

IN THE CIRCUIT COURT  
IN AND FOR WALTON COUNTY, FLORIDA

STATE OF FLORIDA,

Case No(s):

Plaintiff,  
vs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

Defendant.

\_\_\_\_\_ /

**OFFER OF PLEA**

**1. THE FOLLOWING REFLECTS ALL TERMS OF THE PLEA AND SENTENCING AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE NAMED DEFENDANT:**

<u>CASE #</u>	<u>COUNT</u>	<u>DEFENDANT CURRENTLY CHARGED WITH:</u>	<u>MAXIMUM</u>	<u>FINE</u>	<u>MANDATORY</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**DEFENDANT PLEADS:** {check line, as applicable}:  
\_\_\_\_ GUILTY \_\_\_\_ NOLO CONTENDERE to the following: \_\_\_\_ AS CHARGED \_\_\_\_ OR

<u>CASE #</u>	<u>COUNT</u>	<u>DEFENDANT PLEADS TO:</u>	<u>MAXIMUM</u>	<u>FINE</u>	<u>MANDATORY</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**TERMS OF PLEA ENTRY AND SENTENCING AGREEMENT AGREED UPON  
BY THE STATE AND DEFENDANT:**

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SENTENCING GUIDELINES/CRIMINAL PUNISHMENT CODE: THE APPROPRIATE SCORESHEET, IF APPLICABLE, HAS BEEN PROVIDED TO DEFENDANT.

Defendant is required to submit blood or swab specimens pursuant to § 943.325, Fla. Stat., for any plea of guilty or nolo contendere to a felony offense.

**2. ADJUDICATION OF GUILT IS** *{check line, as applicable}*:  
 WITHHELD  ADJUDICATED  DISCRETION OF COURT

**3. THE PRESENTENCE INVESTIGATION (PSI) REPORT IS** *{check line, as applicable}*:  
 ORDERED  WAIVED  NOT REQUIRED

**4. CERTIFICATION OF DEFENDANT:** In addition to certifying to all terms, conditions, obligations, duties and rights heretofore stated in this plea agreement, I hereby certify that I have read the information or indictment and I understand the charge(s) set forth in the information or indictment or I understand any lesser included offenses(s) (LIO(s)) to which I enter my plea(s). I understand all terms, conditions, obligations, duties, and rights that are listed below and that the sentencing court is incorporating by reference this complete plea agreement as part of the sentencing order imposed by the court. I am able to read, or if I cannot read, everything in this plea agreement has been read to me and I understand all of this plea agreement. If represented by an attorney, I am satisfied with the attorney's advice and services and my attorney has not compelled or induced me to enter into this plea agreement by any force, duress, threats or pressure. Also, my attorney, the Court and the prosecutor have not made any promises nor have I relied on any representation as to actual time I would serve in entering this plea agreement if I were to be incarcerated under the terms of the agreement. I further understand that, unless otherwise designated in this plea agreement, I must complete all terms and conditions no later than sixty (60) days prior to the termination of any supervision imposed.

**4.1.** I hereby plead (guilty) (nolo contendere) to the charge(s) in this/these cases(s) as reflected by this plea agreement.

**4.2.** I understand that I am giving up the following rights:

- (a) The right to plead not guilty;
- (b) The right to trial by jury;
- (c) The right to be represented or helped at trial by a lawyer;
- (d) The right to compel or make any witness come to trial;
- (e) The right to be present when witnesses testify against me;
- (f) The right to cross-examine witnesses who testify against me;
- (g) The right to remain silent and not testify against myself;
- (h) The right to present any and all defenses I may have;
- (i) The right to appeal all matters including the issue of guilt or innocence.

**4.3.** I understand that there will not be a further trial of any kind and I waive or give up my right to a trial.

4.4. I also understand that the Judge may ask me questions about the crime and that the answers I give will be under oath, subject to penalty of perjury.

4.5. I understand that if I am not a citizen of the United States of America, that my plea to this/these charge(s) may result in my deportation or expulsion from the United States of America (U.S.A.).

If not a citizen of the U.S.A., I am a citizen of \_\_\_\_\_.

