

COUNTY COURT, ORANGE COUNTY, FLORIDA

PLEA OF GUILTY

Case No. _____

OR

NO CONTEST TO CRIMINAL
CHARGE IN COUNTY COURT

Citation Number _____

(In Traffic Cases)

STATE OF FLORIDA

vs

Filed in Open Court This

Day of _____, 19__

Linda Chapin, Clerk

By _____ D.C.

I have appeared on the below listed date in County Court, Orange County, Florida, have been advised by the Judge of the criminal charge(s) against me, and have entered a plea of **GUILTY** or **NO CONTEST** to the charge(s) before the Judge.

I have sworn under oath before the Judge that I understand the following:

1. The nature of the charge(s);
2. The difference between the pleas of Guilty, No Contest, and Not guilty, and the effect of each plea;
3. The right to trial before a Judge or a Judge and jury;
4. The right to an attorney and the right to have an attorney appointed if I cannot afford one, and to know if the Judge is considering a jail sentence on this charge;
5. The right to be presumed innocent until proved guilty beyond a reasonable doubt;
6. The right to question the witnesses at trial;
7. The right to call witnesses of my own at trial and have those witnesses subpoenaed by the Court;
8. The right to remain silent and not to have that fact considered by the Judge or jury at trial;
9. The right to testify at trial and have my testimony considered by the same standards as the other witnesses;
10. The right to have a court reporter make a complete record of the proceedings;
11. The right to appeal any harmful error to a higher court; and
12. That I understand the maximum and minimum sentences listed on the reverse side of this document.

By pleading Guilty or No Contest, I have sworn under oath before the Judge that I wish to give up the above-listed rights and have the Judge impose the sentence the Judge deems appropriate.

I hereby waive my right to consult with an attorney or to have one appointed.

I am not under the influence of any alcohol or drugs at this time, and I fully understand the Judge's instructions, and what my rights are.

I understand I have the right to speak to the Judge concerning the sentence before sentencing, and to appeal, in writing within thirty (30) days, only the judgment and sentence imposed.

I understand I have the right to have an attorney appointed for the appeal if I cannot afford one; however, I am giving up my right to talk to any attorney before entering this plea.

I understand that as a result of my conviction here today, I may be subject to greater penalties if am ever convicted again or if I am found to be an Habitual Offender.

ATTORNEY _____ DEFENDANT _____

ADDRESS _____ ADDRESS _____

TELEPHONE _____ TELEPHONE _____

Sworn to by the above-named Defendant before me on the _____ day of _____, 19__.

I find this plea to be by a Defendant who appears alert and intelligent, who understands the nature of the charge and the consequences of entering a plea of Guilty or No Contest, and who has hereby made an informed and voluntary waiver of the rights described above.

FINE	<u>BAL under .20</u>		<u>BAL .20 or Greater</u>	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
1 st offense	\$250	\$500	\$500	\$1000
2 nd offense	500	1000	1000	2000
3 rd offense	1000	2500	2000	2500
4 th offense (<i>felony</i>)	up to \$5000			

JAIL				
	1 st offense	0 days	6 months	0 days
2 nd offense not within 3 years	0 days	9 months	0 days	12 months
2 nd offense within 3 years	10 days	9 months	10 days	12 months
3 rd offense not within 5 years	0 days	12 months	0 days	12 months
3 rd offense within 5 years	30 days	12 months	30 days	12 months
4 th offense (<i>felony</i>)	up to 5 years in State Prison			

DRIVER'S LICENSE ACTION	MINIMUM		MAXIMUM	
	1 st offense	180 days revocation		1 year revocation
2 nd offense not within 5 years	180 days revocation		1 year revocation	
2 nd offense within 5 years	5 year revocation			
3 rd offense not within 10 years	same as 1 st or 2 nd offense as appropriate			
3 rd offense within 10 years	10 year revocation			
4 th offense	Permanent revocation			

OTHER ACTION

1st offense - minimum 50 hours of community service

All cases - department approved driver training course or abuse education course

2. DUI - CAUSING:

A. DAMAGE TO PERSON OR PROPERTY OF ANOTHER

1st degree misdemeanor - penalties as stated in paragraph 1 except 1st offense - Maximum fine - \$1000 - Maximum Jail - 1 year
Driver License Action-Minimum 3 years suspension or as stated above

B. SERIOUS BODILY INJURY TO ANOTHER

3rd Degree Felony - Maximum Fine - \$5000 - Maximum Jail - 5 years in State Prison
Driver License Action - Minimum 3 years suspension or as stated above

C. THE DEATH OF ANY HUMAN BEING

2nd Degree Felony-Maximum Fine \$10,000-Maximum Jail-15 years in State Prison
Driver License Action - Minimum 3 years suspension or as stated above

3. THE FOLLOWING OFFENSES HAVE THE SAME MINIMUM AND MAXIMUM PENALTIES:

- Failure to obey order of police officer directing traffic or fire department officer at the scene of a fire
- Failure to sign citation (traffic ticket)
- Leaving the scene of accident with vehicle or property damage
- Making a false accident report
- Driving while license suspended, revoked or canceled (1st offense provided revocation is not as habitual traffic offender)
- Driving with no valid driver's license (unless expired within previous 4 months, in which case it is a non-moving infraction)
- Unlawful use of Driver's License
- Permitting unauthorized operator to drive vehicle
- All license tag offenses on individual car owners.
- Petit Theft (First Conviction)

CONVICTION: Court may withhold adjudication and place defendant on probation or may convict.

FINE: Minimum \$0 to Maximum \$500 **JAIL:** Minimum 0 days to Maximum 60 days

4. THE FOLLOWING OFFENSES HAVE THE SAME MINIMUM AND MAXIMUM PENALTIES:

- Fleeing or attempting to elude a police officer
- License tag offenses relating to vehicle manufacturers, dealers, distributors and others in the business of dealing in vehicles
- Driving while license suspended, revoked or canceled (2nd offense or as habitual traffic offender)
- Petit Theft (2nd Conviction)*

CONVICTION: Court may withhold adjudication and place defendant on probation or may convict.

FINE: Minimum \$0 to Maximum \$1000 **JAIL:** Minimum 0 days to Maximum 1 year

* *Petit Theft (Third Conviction) FELONY- Up to 5 years State Prison, up to \$5,000 fine.*

5. WILLFUL AND WANTON RECKLESS DRIVING

- 1st offense:

CONVICTION: Court may withhold adjudication and place defendant on probation or may convict.

FINE: Minimum \$25 to Maximum \$500 **JAIL:** Minimum 0 days to Maximum 90 days

- 2nd offense or more:

CONVICTION: Court may withhold adjudication and place defendant on probation or may convict.

FINE: Minimum \$50 to Maximum \$1000 **JAIL:** Minimum 0 days to Maximum 6 months

6. CONVICTION OF ANY THREE OF THE FOLLOWING CRIMES WITHIN A FIVE YEAR PERIOD WILL RESULT IN A FIVE YEAR DRIVER'S LICENSE REVOCATION AS A HABITUAL TRAFFIC OFFENDER

- Manslaughter resulting from the operation of a motor vehicle
- Driving while under the influence of alcohol
- Commission of any felony in which a motor vehicle is used
- Driving while license suspended or revoked
- Failing to stop and render aid (leaving the scene of an accident)