

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
MANATEE COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,

vs.

CASE NO: _____

DEFENDANT

ACKNOWLEDGMENT AND WAIVER OF RIGHTS

I, the undersigned Defendant, am entering a plea of guilty or no contest to the charge(s) against me, and I acknowledge the following:

1. I am pleading to the charge(s) of:

The maximum penalty is _____ and the minimum penalty, if any, is _____. The plea is subject to, and conditional upon, my right to appeal the validity of such plea and sentence, because of any legally dispositive issues, including sentencing errors not apparent to me at this time.

2. I understand that I have the right to be represented by an attorney at every stage of the proceeding and, if necessary, an attorney will be appointed to represent me. I have the right to both a jury trial and an attorney's help at that trial. I have the right to compel attendance of witnesses on my behalf, the right to confront and cross-examine witnesses against me, and the right not to testify or to incriminate myself. By pleading guilty or no contest, I understand I am waiving my right to a trial.
3. I understand that by pleading guilty or no contest, unless I expressly reserve the right to appeal a prior ruling of the Court, I give up the right to appeal all matters relating to the Court's judgment, including my guilt or innocence. I am also giving up the right to have motions filed, witnesses interviewed, and the right to present any defenses I may have to the charges.
4. I understand the judge may ask me questions about the charges, and if I answer these questions under oath, on the record, and in the presence of my lawyer, those answers could be used in any later prosecution for perjury. Unless otherwise indicated, I am waiving my right to a presentence investigation and recommendation.
5. I admit that there is a factual basis for the charges to which I am pleading, and I feel my plea to be in my best interest.
6. I understand that if the Court accepts my plea to the charge(s) listed in Paragraph 1, my sentence will be: _____

Unless otherwise ordered, I understand I am responsible for payment of all applicable costs as required by Chapter 938, Florida Statutes, including costs of prosecution and documented investigative costs pursuant to F.S. 938.27. If the court has appointed counsel to represent me, I understand I shall be liable for payment of attorney's fees, costs and application fee, pursuant to F.S. 938.29, for which a lien may be imposed. If an offense to which I am pleading is one for which automatic, mandatory driver's license suspension or revocation is required by law to be imposed either by the court or by a separate agency, the plea will provide the basis for said suspension or revocation.

7. Other than the proposed sentence set out in Paragraph 6, no one has made any promises or guarantees to me, nor in any way forced or threatened me to enter this plea. I am doing this freely and voluntarily. I am not currently under the influence of any substance that may affect my ability to understand these proceedings. I do not have any untreated mental illness that would keep me from understanding this plea and its consequences.
8. I understand that if my sentence includes incarceration, the Department of Corrections, or jail facility, are solely responsible for awarding gain time or any type of early release. Any information I have received concerning gain time or early release is strictly an estimate and is **not** a part of my plea agreement.
9. I am represented by the undersigned attorney. I have discussed my case with him/her, and any questions I have had about my case have been answered to my satisfaction. I feel my attorney has represented me to the best of his/her ability, and I am satisfied with this representation.
10. I understand that I have the right to appeal the judgment and sentence of the Court within thirty (30) days from the date of sentence. I understand that if I wish to appeal and cannot afford an attorney to help me in my appeal, the Court will appoint an attorney to represent me for that purpose.
11. I understand that if I am not a citizen of the United States, the plea may subject me to deportation proceedings and/or detention proceedings pursuant to the laws and regulations governing the Bureau of Citizenship and Immigration Services, United States Department of Homeland Security.
12. I understand that adjudication in this case, whether withheld or not, may be used to enhance any sentence I may receive with regard to crimes, pending or future, for which I may be prosecuted.
13. I understand that my guilty plea in this case, or the Court adjudging me to be guilty, may be used to enhance any sentence I may receive with regard to crimes, pending or future, for which I may be prosecuted.
14. I am unaware of the existence of any physical evidence containing DNA that could exonerate me of any of the charges to which I am pleading.
15. I understand that if any offense to which I am pleading is a sexually violent or sexually motivated offense, or, if I have been previously convicted of such an offense, this plea may subject me to involuntary civil commitment as a sexually violent predator upon completion of my sentence.

Date: _____

Defendant's Signature: _____

ACKNOWLEDGMENT OF COUNSEL

I, the undersigned member of the Florida Bar, hereby represent to the Court that I represent the above-named Defendant; that I reviewed and explained the ACKNOWLEDGMENT AND WAIVER OF RIGHTS to the Defendant; and to the best of my knowledge and belief, the Defendant fully understands its contents.

Date: _____ Attorney Signature _____ Attorney Printed Name _____ Bar # _____