

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA**

Case No: 05- _____ - CF _____ - ____ **XXX-XX**

STATE OF FLORIDA

VS.

_____,
Defendant.

PLEA AGREEMENT

(Fla. R. Crim. P. 3.172)

The undersigned defendant withdraws the previously entered plea(s) of not guilty and tenders a plea of
() guilty, () no contest as follows:

Case Number	Offense	Maximum Sentence	Mandatory Minimum

If my plea is guilty, I hereby acknowledge that I am in fact guilty of the foregoing offense(s). When asked by the Judge, I will provide a factual basis to support my plea. If my plea is no contest, I believe such plea is in my best interest and recognize that the Judge will find me guilty after being provided a factual basis.

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

I understand that if probation is part of my sentence that the court may impose any conditions of probation authorized by law, including payment of restitution and public service, and unless conditions are specifically attached hereto, those conditions are by this agreement left to the discretion of the court.

I understand that statutory costs, costs of investigation and/or restitution may be imposed as part of my sentence.

I have the right to plead not guilty, or to persist in that plea if it has already been made, and to be tried by a jury with the assistance of a lawyer, the right to compel attendance of witnesses on my behalf, the right to confront and

cross examine witnesses against me, the right to present defenses to the jury, and the right to take the witness stand and testify on my own behalf. I also have the right not to take the witness stand and cannot be compelled to incriminate myself. I give up these rights by entering this plea.

I understand that if I enter a plea without reserving the right to appeal, I will give up my right to appeal all matters relating to the judgment, including the issue of guilt or innocence except for the limited review available by collateral attack. I also give up my right to appellate review on any pretrial rulings made by the court unless such right is specifically reserved in this agreement.

I understand that I may be asked questions by the Judge under oath about this plea and that my answers, if untruthful, may be used against me later in a prosecution for perjury.

I enter this plea freely and voluntarily. No person has forced, threatened or coerced me into entering this plea. No person has made any promises to me that induced me to enter this plea, except those matters specifically set forth in this plea agreement.

My lawyer has reviewed all evidence disclosed through discovery and has discussed the nature of that evidence with me, including the existence of any physical evidence for which DNA testing might exonerate me. I am satisfied with the representation my lawyer has given me and I have fully discussed my case and the contents of this agreement with my lawyer.

I understand that if I enter a plea to a felony offense or a sex offense I must register as a convicted felon or as a sex offender as required by law.

I understand that if I am pleading guilty or no contest to a sexually violent offense or a sexually motivated offense, or if I have previously been convicted of such an offense, I may be subject to involuntary civil commitment as a sexually violent predator upon completion of any prison or jail sentence imposed.

I hereby give up my right to a speedy trial. I understand that if I am not a United States Citizen, entry of this plea may subject me to deportation by the United States Immigration and Naturalization Service.

I do not suffer from any physical or mental disabilities to the degree that I am incapable of understanding this agreement, the nature of the proceeding against me, or assisting my lawyer in my behalf. I am not under the influence of alcohol or any drug at this time.

I realize that this agreement is subject to being finally accepted or rejected by the Judge at the time of sentencing and if it is rejected for any reason other than for a breach of this agreement, I may withdraw my plea and go to trial.

I understand and agree that if I fail to comply with any of the conditions set forth above I will have breached my plea agreement. In that event, I will not be allowed to withdraw my plea and the Judge may sentence me to any sentence authorized by law for the offense(s) to which I have pled.

CERTIFICATE OF DEFENSE ATTORNEY

I certify that I have fully discussed this case and this plea agreement with the defendant including the nature of the charges, their elements, the evidence of which I am aware, including physical evidence for which DNA testing may exonerate the defendant, any possible defenses, the maximum and minimum penalties which may be imposed, the probable guideline range and the defendant's right to appeal.

DEFENDANT

Date of Birth: _____ Age: _____

COUNSEL FOR DEFENDANT

SWORN TO BY THE DEFENDANT, SIGNED AND FILED IN OPEN COURT, IN MY PRESENCE, THIS _____ DAY OF _____, 20____.

CERTIFICATE OF PROSECUTION

The State accepts the terms of this agreement.

CIRCUIT JUDGE

ASSISTANT STATE ATTORNEY