4.6. I hereby waive or give up any right to request a modification of my sentence within the limits of this agreement absent a substantial change in circumstances occurring after sentencing.

4.7. I understand that the maximum period of imprisonment and fines, as well as any mandatory minimums that apply, with regard to the charges to which I am entering my plea are as indicated on page 1 of this agreement and paragraph 16 below and any applicable attachments. I have reviewed the sentencing guidelines applicable to the case(s) to which I am entering a plea.

4.8. I have reviewed the facts of my case(s) with my attorney and I agree and stipulate there are sufficient facts available to the State to justify my plea of guilty or nolo contendere to the charge(s).

4.9. I have not had any drugs, alcohol, or medication of any kind in the past 24 hours except:

\_\_\_\_\_.

4.10. I have never been declared legally incompetent or insane. I hereby enter this plea agreement fully and voluntarily and of my own accord and with full understanding of all matters set forth in the information and in this plea agreement.

4.11. If I am a juvenile, I have read, signed and agreed to all the terms listed in the Addendum to Plea and Sentencing Agreement for Juvenile Offenders if I desire to waive a PDR and PSI.

4.12. I understand that if I am convicted of a crime of domestic violence as defined by section 741.28, Fla. Stat., that the Court must impose a minimum of one (1) year of probation during which I must complete a “batterer’s” intervention program.

4.13. I understand that if I am convicted for possession of, sale of, trafficking in, or conspiracy to possess, sell or traffic in a controlled substance, the court will direct the Department of Highway Safety and Motor Vehicles to withhold issuance to me of a driver’s license or revoke my driver’s license as required pursuant to and/or until such conditions as are set forth in §§ 322.055 or 322.056, Fla. Stat., are met. Any revocation will be in addition to any already imposed.

4.14. I understand that if I plea nolo contendere or guilty to any felony offense, I will be required to submit two (2) buccal swab specimens or blood or other biological specimens to the Florida Department of Law Enforcement (FDLE) designated felony facility and that unless I lack the ability to pay as determined by the Court, that I must reimburse the appropriate agency for the costs incurred in the drawing and transmitting of the blood or other biological specimens to the FDLE.

#### **SEXUAL OFFENDER/PREDATOR & SEXUALLY VIOLENT PREDATOR**

4.15. I understand that if I plea guilty or nolo contendere to any crime that is included in the **SEXUAL PREDATOR** criteria and § 775.21, Fla. Stat., and if I qualify as a **SEXUAL PREDATOR** as defined in § 775.21, Fla. Stat., the Court will enter a written order finding me to be a **SEXUAL PREDATOR**. If I am found to be a **SEXUAL PREDATOR** by the Court, I understand I will have to maintain registration as a **SEXUAL PREDATOR** with the Dept. of Corrections and appropriate law enforcement agencies will inform the community and public of my presence.

4.16. I understand that if I plea guilty or nolo contendere to a “sexually violent offense” as defined by § 394.912, Fla. Stat., and sentenced to prison, prior to my release from prison, I may be declared to be a “**SEXUALLY VIOLENT PREDATOR**” and be subject to a civil commitment for long term care and treatment in a state institution, pursuant to Ch. 394, Fla. Stat. (“Jimmy Ryce Act”).

4.17. I understand if I plea guilty or nolo contendere to any crime that would qualify me as a “**SEXUAL OFFENDER**” as described in § 934.0435, Fla. Stat., I will be required to follow certain registration requirements concerning my residence.

**HABITUAL FELONY OFFENDER (HFO) /  
HABITUAL VIOLENT FELONY OFFENDER (HVFO)/OTHER ENHANCEMENTS**

**4.18(a).** I understand that the State is seeking an enhanced sentence against me as a habitual felony offender (HFO), habitual violent felony offender (HVFO), violent career criminal (VCC), prison release re-offender (PRR), ten-twenty-life (10-20-LIFE), or three strikes (3 strikes) sanctions, pursuant to Ch. 775, Fla. Stat. I understand such a sentence could deny any form of early release from prison and could require a mandatory minimum sentence, or a requirement to serve 100% of the sentence imposed by the Court.

