standard of proof is much lower than proof beyond a reasonable doubt. If convicted I could receive the maximum sentence for the crime.

22. The Jimmy Ryce Act: I understand if I am pleading to (or previously been convicted of) 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. Also, 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.

23. 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 or in post-conviction matters.

24. If I am not an American citizen, I understand that this plea will be used by the United States Government as a basis to deport me, prevent me from becoming a U.S. citizen, from alien status, or prevent me being a Permanent Resident (Green Card), or for prosecution for Federal crimes, whether or not I am adjudicated guilty or whether the crime is a misdemeanor or felony.

25. 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.

26. I understand a conviction of a crime may cause me to lose local, State or Federal licenses, including my driver's license, 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, ammunition, or a deadly weapon.

27. I have discussed this case, including any defenses I could have, and everything in this document with my attorney, and I am satisfied with the representation of my attorney. I have told my attorney all of the facts and circumstances known to me about the charges. 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 offer my plea freely and voluntarily with full understanding of all the matters in the Information/Indictment/Violation Affidavit and in this document.

Date: ____/____, 20____.

DEFENDANT (SIGNATURE)

(ATTACH ADDITIONAL PAGES IF NECESSARY - NUMBER OF PAGES: _____)

_____ (Defendant's initials)

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 FOR THE DEFENDANT

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

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

INTERPRETER

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 ____/____, 20____.

DAN L. VAUGHN
CIRCUIT COURT JUDGE

_____ (Defendant's initials)