

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO. _____-CF- _____

vs

Defendant
_____ /

WAIVER OF RIGHTS AND PLEA AGREEMENT

I, _____, the above-named Defendant in the criminal action(s) declare that:

If I have any questions before or during the plea, I can talk privately with my lawyer and if my lawyer cannot answer my questions, I can talk with the Judge.

I am aware of and fully understand that charge(s) listed below have been filed against me in the above-styled case(s). I understand the maximum sentence of each charge is as follows:

Charge	Imprisonment	Fine
	_____ Years	\$ _____

I also understand that a plea of guilty admits the truth of a charge, a plea of not guilty denies a charge and a plea of nolo contendere (no contest) neither admits nor denies a charge but is made in my own best interest and enables the Judge to sentence me the same as if I pled guilty.

Pursuant to plea negotiations entered into between the State Attorney's Office, my attorney and/or myself, I wish to enter a plea of guilty/nolo contendere (no contest) to

The sentencing scoresheet prepared in my case has been fully explained to me and if I still have any questions, I can ask the Judge about them at the time I enter this plea. I understand that if I am being sentenced as a habitual offender or prison releasee reoffender, the sentencing scoresheet does not apply to my case.

I understand and agree that I will be sentenced only upon the following terms and conditions:

By placing my **initials** beside the following paragraphs, I state that I understand the content of each item, either by having read each item or by having each item read and/or explained to me; and that each item so initialed is true and correct as it applies to me:

_____ I am _____ years of age and I have completed _____ years of formal education.

WAIVER OF RIGHTS/PLEA AGREEMENT

- _____ I can read, write and understand the English language and I have no difficulty reading and understanding this document.
- _____ I am not currently under the influence of drugs or alcohol.
- _____ I have never been found to be insane or incompetent, nor have I ever been a patient at any hospital for mental illness.
- _____ I have discussed with my attorney the facts of this case(s) and the defense(s) that might be available. I am satisfied that my attorney has represented me to the best of his/her ability and has done all that can be expected of him/her.
- _____ I have discussed and reviewed with my attorney the discovery disclosed by the state, including the listing or description of all items of physical evidence. My attorney has reviewed and explained the nature of the evidence against me disclosed by the state's discovery exhibit and all addendums to the state's discovery exhibit.
- _____ I am not aware of any physical evidence disclosed by the state for which DNA testing may exonerate me.
- _____ I have not been promised any reward nor has it been suggested that I will be rewarded in any manner, or that I will be given any leniency, other than the terms set forth in this document, in return for my entering this plea. No person has used any threats, force, pressure or intimidation to induce me to make this plea. No promises concerning gain time or potential release dates have been made to me.
- _____ I fully realize that by entering this plea, I am waiving any right to a trial by jury or by the Judge, I am waiving my right to confront and cross-examine my accusers, I am waiving my right to remain silent or to testify in my own behalf, I am waiving my right to subpoena witnesses and have them testify for me, and I am waiving my right to require the state to prove the truth of the charge(s), including each element thereof, beyond and to the exclusion of every reasonable doubt before I can be found guilty.
- _____ I understand that by entering this plea, I may subject myself to involuntary civil commitment as a sexually violent predator, if I am sentenced to incarceration in the Department Of Corrections, and if this office is found to be a sexually motivated offense or if I have been previously convicted of a sexually motivated offense. I further understand that the possibility of civil commitment as a sexually violent predator will remain if I become incarcerated in the future.
- _____ I understand that if I am not a United States citizen, this plea and the resulting sentence may lead to my deportation.
- _____ I understand the Judge will impose mandatory court costs, surcharges and fees and may impose fines or other discretionary charges. If I am sentenced to probation and/or community control, I will be required to pay costs of supervision. If I have been represented by the public defender system, I will be required to pay a reasonable fee for those legal services. I represent that I have the ability to pay all of these obligations during terms of probation and/or community control.

_____ I understand that by entering this plea, I waive my right to direct appeal of any matters relating to judgment, including the issue of guilt or innocence. I understand that an appeal, based solely on the length of a legal sentence, will not be successful. I understand I retain my right to challenge an illegal sentence.

_____ I understand that this plea agreement is void if withdrawn by the state prior to being accepted by the Judge.

DEFENDANT

DATE

I am attorney for the defendant in this case(s). I have read and fully explained this document to the defendant. I have also read and fully explained the Information as well as the Sentencing Scoresheet to the defendant. He has acknowledged to me that he fully understands the content of both documents. I have explained the maximum penalty as to each count pled to by the defendant and I consider him competent to understand the charge(s) against him and the effect of his waiver or rights and plea agreement. I have explained to him his right of appeal and the difference between direct appeal and collateral attack.

I am not aware of any physical evidence disclosed by the state for which DNA testing may exonerate the defendant.

ATTORNEY FOR DEFENDANT

DATE

On behalf of the State of Florida, I agree to the terms and conditions of this document and ask the Court to accept and enforce the same.

I am not aware of any physical evidence in this case for which DNA testing may exonerate the defendant.

ASSISTANT STATE ATTORNEY

DATE

I have determined that the defendant entered into this waiver of rights and plea agreement freely and voluntarily and that there is sufficient factual basis. Therefore, I approve this document and accept the defendant's plea.

DANIEL B. MERRITT, JR.
CIRCUIT JUDGE

DATE