**(b).** If the Judge should sentence me as such, I could receive the following sentence and/or mandatory minimum imprisonment:

<b>HFO</b>	_____	years imprisonment		
<b>HVFO</b>	_____	years imprisonment with	_____	years mandatory minimum imprisonment
<b>VCC</b>	_____	years imprisonment with	_____	years mandatory minimum imprisonment
<b>PRR</b>	_____	years imprisonment with	_____	years mandatory minimum imprisonment
<b>10-20-Life</b>	_____	years imprisonment with	_____	years mandatory minimum imprisonment
<b>3 Strikes</b>	_____	years imprisonment with	_____	years mandatory minimum imprisonment

**5. COSTS, FINES, RESTITUTION.**

{check, as applicable}

\_\_\_\_\_ **Court costs, fees and fines (as provided by law/statutes) {remarks, if any:}**  
**\$775.00.** \_\_\_\_\_ )

**Other (specifically):**

\_\_\_\_\_ **Local costs of prosecution (as provided by law/statutes): \$100.00**  
(subject to court imposition of higher amount upon showing proof of higher costs incurred); if higher: \$\_\_\_\_\_.

\_\_\_\_\_ **Public defender's fee (as provided by law/statutes): \$250.00**  
(subject to court imposition of a higher amount upon showing proof of higher costs incurred); if higher: \$\_\_\_\_\_.

\_\_\_\_\_ **Public defender application fee: \$50.00**

\_\_\_\_\_ **Probation or Community Control, Costs of Supervision: \$40.00 per month, plus \$2.00 per month surcharge to Department of Corrections.**

{check, as applicable}

**RESTITUTION**

\_\_\_\_\_ **The restitution amount due is \$\_\_\_\_\_.**  
The Defendant understands that an order of restitution entered as a part of this plea agreement is as definitive and binding as any other order of restitution and that it may be enforced as provided in § 775.089, Fla. Stat.

{check, as applicable}

**OTHER**

**6. TERMS AND CONDITIONS OF PROBATION OR COMMUNITY CONTROL.**

(a) **STANDARD CONDITIONS.** If probation and/or community control is part of the agreed upon sentence, the Defendant must comply with all the standard conditions of probation or community control, as required by § 948.03, Fla. Stat., unless otherwise announced by the Court.

(b) **LISTED SEX CRIMES-ADDITIONAL STANDARD CONDITIONS.** If the Defendant is placed on probation and/or community control for a violation of Ch. 794, Fla. Stat., §§ 800.04, 827.071, or 847.0145, Fla. Stat., the Court **must** impose and the Defendant must comply with the additional standard conditions of supervision in addition to all other standard and special conditions imposed. These additional standard conditions are set forth in § 948.30, Fla. Stat. These include, but are not limited to, such things as a special curfew; restrictions on where the defendant may live; restrictions on unsupervised contact with a child under the age of 18; restrictions on where the defendant may work or visit; a requirement to participate and complete a sex offender treatment program; a prohibition from contact with the victim(s); a prohibition of the Defendant from possessing obscene or pornographic material; a requirement to make restitution to the victim(s) for all necessary professional mental and/or physical health care needs; a requirement of a submission of two buccal swab specimens (for DNA purposes) to the Florida Department of Law Enforcement to be registered with the DNA data bank; a requirement to a submission to an annual polygraph examination; a requirement to maintain a driving log; a prohibition of maintaining a post office box; a requirement, at Defendant's expense, to obtain an HIV Test with the results to be released to the victim; and a requirement, at the Defendant's expense, of electronic monitoring.

(c) **SPECIAL CONDITIONS.** In addition to all standard conditions of probation, required by § 948.03, Fla. Stat., the following special conditions (as indicated) are being imposed upon the Defendant:

\_\_\_\_\_ The Defendant shall have no contact with co-defendants, directly or indirectly.

\_\_\_\_\_ The defendant shall not have [contact or no violent contact] with the victim(s) directly or indirectly, unless the victim(s) file(s) with the supervising officer a written declaration agreeing to contact for a set period of time or until revoked in writing.

