

**IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA

CASE NO. _____

VS.

DEFENDANT

PETITION TO ENTER PLEA AND WAIVER OF RIGHT TO COUNSEL

I have appeared before a judge in the _____ County Court, and have been advised of the charge(s) against me. I do (do not) read, write, and speak the English language.

I understand that I have the following rights:

1. To have my plea recorded by an official court reporter or electronic device, and to offer an explanation of extenuating or mitigating circumstances before being sentenced.
2. To have an attorney represent me, and if I cannot afford to hire an attorney, to have a court appointed attorney.
3. To remain silent, and not incriminate myself on the charge(s) against me. My silence cannot be considered by the judge or jury.
4. To have a trial before a judge or jury, and at trial, to confront and question witnesses against me.
5. To be presumed innocent, and to require the State to prove my guilt beyond a reasonable doubt.
6. To have my case brought to trial within ninety (90) days from the date of my arrest unless my case has been continued.
7. To subpoena witnesses and to testify in my own behalf, if I choose, and at trial, to present any defenses I might have to the charge(s).
8. To appeal the judgment and sentence within thirty (30) days, and if indigent, to have a court appointed attorney for this appeal without cost to me.

I understand that I waive all of the above rights by entering a plea of guilty or no contest except my right to appeal collateral matters and the right to offer an explanation before being sentenced.

WAIVER OF COUNSEL

1. I understand that I have a right to a lawyer, and if I cannot afford to hire my own lawyer, one will be appointed to represent me right now.
2. I understand that a fee may be assessed for the services of my appointed lawyer.
3. I understand that a lawyer may advise me as to whether entering a plea is in my best interest, and has the experience to work with the State, plea bargain, or inform me of the advantages and disadvantages of what I might say in court.
4. I understand that the court will not assist, advise, or give me special treatment because I am representing myself.
5. I understand the nature of the charge(s) against me, and that the charge(s) is/are:

Second degree misdemeanor(s); punishable by a maximum of up to 60 days in jail and/or a \$500 fine.

Charge: _____

First degree misdemeanor(s); punishable by up to 364 days jail and/or a \$1000 fine.

Charge: _____

Specified criminal traffic offense with the required minimum and maximum penalties.

Charge: _____

Therefore, I could be jailed on the charge(s) I am facing today.

- 6. I understand that by entering this plea I may be subjected to greater penalties if I am ever convicted again. In addition, I understand that if I am pleading to a criminal traffic offense, this plea may cause me to be designated as a habitual traffic offender by the Department of Highway Safety and Motor Vehicles or may result in the automatic, mandatory suspension or revocation of my license.
- 7. I understand I may be placed on probation and/or required to pay court costs, perform community service, pay a fine, or pay restitution; and that violations of any of these requirements can subject me to being jailed for up to the maximum sentence that can be imposed. Failure to satisfy your monetary obligations may result in a suspension of your driver's license.
- 8. I understand that if I am presently on probation, entry of this plea may violate that probation.
- 9. **IMMIGRATION CONSEQUENCE:** I understand that as a result of this plea, I may have a permanent criminal record and may be subjected to deportation if I am not a citizen of the United States. I understand I have the right to seek individualized advice from an attorney about the effect pleading will have on my immigration status; and, **I fully understand the immigration consequences of pleading to a presumptively mandatory deportable offense.**
- 10. **JIMMY RYCE WARNING:** I am aware that if I have previously been convicted of a sexually violent offense as that term is defined in Section 394.912(9), Florida Statutes, if incarcerated as part of my plea in this case, I could be subject to the provisions of the Jimmy Ryce Civil Commitment Act, Florida Statutes, Section 394.910, et seq., which allows the State to commit to a secure treatment facility, for an indefinite period of time, a person who has been convicted of a sex offense, and who is determined to be likely to commit a violent sexual offense in the future.
- 11. I understand the difference between a plea of guilty, no contest, and not guilty, as well as the effect of each plea.
- 12. I am _____ years old and have completed _____ years of school.
- 13. I (do) (do not) give up my right to an attorney. I understand this waiver of counsel may not be considered a waiver for any later proceedings.
- 14. I enter my plea after careful consideration. No promises, threats, or representations (other than by this court) have been made to me. I am not under the influence of alcohol, drugs, or medication at this time. I am not physically or mentally ill or impaired. I understand if I am presently on probation, entry of this plea may violate that probation. I have listened to and understand the court's instructions.

I hereby petition the court to enter a plea of:

Not guilty Guilty No Contest

Defendant

Attorney

The above named defendant appeared before me on _____. I find that the defendant is alert, competent, and understands all of the above, and has knowingly and intelligently waived counsel. I also find that the facts which the State is prepared to prove are sufficient to sustain the plea.

County Court Judge