\_\_\_\_\_ The Defendant will complete \_\_\_\_\_hours of community service no later than sixty (60) days before termination of defendant's supervision.

\_\_\_\_\_ The Defendant will attend and successfully complete the following counseling as indicated:

- |  |  |
|--|--|
| ___ Anger control counseling               | ___ Sexual offender counseling                             |
| ___ Domestic violence counseling           | ___ Outpatient substance abuse eval., counseling if needed |
| ___ Mental Health/Psychological counseling | ___ Keeton Residential substance abuse program             |
| ___ RANDOM URINALYSIS                      | ___  |
| ___  | ___  |

\_\_\_\_\_ The Defendant agrees to testify truthfully regarding the involvement of any co-defendants.

\_\_\_\_\_ In addition to the above standard and special conditions of supervision, the Defendant agrees to the following special conditions or modifications of standard conditions of supervision: \_\_\_\_\_.

**7. FACTUAL BASIS FOR PLEA: The arrest report or offense report or probable cause affidavit which is a part of the court record filed with the clerk of court is hereby incorporated by reference and agreed to by the Defendant as a factual basis for the plea.**

**ACKNOWLEDGMENT OF DEFENDANT**

By signing this Plea and Sentencing Agreement, I, the undersigned Defendant in this/these case(s), agree that I have read and understand the contents of this document, and if represented by an attorney, that I have discussed with my attorney all of the ramifications or consequences of entering a plea of guilty or nolo contendere to these charges. If placed on probation, I understand all the standard and special conditions of probation that will be required of me, as is set forth in § 948.03, Fla. Stat., and in this agreement. If represented by an attorney, I am satisfied with the attorney's advice and services and my attorney has not compelled or induced me to enter into this plea agreement by any force, duress, threats, pressure or promises. In the event that I have participated in discovery, my attorney has reviewed said discovery disclosed by the State and whether it included a listing or description of physical items of evidence. I am unaware of any physical evidence disclosed by the State for which DNA testing may exonerate me.

\_\_\_\_\_  
**DEFENDANT**

\_\_\_\_\_  
**DATE**

**CERTIFICATE OF DEFENDANT'S ATTORNEY**

I, Defendant's Counsel of Record, certify that: I have discussed this/these case(s) with Defendant, including the nature of the charge(s), essential elements of each, the evidence against him/her of which I am aware, the possible defenses he/she has, the maximum penalty for the charge(s) and the facts set forth in the State's information/indictment or on the record. I have not made any promises or representations to Defendant as to actual time he or she would serve if incarcerated and have explained that matters related to parole, release, gain time, etc., are controlled by the Department of corrections and the Legislature and are subject to change. I believe he/she fully understands this plea agreement, the consequences of entering it, and that Defendant does so of his/her own free will. In my opinion the Defendant is mentally competent. I have advised the Defendant of the mandatory cost provisions of Ch. 938, Fla. Stat. If court appointed, I have advised the Defendant of the provisions of § 938.29, Fla. Stat., concerning assessment of costs and attorney's fees and the fact that any costs assessed therein will be reduced by any amount assessed against the Defendant pursuant to § 938.05, Fla. Stat.

In the event that the Defendant has participated in discovery, I have reviewed said discovery disclosed by the State and whether it included a listing or description of physical items of evidence. I have reviewed the nature of the evidence disclosed through discovery with the Defendant. I am unaware of any physical evidence disclosed by the State for which DNA testing may exonerate the Defendant.

\_\_\_\_\_  
**ATTORNEY FOR DEFENDANT**

\_\_\_\_\_  
**DATE**

**CERTIFICATE OF STATE ATTORNEY**

The undersigned Assistant State Attorney, representing the State of Florida, hereby certify that I am unaware of any physical evidence for which DNA testing may exonerate the Defendant.

\_\_\_\_\_  
**ASSISTANT STATE ATTORNEY**

\_\_\_\_\_  
**DATE**

**ORDER ON OFFER OF PLEA**

**DONE AND ORDERED** in Court, DeFuniak Springs, Walton County, Florida,

on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
**KELVIN C. WELLS**  
CIRCUIT COURT JUDGE